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**MONITORING THE COMPLIANCE OF NATIONAL LEGAL FRAMEWORKS
IN ARAB COUNTRIES WITH
THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES
DECEMBER 2017**



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EXECUTIVE SUMMARY

National legislation is fundamental to ensure that persons with disabilities fully and effectively enjoy human rights on an equal basis with others. The Convention on the Rights of Persons with Disabilities (CRPD) and the Arab Decade for Persons with Disabilities 2004-2013 require States to develop legislation that guarantees the rights of persons with disabilities on equal basis with others. The Convention specifically imposes an obligation on States parties to take all appropriate legislative and administrative measures to implement the rights recognized in the Convention, and to modify and abolish all laws, regulations, customs and practices that constitute discrimination against persons with disabilities.

This report is an exploratory study into the development of indicators for assessing the compliance of national legal frameworks in Arab countries with the CRPD requirements. It falls under larger ongoing efforts to support national and regional monitoring the progress of countries' implementation of the CRPD in their legislative frameworks. This study proposes a set of compliance indicators to measure the compliance of laws to the CRPD and applies these indicators to the legal frameworks of four selected Arab countries. These indicators aim to measure the extent to which countries' legal frameworks have been adjusted according to the word and spirit of the Convention, but do not examine how or whether these legal texts are implemented. Instead, the indicators are intended to reveal States' commitment and intent to respect, protect and fulfill the rights of persons with disabilities as recognized in the Convention. Given that many countries adopted disability-related legal texts prior to the ratification of the Convention, indicators aim to allow for the identification of legal gaps that are not in compliance with the CRPD.

The report develops a limited set of indicators for three policy areas that are some of the most fundamental sectors for ensuring the full participation in society of persons with disabilities on equal basis with others, i.e. education, work and employment, and accessibility. Four countries representing the different Arab sub-regions and levels of development were selected to test the application of the compliance indicators, namely Lebanon, the Sudan, Tunisia and the United Arab Emirates. With the exception of Lebanon, all of the selected countries have ratified the Convention.

The study starts by providing a general overview of the legal frameworks related to disability in the selected countries. The report then develops a set of qualitative indicators that aim at measuring the compliance of national legal frameworks with the CRPD in the areas of education, employment and accessibility. It then continues to apply these indicators to the legal framework of the selected countries.

The proposed indicators in this study are qualitative structural indicators that are formulated in accordance with the SMART characteristic and measure the quality of national laws and regulations. They aim to measure the existence of constitutional and legal provisions that reflect compliance with the main CRPD's requirements in the three selected areas without addressing public policies and institutional frameworks related to the implementation of the relevant rights. The indicators were formulated after identifying the main attributes of the right to education, the right to work and employment and the principle of accessibility as formulated by the Convention.

The right to education, as framed by Article 24 of the Convention translates a clear commitment to the principles of inclusive education and quality education. Indicators were developed to measure the

compliance of the national legal frameworks with the CRPD requirements to ensure the right of access to education and the right to quality education for persons with disabilities and to guarantee accessibility in education and the respect for rights within education for persons with disabilities.

The right to work and employment, as framed by Article 27 of the Convention, guarantees the right to the opportunity to gain a living by work freely chosen or accepted in a labor market and a work environment that is open, inclusive and accessible to persons with disabilities. Indicators were developed to measure the compliance of the national legal framework with the CRPD's requirements to prohibit discrimination in the access to employment, to guarantee accessibility in employment, to provide reasonable accommodation in employment and to promote the employment of persons with disabilities through positive measures.

Accessibility, as framed in Article 9 of the Convention, is viewed as a fundamental right for the enjoyment of all other rights guaranteed in the Convention, including the right to education and the right to employment. It requires the removal of all barriers to the physical and social environment that prevent persons with disabilities to participate fully in society. Indicators were developed to measure the compliance of the national legal frameworks with the CRPD requirements to recognize accessibility as a right for persons with disabilities and to guarantee accessibility to the physical environment, to transport, to other facilities and services open or provided to the public and to information and communications.

The application of these compliance indicators to the legal frameworks of the selected Arab countries revealed that none of these legal frameworks were in full compliance with the requirements of the CRPD in the three selected areas. Upon application of the indicators to the legal framework of the selected countries, a compliance value was assigned to each legal framework measuring the extent of its compliance with the CRPD's requirements. The legal framework of the United Arab Emirates reached the highest overall compliance value while the legal framework of the Sudan reached the lowest value. In the sector of education, the legal frameworks of the United Arab Emirates and of Lebanon reached the highest compliance value while the framework of Tunisia obtained the lowest value. In the area of employment and accessibility, the legal framework of Tunisia reached the highest compliance value while the frameworks of Lebanon and the Sudan reached the lowest value.

Even though many of the requirements of the CRPD may be implemented in practice, the examination of the legal frameworks of the selected countries reflected the complex challenges posed by the Convention. The several legal gaps identified in this study highlight the continued efforts required by State Parties in order to achieve compliance with the CRPD.

The formulation of the indicators was facilitated by the fact that the CRPD contains detailed and specific provisions that aim to guarantee the rights of persons with disabilities. Care was given to formulate indicators that would be measurable through a review of the legal framework, without the need to dig deeper into administrative instructions and regulation that rules the implementation of laws. This required to disregard the CRPD provisions that require States to take practical measures that are more likely to be included in administrative instructions and would therefore be better measured through process or outcome indicators. The application of the indicators also revealed some difficulties that mainly resulted from the need to interpret relevant legal clauses in order to conclude whether or not they were in compliance with the Convention.

On the basis of these findings, the report recommends the selected Arab countries to review their national legal frameworks to ensure compliance with the Convention and to adopt necessary legislative and administrative measures guaranteeing the standards of the Convention in the area of education, work and employment and accessibility.

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INTRODUCTION

The Convention on the Rights of Persons with Disabilities (CRPD)¹ was adopted by the United Nations General Assembly on 13 December 2006 and as of 15/9/2017 has been signed by 160 countries. 19 out of 22 Arab countries have signed, ratified or acceded to the UN CRPD. Its purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities. It transforms the traditional perception of persons with disabilities from a charity-based to a rights-based approach, and seeks to end their marginalization and exclusion by eliminating the barriers they face in their participation as equal members of the society.

Ratification of the CRPD imposes an obligation on States to bring their national legal framework in compliance with the Convention. In other words, States Parties are required to take all appropriate legislative and administrative measures to implement the rights recognized in the Convention, and to modify and abolish all laws, regulations, customs and practices that constitute discrimination against persons with disabilities (Article 4).

Prior to the adoption of the Convention, the Arab Decade for Persons with Disabilities 2004-2013 was adopted by the League of Arab States on 23 May 2004, which called on Arab countries to undertake a series of actions aimed at addressing the needs and promoting the rights of persons with disabilities.² Similar to the Convention, the Arab Decade required Arab States to develop legislation that guarantees the right of persons with disabilities to inclusion in society and equality with others.

National legislation is fundamental to ensure that persons with disabilities fully and effectively enjoy the rights guaranteed by the CRPD. This report is an exploratory study into the development of indicators for assessing the compliance of national legal frameworks in Arab countries with the CRPD requirements. It falls under larger ongoing efforts to support national and regional efforts aimed at monitoring the progress of countries' implementation of the CRPD in their legislative and policy frameworks.

This study proposes a set of indicators that aim to measure the progress of national legal frameworks in Arab countries in complying with the standards required by the CRPD and applies these indicators to the legal frameworks of four selected Arab countries.

The objectives of the proposed indicators are to (1) explore the extent to which a country's legal framework is aligned with the word and spirit of the CRPD; and (2) examine the extent to which States are committed to eliminate discrimination against persons with disabilities and promote their rights in their legal frameworks. It is important to note however that the indicator framework, proposed in this study, does not monitor how legal texts are implemented in practice and whether the rights guaranteed by the Convention are fully and effectively enjoyed by persons of disabilities. Given that many countries adopted disability-related legal texts prior to the ratification of the Convention, indicators will allow identifying the presence of legal clauses in the national legal frameworks that reflect the CRPD's obligations and standards, thereby revealing legal gaps that fall short of compliance with the requirements of the Convention.³

¹ United Nations General Assembly, 2006.

² League of Arab States, 2004.

³ United Nations Office of the High Commissioner for Human Rights, 2010, p. 41

Studies aimed at developing qualitative indicators assessing compliance with the CRPD have so far been limited. The Academic Network of European Disability experts (ANED) has conducted research and developed a preliminary list of indicators in the European context.⁴ In addition, several other United Nations organizations are in the process of exploring the development of indicators to measure implementation and policy effects in relation to the CRPD. Given the relative scarcity of research in this topic, the present study aims to contribute to the policy debate with specific focus on legal frameworks as such.

Report's context and methodology

Methodology

The report develops a limited set of indicators in three policy areas that aim to measure the progress of national legal frameworks in Arab countries in complying with the standards required by the CRPD. The report applies these indicators to the legal frameworks of four selected Arab countries in three specific policy areas. These are: education, work and employment and accessibility. These sectors were selected given that they are some of the most fundamental sectors to ensure the full participation in society of persons with disabilities on equal basis with others.

Four countries were selected to analyse the implementation of the compliance indicators. These are: Lebanon, the Sudan, Tunisia and the United Arab Emirates. The countries were selected to represent the different geographical Arab sub-regions and different levels of developments within the Arab region. Among each sub-region, these countries were selected due to the availability of their laws online.

Except for Lebanon, all of the selected countries have ratified the Convention. Lebanon was nonetheless selected given that it has expressed the intent to ratify the Convention and that its consolidated disability law is considered to be a leading example in the Arab region.

As the selected policy areas are concerned with the enjoyment of persons with disabilities of a specific human right, namely the right to education, the right to work and employment and accessibility, indicators were formulated after identifying the main attributes of each right based on the approach adopted by the Convention.⁵ The main attributes of each right were identified based on the normative content of the right as enshrined in relevant articles of the CRPD and as developed and interpreted by the (Committee on the Rights of Persons with Disabilities (CmRPD) or other relevant human rights mechanisms. Each country has received a set of recommendations concerning disability issues, these recommendations constitute also sources measuring the national legal framework conformity.

Relevant guidelines, developed by the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF), the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the International Labor Organization (ILO) served as a basis for the interpretation of these rights and for identifying their scope. Due to the limited scope of the report, indicators were limited to the main attributes of the selected rights.

⁴ Academic Network of European Disability Experts (2009)

⁵ United Nations Office of the High Commissioner for Human Rights, 2012a, pp.30-31

Due to its limited scope, this study focused on constitutional and legal provisions related to the selected rights and did not address public policies and institutional frameworks related to their implementation. As such, the indicators were limited to aspects of the rights that would be expected to be included in a legal framework while other aspects that would be expected to be reflected in policy documents or in administrative instructions were disregarded.

The proposed indicators were developed to meet the SMART criteria. They are “**specific**” in that they measure compliance with a specific obligation of the CRPD in each of the selected areas and identified duty-bearers. They are “**measurable**” in that they aim to reveal the presence or absence of a specific legal provision in a country’s legal framework. They are “**achievable**” in that they focused on the CRPD requirements that can be expected to be found in a national legal framework. Indicators are also “**relevant**” in that they focused on measuring compliance with the main attributes of the right to education, employment and accessibility as defined in the CRPD. Finally, they are “**time-bound**” in that they measured the presence or absence of legal provisions in the national legal framework in force in the selected countries on 1/1/2014.

The sources for information on the legal framework of the selected countries came from the selected States’ legal records. Initial information on countries’ legal frameworks was collected by ESCWA through a questionnaire conducted in May to August 2013 on the implementation of the CRPD and the Arab Decade for Persons with Disabilities. The questionnaire was completed by governmental focal points in each of the selected countries: the Ministry of Social Affairs in Lebanon, Tunisia and the United Arab Emirates and the National Council for Disabled Persons in the Ministry of Care and Social Security in the Sudan. Basic legal texts were provided by the government focal points; additional legal texts were also obtained from online official legal portals and government websites.⁶ In the context of Tunisia⁷ and the United Arab Emirates,⁸ additional information was also obtained from the governments’ initial reports to the UN Committee on the Rights of Persons with Disabilities. When necessary, the translation of the titles and content of the legal instruments from Arabic to English was done by the authors for the purpose of applying the indicators and cannot be considered an official translation.

The study examined States’ constitutional instruments, general laws on anti-discrimination, disability-specific legislation and the legal texts regulating the selected sectors such as education laws, child laws, labor laws, civil servants law, construction laws, public transport laws, etc. Draft laws, national policies or strategies, and internal administrative regulations were only examined if provided by the government focal points or found published on official websites and portals. As they do not formally constitute part of the legal framework, they were not included in the analysis resulting from the application of the indicators to the legal frameworks. In some instances, the study refers to the content of some of these documents as an indication of the State’s intent to comply with the CRPD requirements.

Upon application of the indicators to the legal framework of the selected countries, a legal conformity value was assigned to each legal framework reflecting the extent of its conformity with the CRPD’s requirements.

⁶ The legal texts of **Tunisia** were obtained by accessing the online database of the National University Center of Scientific and Technical Documentation; the Laws of the **Sudan** were obtained from the online database of the Sudanese Parliament; the Legal texts of **Lebanon** were obtained from the online database of the Beirut Bar Association, which requires authorization access. Legal texts of the **United Arab Emirates** were obtained from the websites of relevant ministries.

⁷ United Nations Committee on the Rights of Persons with Disabilities, 2010.

⁸ United Arab Emirates, undated.

A value of 0 was assigned to a legal framework where the application of an indicator revealed it had not incorporated the relevant CRPD requirement; a value of 2 was assigned where the application of the indicators revealed that the framework is in conformity with the relevant CRPD requirement. A value of 1 was assigned to a legal framework in cases where an indicator showed there was partial conformity, such as the recognition of a right for all persons but not specifically for persons with disabilities, or the incorporation of a CRPD requirement that only covers the public or private sector. It is worth noting that Lebanon has conditioned several of the rights of persons with disabilities to those holding the disability card. For this study, this nuance will be disregarded, and the right will be considered to be recognized for persons with disabilities. This should however be taken into consideration in future studies as a sign of partial conformity with the CRPD. Furthermore, provisions that are found in policy documents or national strategies rather than legal and administrative regulations will be mentioned when available but will not be included in the assignment of the conformity value for the purpose of this study. Although such documents indicate the States' intent to commit to the fulfilment of rights, they generally do not constitute legally binding documents.

The study starts by providing a general overview of the legal frameworks related to disability in the selected countries. The report then develops a set of qualitative indicators that allow measuring the conformity of national legal frameworks to the CRPD. It then continues to apply these indicators to the legal framework of the selected countries. The application of the indicators to the national legal frameworks is organized by sectors to clearly reveal the different approaches adopted by the countries in the sectors of education, employment and accessibility.

I. GENERAL LEGAL FRAMEWORKS RELATED TO PERSONS WITH DISABILITIES OF SELECTED ARAB COUNTRIES

Tunisia, the Sudan and the United Arab Emirates ratified the CRPD on 2/4/2008, 24/4/2009, and 19/3/2010 respectively. Lebanon signed the Convention on 14/6/2007 but did not ratify it yet. The legal frameworks of these four selected countries contain provisions related to disability rights in various legal instruments.

Some countries have guaranteed the rights of persons with disabilities in their Constitutions and all of them have adopted specific laws related to persons with disabilities (referred to as Disability Laws), which were often complemented by implementing decrees and decisions. Disability Laws provide the general framework related to disability rights, but provisions are also found dispersed in other laws, particularly laws regulating the sectors on which the report focuses, such as education and labour laws.

1- Constitutional guarantees of the rights of persons with disabilities

Except for Lebanon, the constitutions of all selected countries contain provisions related to persons with disabilities. The 1926 Constitution of **Lebanon** does not contain specific provisions related to persons with disabilities but includes the principles of equality and non-discrimination for all citizens (Preamble Paragraphs 3 and Article 7).

The 2005 Interim Constitution of the **Sudan** is the constitutional instrument that, in comparison to the other three countries in this study, contains the most provisions related to persons with disabilities: it prohibits discrimination in access to work (Article 12-2) and education (Article 44-1) on the basis of disability and guarantees the right of persons with disabilities to participate in social, professional, creative and leisure life (Article 12-2). The Constitution also specifies that the State guarantees for persons with disabilities all of the rights listed in the Constitution, especially the respect for human dignity, access to education and employment and full participation in society (Article 45).

The 2014 Constitution of **Tunisia** adopted on 26/1/2014 guarantees in its Article 48 the right of persons with disabilities to protection against any form of discrimination and recognizes the right of persons with disabilities to benefit, depending on the nature of the disability, from every measure that enables them to full inclusion in society. It also stipulates that the State should take all necessary measures to achieve full inclusion.

The 1971 Constitution of the **United Arab Emirates** imposes an obligation on the State to protect and care for persons with disabilities (Article 16). Although the principles of equality and equality of opportunities for all citizens are considered pillars of the society (Art 14), the prohibition of discrimination does not include “disability” as a protected ground.

2- Overarching Disability Laws guaranteeing the rights of persons with disabilities

Lebanon, Tunisia and the United Arab Emirates have adopted overarching laws related to the rights of Persons with disabilities before the signature or ratification of the CRPD by each country. These laws aim at eliminating discrimination against persons with disabilities and ensuring their enjoyment of rights on an

equal basis with others. The Sudan has adopted a less comprehensive disability law, which focuses on the various benefits and privileges accorded to persons with disabilities. The Sudan also introduced detailed legal provisions related to persons with disabilities in other general laws.

In 2000, **Lebanon** adopted the **Law No. 220 of 29/5/2000 regarding the rights of persons with disabilities**. It specifically states in its introductory chapter that it aims to transform the legal approach to disability from one that is focused on the care and welfare of persons with disabilities to one that establishes their rights and equivalent obligations on the State and society; it also aims to move away from the traditional approach that excludes and marginalizes persons with disabilities towards an approach that guarantees their full inclusion in social and economic life. The Law includes several chapters related to definitions, the disability card issued by authorities to persons recognized as having disabilities and the creation of a national committee for persons with disabilities. It also dedicates chapters detailing the scope and extent of rights recognized to persons with disabilities, namely, the right to health and rehabilitation services, the right to an accessible environment, the right to movement and transport, the right to education and sports, the right to work, employment and social care, in addition to a chapter related to tax benefits and other benefits. Lebanon has also adopted several decrees implementing its Disability Law and detailing specific aspects of its provisions.

In 2017, the **Sudan** adopted the **National Law for Persons with Disabilities of 2017 which abrogates the 2007 law**. The Law does not include a clear statement of its objectives. In addition to general provisions providing important definitions of key terms related to disability, it includes one article listing a series of rights, benefits and privileges recognized to persons with disabilities and related to education, employment, accessibility and health, but this article does not provide details on the scope and extent of these rights. The law also provides for the enhancement of the national council for persons with disabilities and a national fund for persons with disabilities.

In 2005, **Tunisia** adopted the **Orientation Law No. 83 of 15/8/2005 for the advancement and protection of disabled persons**, which serves as a framework legal document for the rights of persons with disabilities. It aims at ensuring equal opportunities for persons with disabilities with others and their protection from discrimination. It defines discrimination as any provisions or measures which would result in exclusion, reduced opportunities or negative impacts on persons with disabilities; it also considers special measures to ensure the effective equality in opportunities and treatment between persons with disabilities and others are not considered discrimination (Article 1). The Law contains chapters related to the prevention of disability, the disability card, accessibility, health and social care benefits, education, employment, culture, leisure and sports, financial and tax privileges, and the creation of a “higher council for the care of persons with disabilities”. Tunisia has also adopted several decrees implementing its Disability Law. In 2016, the **law No.41 of 16 May 2016** modifies the 2005 orientation law in its articles 29 and 30. The new law is considered as promoting the employment of persons with disabilities by increasing the established the 2005 quota system in the public sector including public companies and enterprises.

In 2006, the **United Arab Emirates** adopted the **Federal Law No. 29 of the year 2006 concerning the rights of persons with disabilities**, which was amended in 2009. The law appears to be inspired from the Lebanese Disability Law both in its structure, wording and content. It aims at preserving the rights of persons with disabilities and providing all services according to abilities and potential. It specifically states

that disability should not be a reason to limit the enjoyment of rights (Article 2), and that the State guarantees equality between persons with disabilities and others and non-discrimination on the basis of disability in all legislations, policies and programs (Article 3). The law includes general provisions and dedicates a chapter for each right recognized for persons with disabilities, namely health and rehabilitation services, education, work, public, cultural and sportive life, an accessible environment and other areas. It appears that the United Arab Emirates ensures the implementation of the Disability Law on the basis of various Ministerial Decisions that were not all available for the drafting of this report.

Throughout this study, these laws related to disability will be referred to as the national “Disability Law”.

II. PROPOSED INDICATORS FOR MEASURING LEGAL CONFORMITY WITH THE CRPD IN SELECTED SECTORS

This section will attempt to identify a set of indicators to monitor legal conformity with the CRPD in the selected sectors of education, employment and accessibility. For each sector, the main attributes of the related right will be identified in order to develop indicators for each of the main attributes.

A. SUGGESTED INDICATORS FOR EDUCATION

The right to education for persons with disabilities is framed by Article 24 of the CRPD:

Article 24: Education

“1. States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to:

- a. The full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;*
 - b. The development by persons with disabilities of their personality, talents and creativity, as well as their mental and physical abilities, to their fullest potential;*
 - c. Enabling persons with disabilities to participate effectively in a free society.*
- 2. In realizing this right, States Parties shall ensure that:*
- a) Persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;*
 - b) Persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live;*
 - c) Reasonable accommodation of the individual's requirements is provided;*
 - d) Persons with disabilities receive the support required, within the general education system, to facilitate their effective education;*

e) Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

3. States Parties shall enable persons with disabilities to learn life and social development skills to facilitate their full and equal participation in education and as members of the community. To this end, States Parties shall take appropriate measures, including:

a) Facilitating the learning of Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility skills, and facilitating peer support and mentoring;

b) Facilitating the learning of sign language and the promotion of the linguistic identity of the deaf community;

c) Ensuring that the education of persons, and in particular children, who are blind, deaf or deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development.

4. In order to help ensure the realization of this right, States Parties shall take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of communication, educational techniques and materials to support persons with disabilities.

5. States Parties shall ensure that persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.”

The Convention makes a clear commitment to the principles of **inclusive education** and **quality education** for the full development of the human potential, sense of dignity and self-worth as well as the personality, creativity and mental and physical abilities of persons with disabilities. The CRPD is the first legally binding instrument to explicitly recognize the concept of “inclusive education”. OHCHR identifies inclusive education as a human right and as a means to realize the universal right to education.⁹ A similar position in favour of inclusive quality education is also adopted by UNICEF¹⁰ and UNESCO.¹¹

Inclusive education is understood in this study as “*a process of addressing and responding to the diversity of needs of all learners through increasing participation in learning, cultures and communities, and reducing exclusion within and from education.*”¹² It creates barrier-free and child-focused learning environments.¹³ It relies on the principle that all children should be guaranteed equal opportunities for learning together. Contrary to the principle of “integration” which promotes bringing persons with disabilities to the general education system without making the necessary adjustments to the physical or learning environment, inclusion requires educational establishments to adapt to the needs of persons with disabilities and provide the support to ensure that all children can learn together.¹⁴ Inclusive education

⁹ United Nations Office of the High Commissioner for Human Rights, 2013.

¹⁰ United Nations Children’s Fund, 2012.

¹¹ United Nations Educational, Scientific and Cultural Organization, 2005.

¹² Ibid., p. 13

¹³ United Nations Children’s Fund Innocenti Research Centre, 2007, p. 1

¹⁴ Ibid., p. 1

favors an environment where diversity is the norm and that challenges stereotypes within younger generations and does not marginalize persons with disabilities.

1. Identification of the attributes of the right to education for persons with disabilities

In order to check attributes of the right to education for persons with disabilities, this study will try to expose barriers to the full enjoyment of this right, the features of the full enjoyment of this right and then make the link between those features and components of the article 24. The CmRPD issued the general comment n.4 in which the Committee stressed on the fact that, under international law, persons with disabilities are no longer welfare recipients but recognized as rights holders with a claim to the right to education without discrimination and on the basis of equal opportunities.¹⁵ The Committee considers that inclusion “involves a process of systemic reform embodying changes and modifications in content, teaching methods, approaches, structures and strategies in education to overcome barriers with a vision serving to provide all students of the relevant age range with an equitable and participatory learning experience and the environment that best corresponds to their requirements and preferences”.¹⁶

From its side, OHCHR identifies the following main attributes for the right to education for persons with disabilities:

- The “no-rejection clause” which acts as an anti-discrimination measure according to which no student can be rejected from general education on the basis of disability (Article 24-2-a)
- The right to inclusive, quality and free education (Article 24-2-b)
- Accessibility and eradication of barriers, which is an overreaching obligation for State parties requiring the elimination of physical and communication barriers as well as socioeconomic barriers (Article 9);
- Reasonable accommodation in education, which also acts as anti-discrimination measure (Article 24-2-c);
- Support for persons with disabilities in education (Article 24-2-d and 24-2-e);
- Equalization of opportunities, which requires the adoption of a series of measures necessary for persons with disabilities to participate in the education system (Article 24-3);
- Professional training and capacity buildings for teachers (Article 24-4)
- Lifelong learning, which covers tertiary and adult education, vocational training and lifelong education (Article 24-5).¹⁷

UNICEF developed a conceptual framework for promoting the right to inclusive education based on a three-dimensional approach that requires the recognition and guarantee of (1) the right of access to education, (2) the right to quality education and (3) the respect for rights within education.¹⁸ This approach is in line with the Convention’s and covers the attributes identified by the OHCHR. It will therefore be adopted for the development of the relevant indicators.

¹⁵ See CmRPD general comment No. 4 (2016) on the right to inclusive education (CRPD/C/GC/40). Para.1.

¹⁶ Ibid, para.11

¹⁷ United Nations Office of the High Commissioner for Human Rights, 2013.

¹⁸ United Nations Children’s Fund, 2012.

2. Identification of selected Education Indicators

A limited number of Education Indicators have been selected to measure legal conformity with the CRPD based on the different attributes and components of the right to education for persons with disabilities as identified above. Indicators will be developed to measure the conformity of national legal frameworks with the CRPD obligations to ensure the right of access to education (Education Component 1), the right to quality education (Education Component 3) and the respect for rights within education (Education Component 4). In addition, a specific indicator measuring conformity with the obligation to guarantee accessibility in education will also be developed (Education Component 2).

(a) Education component 1: the right to access education

The right to access education will be addressed through indicators measuring conformity with the CRPD prohibition of discrimination on the basis of disability in the access to education. Indicators will measure to what extent the national legal frameworks include a “no rejection” clause as defined above (Education Indicator 1) and guarantee the access to the different levels and types of education (Education Indicators 2 to 6).

EDUCATION INDICATOR 1: The legal framework states that no person shall be excluded from the general education system on the basis of disability

Source	This indicator is directly derived from the text of Article 24 (2) (a) of the CRPD which obligates States to ensure that “ <i>persons with disabilities are not excluded from the general education system on the basis of disability</i> ”. It also reflects the provisions of the Convention on the Rights of the Child which requires States Parties to ensure child rights without discrimination on the basis of disability (Article 2).
Definition	This indicator captures whether the legal framework complies with the CRPD obligation not to exclude persons with disabilities from the general education system by prohibiting discrimination on the basis of disability in the access to education. The indicator refers to whether the national legal framework guarantees the right of persons with disabilities to access the general education system on equal basis with others by including a “no-rejection clause” whereby it is unlawful to reject any person from general education system on the basis of disability. This indicator is of particular importance to ensure the full participation and inclusion of persons with disabilities in society as it reflects the State’s conformity to the goal of inclusive education. Further, as an anti-discrimination measure, the “no-rejection clause” should give rise to a legal remedy for persons with disabilities who are denied access to the general education system.
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if the right is not recognized in the national legal framework - A value of 1 is assigned if the right is recognized for all persons in the national legal framework - A value of 2 is assigned if the right is recognized specifically for persons with disabilities in the national legal framework Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.

Data collection	Constitution, States' reviews by human rights mechanisms, laws related to disability, laws related to anti-discrimination, laws related to education.
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EDUCATION INDICATORS 2 TO 6: The national legal framework states that persons with disabilities shall have access, without discrimination on the basis of disability, to:

- **Free and compulsory primary education (Education indicator 2)**
- **Secondary education (Education indicator 3)**
- **General tertiary education (Education indicator 4)**
- **Vocational training (Education indicator 5)**
- **Adult education and lifelong learning (Education indicator 6)**

Source	<p>These indicators are directly derived from the text of the CRPD, specifically:</p> <ul style="list-style-type: none"> - Article 24 (2) (a) of the CRPD which obligates States to ensure that <i>“that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability.”</i> - Article 24 (5) of the CRPD which obligates States to ensure that <i>“persons with disabilities are able to access general tertiary education, vocational training, adult education and lifelong learning without discrimination and on an equal basis with others.”</i> <p>They also reflect the provisions of the Universal Declaration of Human Rights (UDHR) (Article 26) and the Convention on the Rights of Children (CRC) (Article 28) which requires States Parties to make primary education free, compulsory and available for all and to make secondary education, vocational education and higher education accessible to every child.</p>
Definition	<p>These indicators capture whether the national legal framework complies with the CRPD obligation to guarantee the right of persons with disabilities to access:</p> <ul style="list-style-type: none"> - free and compulsory primary education, - secondary education, - general tertiary education, which refers to post-secondary education - vocational training, which is focused on the practical learning of a specific skill - adult education and lifelong learning <p>These indicators capture whether the national legal framework complies with the CRPD obligation not to exclude persons with disabilities from the different levels and types of education. While the obligation to guarantee free and compulsory education and to make all levels and types of education accessible to all persons derives from other international instruments, these indicators measure whether these rights are specifically guaranteed to persons with disabilities as required by the CPRD.</p>
Value measurement	<p>The national legal framework will be assigned a numeric value as follows:</p> <ul style="list-style-type: none"> - A value of 0 is assigned if the right is not recognized in the national legal framework - A value of 1 is assigned if the right is recognized for all persons in the national legal framework - A value of 2 is assigned if the right is recognized specifically for persons with disabilities in the national legal framework <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>

Data collection	Constitution, States' reviews by human rights mechanisms, laws related to disability, laws related to anti-discrimination, laws related to education, vocational training and employment
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(b) Education component 2: Accessibility

In parallel to the Accessibility Indicators that will be developed below, a specific indicator is developed to measure conformity with the CRPD obligation to ensure accessibility in education.

EDUCATION INDICATOR 7: The legal framework states that educational establishments should be accessible to persons with disabilities

Source	This indicator derives directly from the text of Article 9 (1) (a) of the CRPD, which requires States to take appropriate measures to identify and eliminate obstacles to accessibility in buildings and facilities, including schools.
Definition	This indicator measures the national legal framework's conformity with the CRPD requirement to eliminate barriers to accessibility in educational establishments. It is derived from the general obligation to guarantee the right to an accessible environment for persons with disabilities and to remove barriers to accessibility in the physical environment and in buildings and facilities open to the public. This general obligation will be further detailed below in the section related to Accessibility Indicators. However, this indicator aims to capture whether the legal framework specifically states that educational establishments should be made accessible for persons with disabilities in order to guarantee their right to education and to an accessible education environment. The indicator has identified educational establishments, in both the public and private sector, as duty-bearers.
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if the obligation does not exist in the national legal framework - A value of 1 is assigned if the obligation exists in the national legal framework and is only applicable to either the public or private sector - A value of 2 is assigned if the obligation exists in the national legal framework and is applicable to both the public and private sector Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.
Data collection	States' reviews by human rights mechanisms, Laws related to disability, education and/or constructions.

(c) Education Component 3: The Respect for Rights Within Education

The respect for rights within education will be addressed through indicators measuring conformity with the CRPD obligation to provide reasonable accommodation (Education Indicator 8) and support (Education Indicator 9) in education. In addition, an indicator will be developed to measure whether the legal framework guarantees the equalization of opportunities through the adoption of measures necessary to enable the participation of persons with disabilities in education. One measure will be selected, which is the availability of opportunities for the learning of diverse means of communication (Education Indicator 10) as it is an easily measurable indicator

EDUCATION INDICATOR 8: The legal framework states that public and private educational establishments have an obligation to provide reasonable accommodation to persons with disabilities

Source	This indicator is derived from Article 24 (2) (c) and Article 24 (5) of the CRPD which require States to “ensure that reasonable accommodation of the individual’s requirement is provided” to persons with disabilities at all levels of education.
Definition	<p>The indicator refers to whether the national legal framework complies with the CRPD requirement to provide reasonable accommodation to persons with disabilities in education.</p> <p>Reasonable Accommodation is defined in Article 2 of the CRPD as “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.”</p> <p>The indicator measures whether the legal framework recognizes the right of persons with disabilities to reasonable accommodation and identifies educational establishment as the duty-bearers of this obligation. To ensure conformity with the CRPD, educational establishments should be obliged to make adjustments for the individual needs of persons with disabilities in order to overcome the barriers present in their environment by taking steps to accommodate the particular situation and needs of a student with disabilities on a case by case basis. This could include adjustments to the physical environment, the provision of educational material in accessible formats, the adjustment of teaching methods and tools used in classrooms and the provision of accessible transport to adapt to the needs of students with disabilities.</p> <p>The requirement is one of “reasonable” accommodation and is therefore limited to accommodation that does not create an undue or disproportionate burden, considering factors such as safety or cost. The requirement to provide reasonable accommodation is distinct from the obligation to comply with general accessibility standards in that it caters to the individual needs of the person with disabilities.¹⁹</p> <p>As the failure to provide reasonable accommodation is considered a form of discrimination, this indicator also reflects conformity to the CRPD obligation to eliminate discrimination in the education sector and to ensure an inclusive education system.</p> <p>The requirement to provide reasonable accommodation should apply to all educational establishments whether in the public or the private sector.</p>

¹⁹ United Nations Office of the High Commissioner for Human Rights & Inter-Parliamentary Union, 2007, p. 14

Value measurement	<p>The national legal framework will be assigned a numeric value as follows:</p> <ul style="list-style-type: none"> - A value of 0 is assigned if the obligation does not exist in the national legal framework - A value of 1 is assigned if the obligation exists in the national legal framework and is only applicable to either the public or private sector - A value of 2 is assigned if the obligation exists in the national legal framework and is applicable to both the public and private sector <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>
Data collection	States' reviews by human rights mechanisms, laws related to disability, laws related to anti-discrimination, laws related to education, vocational training.

EDUCATION INDICATOR 9: The legal framework states that persons with disabilities have the right to receive support in the education system

Source	This indicator is derived from Article 24 (2) (d) and (e) of the CRPD which requires States to ensure that <i>“persons with disabilities receive the support required, within the general education system, to facilitate their effective education”</i> and that <i>“effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion”</i> .
Definition	This indicator refers to whether the national legal framework complies with the CRPD's requirement to provide persons with disabilities with support in order to facilitate their effective education. Support is defined with the aim to target the learning needs of persons with disabilities through the provision of additional teaching materials, special equipment, additional personnel or new teaching approaches. ²⁰ Support also refers to resources that improve the learning environment beyond what the teacher can provide, such as the provision of health and social care services, technical assistance and psychological support. ²¹ The provision of support should be individually tailored to the needs of persons with disabilities in order to enable them to reach their full potential.
Value measurement	<p>The national legal framework will be assigned a numeric value as follows:</p> <ul style="list-style-type: none"> - A value of 0 is assigned if the right is not recognized in the national legal framework - A value of 1 is assigned if the right is recognized for all persons in the national legal framework - A value of 2 is assigned if the right is recognized specifically for persons with disabilities in the national legal framework <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>
Data collection	States' reviews by human rights mechanisms, laws related to disability, laws related to education.

²⁰ United Nations Educational, Scientific and Cultural Organization, 2005, p. 18. United Nations Children's Fund, 2012, p. 41

²¹ United Nations Educational, Scientific and Cultural Organization, 2005, p. 18. United Nations Children's Fund, 2012, p. 71

EDUCATION INDICATOR 10: The legal framework requires that the teaching and learning of sign language, Braille, and appropriate augmentative and alternative modes, means and formats of communication are available for persons with disabilities

Source	This indicator derives from Article 24 (3) (a) and (b) of the CRPD which requires States to take appropriate measures to facilitate the learning of sign language, Braille, alternative script, augmentative and alternative modes, means and formats of communication.
Definition	This indicator refers to whether the national legal framework complies with the CRPD's requirement to facilitate the learning of sign language, Braille, alternative script, augmentative and alternative modes, means and formats of communication. Facilitating the learning of sign language, Braille, alternative script, augmentative and alternative modes, means and formats of communication empowers persons with disabilities, aims at reducing communication barriers and promotes accessibility and participation in education. It aims to guarantee access to education and to promote the right to cultural and linguistic identity.
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if the requirement is not included in the national legal framework - A value of 2 is assigned if the requirement is included in the national legal framework Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.
Data collection	States' reviews by human rights mechanisms, laws related to disability, laws related to education.

(d) Education Component 4: The Right to Quality Education

Measuring conformity with the right to quality education for persons with disabilities requires a broad range of indicators, many of which may not be relevant to a national legal framework but rather to education policies and their implementation. Therefore, the right to quality education will be addressed through one indicator that can be expected to be covered by a legal framework and that is easily measurable; this indicator will focus on measuring conformity with the obligation to train education professionals on working with persons with disabilities.

EDUCATION INDICATOR 11: The legal framework requires that education professionals and staff are trained to work with persons with disabilities

Source	This indicator derives from Article 24 (4) of the CRPD which requires States Parties to <i>“take appropriate measures to employ teachers, including teachers with disabilities, who are qualified in sign language and/or Braille, and to train professionals and staff who work at all levels of education. Such training shall incorporate disability awareness and the use of appropriate augmentative and alternative modes, means and formats of</i>
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	<i>communication, educational techniques and materials to support persons with disabilities.”</i>
Definition	This indicator refers to whether the national legal framework complies with the CRPD’s requirement for States to employ teachers that are qualified in working with persons with disabilities, and the requirement to train education professionals and staff on methods and techniques required to meet the needs of persons with disabilities. Laws on general teacher training would therefore include training on disability awareness, on educational techniques and materials to support persons with disabilities. It should also require the provision of opportunities for teachers and education professionals and staff to become qualified in the use of sign language, Braille, alternative script, augmentative and alternative modes, means and formats of communication.
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if the requirement is not required in the national legal framework - A value of 2 is assigned if such training is required in the national legal framework Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.
Data collection	States’ reviews by human rights mechanisms, laws related to disability, laws related to education and training.

B. SUGGESTED INDICATORS FOR WORK AND EMPLOYMENT

The right to work and employment is framed in Article 27 of the CRPD:

Article 27 - Work and employment

“1. States Parties recognize the right of persons with disabilities to work, on an equal basis with others; this includes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realization of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation, to, inter alia:

- a) Prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;*
- b) Protect the rights of persons with disabilities, on an equal basis with others, to just and favourable conditions of work, including equal opportunities and equal remuneration for work of equal value, safe and healthy working conditions, including protection from harassment, and the redress of grievances;*
- c) Ensure that persons with disabilities are able to exercise their labour and trade union rights on an equal basis with others;*
- d) Enable persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training;*

- e) Promote employment opportunities and career advancement for persons with disabilities in the labour market, as well as assistance in finding, obtaining, maintaining and returning to employment;*
 - f) Promote opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business;*
 - g) Employ persons with disabilities in the public sector;*
 - h) Promote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures;*
 - i) Ensure that reasonable accommodation is provided to persons with disabilities in the workplace;*
 - j) Promote the acquisition by persons with disabilities of work experience in the open labour market;*
 - k) Promote vocational and professional rehabilitation, job retention and return-to-work programmes for persons with disabilities.*
- 2. States Parties shall ensure that persons with disabilities are not held in slavery or in servitude, and are protected, on an equal basis with others, from forced or compulsory labour.*

The CRPD recognizes the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is **open, inclusive and accessible** to persons with disabilities. According to the CRPD, States Parties are obliged to take appropriate steps, including legislative steps to “safeguard and promote the realization of the right to work” and to prohibit discrimination on the basis of disability in all types and stages of employment including for persons who acquire disabilities through the course of employment.

The ILO has also adopted a similar approach to protecting the right of persons with disabilities to work and employment. The ILO Discrimination (Employment and Occupation) Convention No. 111 - a fundamental ILO Convention that has been ratified by all four countries covered in this report²² - requires States to promote equality of opportunity and treatment in respect of employment and occupation with a view to eliminating any discrimination (Article 2). Although the ILO Convention No. 111 does not specifically include disability as a prohibited ground for discrimination (Article 1-1-a), it recognizes that special measures to meet the particular needs of persons for reasons of “disablement” are not deemed to be discrimination against other workers (Article 5-2).²³

Article 27 divided States’ obligation into four major components: the recognition of the right of persons with disabilities to work, the equality with others that persons with disabilities should enjoy, the safeguard and the promotion of the realization of the right to work, and the guarantee of their human dignity through the freedom from all forms of slavery or forced labour. Legal transposition of those obligations includes:

- measures related to the recognition of the right, the equality with others and the guarantee of human dignity according to specific standards and,
- promotional measures according to a continuous process of monitoring and evaluation that will serve to redress gaps that interfere on the full enjoyment of the right.

²² International Labour Organization, undated.

²³ International Labour Organization, 1958.

The Committee on Economic, Social and Cultural Rights (CESCR) identifies a core of three levels of specific legal obligations of the right to just and favourable conditions of work which include:

- Respect level: respect the right by refraining from interfering directly or indirectly with its enjoyment, especially when the State is the employer. Protection level: States should “take measures to ensure that third parties, such as private sector employers and enterprises, do not interfere with the enjoyment of the right to just and favourable conditions of work and comply with their obligations [...] and impose sanctions and appropriate penalties on third parties, including adequate reparation, criminal penalties, pecuniary measures such as damages, and administrative measures, in the event of violation of any of the elements of the right”.²⁴
- Fulfilment level: States should “adopt the measures necessary to ensure the full realization of the right to just and favourable conditions of work”²⁵, such as “measures to assist workers by according sufficient recognition of the right through laws, policies and regulations” and “introduce quotas or other temporary special measures to enable [...] groups that have experienced discrimination to reach high-level posts and provide incentives for the private sector to do so” and should establish system of monitoring and evaluation that could “periodically review the impact of laws and policies, in consultation with workers and employers, with a view to updating standards in the light of practice”.²⁶

1. Identification of the attributes of the right to employment

In its analysis of the CRPD provisions related to the right to work for persons with disabilities, CmRPD considers that “persons with disabilities cannot effectively enjoy their work and employment rights, as described in article 27 of the Convention, if the workplace itself is not accessible”.²⁷ They require “specific measures to enjoy the right to just and favourable conditions of work on an equal basis with others”.²⁸ The access should be reliable to various aspect of work. OHCHR identifies five main attributes that guide the implementation of the right to work for persons with disabilities as framed by CRPD Article 27:²⁹

- **The right to access employment** in the open labor market, which requires equality of opportunities in the access to, retention of and advancement in all forms of employment including sheltered or supported employment (Article 27-1-a);
- **Non-discrimination in work and employment**, which requires states to take measures to protect persons with disabilities from discrimination in all aspects of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions;
- **Accessibility**, which is an overreaching obligation for State parties requiring the elimination of physical and communication barriers as well as socioeconomic barriers at the workplace (Article 9)

²⁴ Ibid. para.59.

²⁵ Ibid. para.60.

²⁶ Ibid. para.61 to 63.

²⁷ See CmRPD General Comment No. 2 (2014) Article 9: Accessibility, CRPD/C/GC/2, para.41.

²⁸ See CESCR General Comment No. 23 (2016) on the right to just and favourable conditions of work (article 7 of the International Covenant on Economic, Social and Cultural Rights), para.47(c).

²⁹ United Nations Office of the High Commissioner for Human Rights, 2012b.

- **Reasonable Accommodation** in employment, which also acts as an anti-discrimination measure (Article 27-1-i);
- **Positive measures** to promote the employment of persons with disabilities (Articles 27-1-g and Article 27-1-h);

These attributes will serve as a basis to identify relevant Employment Indicators. Other key provisions of the CRPD related to the right to work and employment - such as the requirement to guarantee just and favourable conditions for work and trade union rights on equal basis with others, and to provide protection from forced labour and to promote self-employment - will not be covered by this study as they require a large number of indicators that could be useful for development in a separate study.

2. Identification of Selected Employment Indicators

A limited number of Employment Indicators will be selected to measure legal conformity with the CRPD based on the different attributes and components of the right to work and employment for persons with disabilities as identified above. The right to access employment, which covers all forms of employment, and the prohibition of discrimination in all aspects of employment would require a large number of indicators that are beyond the limited scope of this study. As such, for the purpose of this study, only one indicator will be selected to measure the legal framework's conformity with the CRPD's prohibition of discrimination in the access to employment in general (Employment Component 1). Other indicators will be developed to measure the national legal frameworks' conformity with the CRPD obligations to guarantee accessibility in employment (Employment Component 2), to provide reasonable accommodation in employment (Employment Component 3) and to promote the employment of persons with disabilities through positive measures (Employment Component 4).

(a) Employment Component 1: Non-Discrimination in the Access to Employment

EMPLOYMENT INDICATOR 1: The legal framework states that no person shall be denied employment on the basis of disability

Source	This indicator is derived from Article 27 (a) of the CRPD which obligates States to: <i>“prohibit discrimination on the basis of disability with regard to all matters concerning all forms of employment, including conditions of recruitment, hiring and employment, continuance of employment, career advancement and safe and healthy working conditions”</i> .
Definition	The indicator captures whether the national legal framework complies with the CRPD obligation to prohibit discrimination on the basis of disability in the access to work and employment. It reflects whether the legal framework guarantees the right of persons with disabilities to access work and employment on equal basis with others by including a “no-rejection clause” whereby it is unlawful to deny any person work or employment on the basis of disability. The indicator is of particular importance for promoting equal opportunities and the participation of persons with disabilities in the labour market on an equal basis with others. The clear recognition of this right in the national legal framework provides legal guarantees against discriminatory practices on grounds of disability in the access to work

	and the denial of equal opportunities to participate in the labour market. Further, as an anti-discrimination measure, the “no-rejection clause” should give rise to a legal remedy for persons with disabilities who are denied access to the general education system.
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if the right is not recognized in the national legal framework - A value of 1 is assigned if the right is recognized for all persons in the national legal framework - A value of 2 is assigned if the right is recognized specifically for persons with disabilities in the national legal framework Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.
Data collection	Constitution, States’ reviews by human rights mechanisms, laws related to disability, laws related to anti-discrimination, laws related to employment.

(b) *Employment Component 2: Accessibility in Employment*

In parallel to the Accessibility Indicators that will be developed below, a specific indicator is developed to measure conformity with the CRPD obligation to ensure accessibility at the workplace.

EMPLOYMENT INDICATOR 2: The legal framework states that workplaces in the public and private sector should be accessible to persons with disabilities

Source	This indicator derives from the text of Article 9 (1) (a) of the CRPD, which requires States to take appropriate measures to identify and eliminate obstacles to accessibility in buildings and facilities, including workplaces.
Definition	This indicator measures the national legal framework’s conformity with the CRPD requirement to eliminate barriers to accessibility in workplaces. It is derived from the general obligation to guarantee the right to an accessible environment for persons with disabilities and to remove barriers in the physical environment and in buildings and facilities open to the public. This general obligation will be further detailed below in the section related to Accessibility Indicators. However, this indicator is important in that it aims to capture whether the legal framework specifically states that workplaces should be made accessible for persons with disabilities in order to guarantee their right to an accessible work environment. The indicator focuses on employers in charge of workplaces, in both the public and private sector, as duty-bearers.
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if the obligation does not exist in the national legal framework - A value of 1 is assigned if the obligation exists in the national legal framework and is only applicable to either the public or private sector - A value of 2 is assigned if the obligation exists in the national legal framework and is applicable to both the public and private sector Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.

Data collection	States' reviews by human rights mechanisms, Laws related to disability and employment.
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(c) *Employment Component 3: Reasonable Accommodation in Employment***EMPLOYMENT INDICATOR 3: The legal framework states that employers have an obligation to provide reasonable accommodation to persons with disabilities**

Source	This indicator is derived from Article 27 (i) of the CRPD which requires States to “ensure that reasonable accommodation is provided to persons with disabilities in the workplace”.
Definition	<p>The indicator refers to whether the national legal framework complies with the CRPD requirement to provide reasonable accommodation to persons with disabilities in the workplace.</p> <p>Reasonable Accommodation is defined in Article 2 of the CRPD as “<i>necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.</i>”</p> <p>The ILO defines accommodation in the employment context as the “<i>adaptation of the job, including adjustment and modification of machinery and equipment and/or modification of the job content, working time and work organization, and the adaptation of the work environment to provide access to the place of work, to facilitate the employment of individuals with disabilities.</i>”³⁰ It also defines job adaptation as the “<i>adaptation or redesign of tools, machines, workstations and the work environment to an individual’s needs. It may also include adjustments in work organization, work schedules, sequences of work and in breaking down work tasks to their basic elements.</i>”³¹</p> <p>The indicator measures whether the legal framework recognizes the right of persons with disabilities to reasonable accommodation in employment and identifies employers as the duty-bearers of this obligation. To ensure conformity with the CRPD, employers are required to take account of an individual’s disability, to make efforts to adapt to the needs of workers with disabilities and to eliminate the barriers present in the physical and social environment.³² Thus the law obliges employers to take steps to accommodate the particular situation and needs of a worker with disabilities on a case by case basis to enable him/her to perform the job effectively, such as the adaptation of software or the provision of sign interpreters.³³</p> <p>The CRPD and ILO guidelines stress that the accommodation should not create an undue or disproportionate burden on the employer, considering factors such as health, safety</p>

³⁰ International Labour Organization, 2002, p. 4

³¹ International Labour Organization, 2002, p. 6

³² International Labor Organization, 2007, pp. 30-31

³³ United Nations Office of the High Commissioner for Human Rights & Inter-Parliamentary Union, 2007, p. 14; International Labor Organization, 2002, p. 33

	<p>and cost.³⁴ The requirement to provide reasonable accommodation is distinct from the obligation to comply with general accessibility standards in that the former entails specific interventions targeting the individual needs of the person with disabilities.³⁵ As the failure to provide reasonable accommodation is considered a form of discrimination, this indicator also reflects conformity with the CRPD obligation to eliminate discrimination in the employment sector and to ensure an inclusive work environment.</p> <p>The requirement to provide reasonable accommodation should apply to all workplaces whether in the public or the private sector.</p>
Value measurement	<p>The national legal framework will be assigned a numeric value as follows:</p> <ul style="list-style-type: none"> - A value of 0 is assigned if the obligation does not exist in the national legal framework - A value of 1 is assigned if the obligation exists in the national legal framework and is only applicable to either the public or private sector - A value of 2 is assigned if the obligation exists in the national legal framework and is applicable to both the public and private sector <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>
Data collection	States' reviews by human rights mechanisms, Laws related to disability, laws related to anti-discrimination, laws related to employment, laws related to civil service.

(d) *Employment Component 4: Positive Measures to Promote the Employment of Persons with Disabilities*

The CRPD obligation to take positive measures to promote employment of persons with disabilities will be addressed through indicators measuring the existence of such measures in the public sector (Employment Indicator 4) and in the private sector (Employment Indicator 5). Separate indicators are developed for employment in the public and in the private sector because the nature of the State's obligation as defined in the CRPD are different for each sector. In the public sector, the State is the employer and is therefore required under the CRPD to directly employ persons with disabilities. In the private sector, the State is required to take measures targeting private employers in order to promote the employment of persons with disabilities.

EMPLOYMENT INDICATOR 4: The legal framework establishes measures to increase the employment of persons with disabilities in the public sector

Source	This indicator derives from Article 27 (g) of the CRPD which stipulates that States Parties shall " <i>employ persons with disabilities in the public sector</i> ".
Definition	This indicator measures the national legal framework's conformity with the CRPD obligation to employ persons with disabilities in the public sector. It captures whether the national legal framework ensures the recruitment of persons with disabilities in the

³⁴ United Nations Office of the High Commissioner for Human Rights & Inter-Parliamentary Union, 2007, p. 14; International Labor Organization, 2007, pp. 30-31

³⁵ United Nations Office of the High Commissioner for Human Rights & Inter-Parliamentary Union, 2007, p. 14

	<p>public sector given the State’s position as an important employer in several countries. It also reflects to what extent the State intends to set a model for the private sector regarding the employment of persons with disabilities.</p> <p>Some countries have chosen to set a quota for the recruitment of persons with disabilities in the public sector as a form of affirmative action to guarantee their access to employment. This requires reserving a certain proportion of job positions in the public sector for persons with disabilities.</p>
Value measurement	<p>The national legal framework will be assigned a numeric value as follows:</p> <ul style="list-style-type: none"> - A value of 0 is assigned if such measures do not exist in the national legal framework - A value of 2 is assigned if such measures exist in the national legal framework <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>
Data collection	States’ reviews by human rights mechanisms, Laws related to disability, laws related to anti-discrimination, laws related to employment, laws related to civil service.

EMPLOYMENT INDICATOR 5: The legal framework establishes positive measures that aim to encourage the employment of persons with disabilities in the private sector

Source	This indicator derives from Article 27 (h) of the CRPD which requires States to “[p]romote the employment of persons with disabilities in the private sector through appropriate policies and measures, which may include affirmative action programmes, incentives and other measures”.
Definition	<p>This indicator measures the national legal framework’s conformity with the CRPD obligation to promote the employment of persons with disabilities in the private sector. It also reflects conformity with the CRPD obligation on States to take appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private entity (Article 4 (1) (e)).</p> <p>The promotion of the employment of persons with disabilities in the private sector can be done following different approaches. One approach is through the adoption of anti-discrimination provisions which prohibit employers from discriminating against persons with disabilities in the recruitment, promotion, dismissal and other aspects of employment. Another approach is to provide incentives to employers through tax exemptions, reductions or subsidies. Some countries have also chosen to adopt affirmative action measures, also known as quota legislation, which requires employers to reserve a certain proportion of jobs for persons with disabilities.³⁶</p> <p>According to the ILO, quota legislation should aim at assisting persons with disabilities to obtain employment, be backed with a sanction such as a compensatory levy and an enforcement mechanism to encourage conformity by employers. They should also, among other criteria, offer employers other optional ways of meeting the quota obligation.³⁷ Such legislation is based on the principle that all employers should contribute to the employment of persons with disabilities either through the direct provision of employment or through a financial contribution.³⁸ In case of non-</p>

³⁶ International Labor Organization, 2002, Appendix 3

³⁷ International Labor Organization, 2007, p. 84

³⁸ Thornton, 1998.

	conformity with the quota obligation, private sector employers will be required to pay a financial contribution as a sanction. Some countries have chosen to re-assign these contributions for vocational rehabilitation services, unemployment compensations, or for the promotion of accessibility at the workplace. ³⁹
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if such measures do not exist in the national legal framework - A value of 2 is assigned if such measures exist in the national legal framework Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.
Data collection	States' reviews by human rights mechanisms, Laws related to disability, laws related to anti-discrimination, laws related to employment, laws related to civil service.

C. SUGGESTED INDICATORS FOR THE SECTOR OF ACCESSIBILITY

Accessibility is framed in Article 9 of the CRPD:

Article 9 - Accessibility

"1. To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, inter alia:

- a) Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;*
- b) Information, communications and other services, including electronic services and emergency services.*

2. States Parties shall also take appropriate measures:

- a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;*
- b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;*
- c) To provide training for stakeholders on accessibility issues facing persons with disabilities;*
- d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;*
- e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;*
- f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;*

³⁹ International Labor Organization, 2002, Appendix 3

- g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;*
- h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.”*

Accessibility is recognized as both a fundamental principle in the Convention and a right for persons with disabilities. Accessibility is not only concerned with removing barriers in the physical environment but also in the access to information, technologies, communication and economic and social life. It is viewed as a fundamental right for the enjoyment of all other rights guaranteed in the Convention, including the right to education and the right to employment.⁴⁰

1. Identification of the attributes of the right to an accessible environment

Even if the CRPD identifies four aspects of accessibility, the CmRPD stated that “when defining accessibility standards, States parties have to take into account the diversity of persons with disabilities and ensure that accessibility is provided to persons of any gender and of all ages and types of disability”.⁴¹ The four aspects of accessibility areas in which States are required to remove barriers to the access of persons with disabilities are:

- the physical environment;
- transportation;
- information and communications; and
- other facilities and services open or provided to the public.

These four aspects will be the basis for the elaboration of the Accessibility Indicators.

2. Identification of selected Accessibility Indicators

A limited number of Accessibility Indicators are developed below to measure legal conformity with the CRPD based on the different aspects of the right to an accessible environment, which focus on ensuring the access of persons with disabilities to the physical environment (Accessibility Component 2), to transport (Accessibility Component 3), to other facilities and services open or provided to the public (Accessibility Component 4) and to information and communications (Accessibility Component 5). In addition, indicators will be developed to measure the recognition of the right to access for persons with disabilities in general (Accessibility Component 1).

(a) Accessibility Component 1: Accessibility as a Right

Accessibility as a right will be addressed through one indicator capturing the recognition of this right for persons with disabilities (Accessibility Indicator 1) and one indicator measuring conformity with the CRPD obligation to establish minimum standards and guidelines for the accessibility (Accessibility Indicator 2).

⁴⁰ United Nations Office of the High Commissioner for Human Rights & Inter-Parliamentary Union, 2007, p. 17

⁴¹ Ibid, para.29.

ACCESSIBILITY INDICATOR 1: The legal framework states that accessibility is a right for persons with disabilities

Source	This indicator derives directly from Article 9 of the CRPD.
Definition	This indicator reflects whether accessibility is recognized as a right in the national legal framework. It aims to capture whether the legal framework includes an obligation to eliminate the obstacles and barriers to accessibility in all physical environments, transport, information and communications technologies and systems and other facilities and services open to the public, in order to enable persons with disabilities to live independently and participate in all areas of society.
Value measurement	<p>The national legal framework will be assigned a numeric value as follows:</p> <ul style="list-style-type: none"> - A value of 0 is assigned if accessibility is not recognized as a right in the national legal framework - A value of 1 is assigned if accessibility is recognized as a right in the national legal framework and if it is limited to some but not all of the following four aspects: physical environment, transportation, facilities and services open or provided to the public, information and communications - A value of 2 is assigned if the right is recognized in the national legal framework and if it covers all four aspects mentioned above. <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>
Data collection	Laws related to disability.

ACCESSIBILITY INDICATOR 2: The legal framework establishes minimum standards and guidelines for accessibility

Source	This indicator is derived from Article 9 (2) (a) of the CRPD which requires States to take appropriate measures to “ <i>develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public.</i> ”
Definition	<p>It reflects the State’s commitment to respect the right to an accessible environment by developing standards and guidelines that duty bearers are required to respect in order to enable persons with disabilities to access all places and services equally with others. Their implementation is an important measure to ensure their independence and full inclusion and participation in all aspects of society.</p> <p>The standards and guidelines should rely on the concept of universal design and provide guidance on the means to eliminate barriers and obstacles in the physical environment, transport, facilities and services open to the public and in information and communications technologies and systems.</p> <p>These guidelines and standards should act as a reference for all sectors of political, social and economic life, particularly for actors involved in constructions, public works, transport, media and other public services, whether in an urban or rural context.</p>
Value measurement	The national legal framework will be assigned a numeric value as follows:

	<ul style="list-style-type: none"> - A value of 0 is assigned if the standards and guidelines do not exist in the national legal framework - A value of 1 is assigned if the standards and guidelines exist in the national legal framework but they are limited to some but not all of the following four aspects: physical environment, transportation, facilities and services open or provided to the public, information and communications - A value of 2 is assigned if the standards and guidelines exist in the national legal framework and if they cover all four areas mentioned above. <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>
Data collection	Laws related to disability.

(b) *Accessibility Component 2: Accessibility of the Physical Environment*

The physical environment refers to indoor and outdoor facilities including buildings, roads, footpaths, schools, housing, medical facilities and workplaces. Conformity with the CRPD obligation to ensure accessibility in the physical environment will be measured by indicators focusing on the accessibility of buildings (Accessibility Indicator 3) and roads (Accessibility Indicator 4). Roads and buildings have been selected as they are the most important aspects of the physical environment.

ACCESSIBILITY INDICATOR 3: The legal framework states that barriers to accessibility in buildings should be eliminated

Source	This indicator derives from Article 9 (1) (a) which requires that States take measures to identify and eliminate barriers to accessibility in the physical environment as a means to facilitate the movement of persons with disabilities and enable them to live independently and participate fully in society.
Definition	<p>This indicator measures the national legal framework's conformity with the CRPD obligation to eliminate barriers to accessibility in buildings. Buildings constitute a major part of the physical environment and are the physical container of homes, schools, medical facilities, and other facilities providing public services, etc. The accessibility of buildings therefore directly affects the enjoyment of other rights by persons with disabilities, such as the right to adequate shelter, the right to education, the right to work or the right to health.</p> <p>In order to be in conformity with the CRPD, national legal frameworks should therefore require that all buildings, whether private or public, are accessible for everyone, including persons with disabilities. It is necessary for the national legal framework to prohibit the creation of new barriers to accessibility in buildings as well as to require the removal of existing ones. This can be done by ensuring accessibility in all construction and renovation works conducted on buildings, and could be included as a requirement for the issuing of construction related permits by the relevant authorities.</p>

Value measurement	<p>The national legal framework will be assigned a numeric value as follows:</p> <ul style="list-style-type: none"> - A value of 0 is assigned if the obligation does not exist in the national legal framework - A value of 1 is assigned if the obligation exists in the national legal framework and is only applicable to either the public or private sector - A value of 2 is assigned if the obligation exists in the national legal framework and is applicable to both the public and private sector <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>
Data collection	Laws related to disability; laws related to construction

ACCESSIBILITY INDICATOR 4: The legal framework states that barriers to accessibility in roads should be eliminated

Source	This indicator derives from Article 9 (1) (a) which requires that States take measures to identify and eliminate barriers to accessibility in the physical environment as a means to facilitate the movement of persons with disabilities and enable them to live independently and participate fully in society.
Definition	<p>This indicator measures the national legal framework's conformity with the CRPD obligation to eliminate barriers to accessibility in roads. In addition to buildings, roads constitute a major part of the physical environment and are the means to connect one location to another. The accessibility of roads is therefore significant to ensure the mobility of all persons, including persons with disabilities to enable them to live independently.</p> <p>In order to be in conformity with the CRPD, national legal framework should therefore guarantee that all roads are accessible for everyone, including persons with disabilities. It is necessary for the national legal framework to prohibit the creation of new barriers to accessibility in roads as well as to require the removal of existing ones. This can be done by ensuring accessibility in all public constructions works conducted on roads.</p>
Value measurement	<p>The national legal framework will be assigned a numeric value as follows:</p> <ul style="list-style-type: none"> - A value of 0 is assigned if the obligation does not exist in the national legal framework - A value of 2 is assigned if the obligation exists in the national legal framework <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>
Data collection	Laws related to disability; laws related to construction

(c) Accessibility Component 3: Accessibility of Transportation

Conformity with the CRPD obligation to ensure accessibility in transport will be measured by one indicator focusing on the accessibility of means of transportation (Accessibility Indicator 5).

ACCESSIBILITY INDICATOR 5: The legal framework states that barriers to accessibility in means of transportation should be eliminated

Source	This indicator derives from Article 9 (1) (a) which requires that States take measures to identify and eliminate barriers to accessibility in transportation as a means to enable persons with disability to live independently and participate fully in society.
Definition	This indicator measures the national legal framework's conformity with the CRPD obligation to eliminate barriers to accessibility in transportation, and specifically in means of transportation. Transport covers all transportation areas such as air travel, sea travel, and land travel including buses, cars, and trains. In order to be in conformity with the CRPD, national legal frameworks should include an obligation to eliminate barriers to accessibility in means of transportation. The obligation should be imposed on both the public and private sectors and should cover different types of disabilities, including reduced mobility and hearing and visual impairments.
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if the obligation does not exist in the national legal framework - A value of 1 is assigned if the obligation exists in the national legal framework and is only applicable to either the public or private sector - A value of 2 is assigned if the obligation exists in the national legal framework and is applicable to both the public and private sector Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.
Data collection	Laws related to disability; laws related to transportation

(d) *Accessibility Component 4: Accessibility of Facilities and Services Open or Provided to the Public*

As some aspects of the accessibility of facilities and services open or provided to the public are covered under the obligation to remove barriers to the physical environment and to information and communications, one indicator will be selected to measure conformity with the CRPD requirement to provide forms of live assistance to facilitate accessibility to facilities open to the public (Accessibility Indicator 6).

ACCESSIBILITY INDICATOR 6: The legal framework states that facilities and services open to the public should provide forms of live assistance to persons with disabilities

Source	This indicator derives from Articles 9 (1) and 9 (2) (e) which requires States Parties to take measures to identify and eliminate barriers to accessibility in " <i>facilities and services open or provided to the public</i> " and "[t]o provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public"
Definition	This indicator measures the conformity of the national legal framework with the CRPD requirement to eliminate barriers to accessibility in facilities and services open or provided to the public, specifically through the provision of forms of live assistance.

	<p>The accessibility of facilities and services open or provided to the public aims to ensure that they are used by persons with disabilities on an equal basis with others. This is not limited to making facilities physically accessible for persons with disabilities, which should be covered under the obligation to remove barriers to the physical environment, but also extends to facilitating the use of facilities and services for instance through the provision of forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, or the provision of signage in Braille, sign language interpreters or closed captioning on public television.⁴²</p> <p>The provision of forms of live assistance in facilities and services open to the public will facilitate their use by persons with disabilities and improve their access to services that are necessary for their daily lives on an equal basis with others.</p>
Value measurement	<p>The national legal framework will be assigned a numeric value as follows:</p> <ul style="list-style-type: none"> - A value of 0 is assigned if the obligation does not exist in the national legal framework - A value of 1 is assigned if the obligation exists in the national legal framework and is only applicable to either the public or private sector - A value of 2 is assigned if the obligation exists in the national legal framework and is applicable to both the public and private sector <p>Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.</p>
Data collection	Laws related to disability

(e) *Accessibility Component 5: Accessibility of Information and Communications*

Conformity with the CRPD obligation to ensure accessibility in information and communications will be measured by one general indicator capturing whether such a general obligation is included in the national legal framework (Accessibility Indicator 7) and one specific indicator looking at the recognition of the national sign language (Accessibility Indicator 8).

ACCESSIBILITY INDICATOR 7: The legal framework states that barriers to accessibility in information and communications should be eliminated

Source	This indicator derives from Article 9 (1) (b) of the Convention which requires that States take measures to identify and eliminate barriers to accessibility in “ <i>information, communications and other services, including electronic services and emergency services</i> ” as a means to enable persons with disability to live independently and participate fully in society. It also derives from Article 21 of the Convention that guarantees freedom of expression and opinion and access to information to persons with disabilities.
Definition	This indicator measures the conformity of the national legal framework with the CRPD requirement to remove barriers to accessibility in information and communications. Information should be provided in accessible format through the use of sign language, Braille and appropriate augmentative and alternative forms of communication. The

⁴² Ibid., p. 80; Secretariat for the Convention on the Rights of Persons with Disabilities, undated.

	indicator therefore aims to capture whether the legal framework ensures equal access to information for all, including for persons with disabilities. Particular importance could be given to information that is necessary for an individual's daily life, including information related to emergency services ⁴³ . The obligation should in principle apply to information disseminated offline and online, including through government websites and media institutions which can include sign language interpretation and closed captioning on television and news bulletins, and the publication of newspapers in Braille.
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if the obligation does not exist in the national legal framework - A value of 1 is assigned if the obligation exists in the national legal framework and is only applicable to the public or private sector - A value of 2 is assigned if the obligation exists in the national legal framework and is applicable to both the public and private sector Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.
Data collection	Laws related to disability; laws related to communications; laws related to media

ACCESSIBILITY INDICATOR 8: The legal framework states that sign language has legal status equivalent to national language

Source	This indicator derives specifically from Articles 21 and 30 (4) of the CRPD, which require that States take appropriate measures to recognize and promote national sign languages.
Definition	This indicator measures the conformity of national legal framework with the CRPD obligation to recognize national sign language. The recognition and promotion of national sign languages is considered an important means to ensure that persons with disabilities can exercise the right to freedom of expression and opinion and can participate in cultural, recreation, leisure and sport activities. It also constitutes the recognition of their specific cultural and linguistic identity. Particularly, sign language facilitates the full participation to society of persons with hearing impairments on an equal basis with others. Some countries have recognized national sign languages in their constitutional instrument; others have enacted legislative and administrative texts for that purpose. ⁴⁴
Value measurement	The national legal framework will be assigned a numeric value as follows: <ul style="list-style-type: none"> - A value of 0 is assigned if the recognition does not exist in the national legal framework - A value of 2 is assigned if the recognition exists in the national legal framework Expressed concerns of relevant human rights mechanisms on this issue will appear through this evaluation by a (-) mark to the assigned value.

⁴³ United Nations Office of the High Commissioner for Human Rights & Inter-Parliamentary Union, 2007, p. 80; Secretariat for the Convention on the Rights of Persons with Disabilities, undated.

⁴⁴ United Nations Office of the High Commissioner for Human Rights & Inter-Parliamentary Union, 2007, p. 69

Data collection	Laws related to disability; laws related to communications; laws related to languages; laws related to education
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III. APPLICATION OF INDICATORS TO SELECTED ARAB COUNTRIES

As considered previously, positions of relevant human rights mechanism will be highlighted by a mark (+) or (-), especially when there is a specific concern expressed regarding specific issues. However, human rights mechanisms have duty to create and to undertake a positive dialogue with members states and then the used terminology is legally diplomatic but is formulated in clear ways. The positive dialogue has always preference to positive action that those mechanisms commend to States under reviews and these positive actions are formulated in a comprehensive way of SMART recommendations directly related to expressed concerns or problematics that States parties should tackle. As examples committees use terms like “ensure that”, “enshrine”, “adopt”, “support”, “implement” etc. After expressing a concern about the application of a specific provision from the national law, the mechanism will be clear in assessing the source of this concern by differentiating between problem in law or problem in its enforcement. Committees will provide indications on the limits of the law or of its enforcement. For examples, there is difference between “support the application” of a specific provision from the law and “ensure the rights” or “take specific measures”, if the first expression is large and might be dedicated to positive actions of sensitization for example recognizing, in the same time, that the provision is in conformity with the international standard; the second and the third expressions call directly to policy-oriented that should be covered by formal decisions and then by formal measures whatever the form, regulatory or rules, which means that the problem is in the law itself.

A. APPLICATION OF EDUCATION INDICATORS TO THE SELECTED ARAB COUNTRIES

EDUCATION INDICATOR 1: The legal framework states that no person shall be excluded from the general education system on the basis of disability

Lebanon

Relevant Legal Clauses: the Disability Law states that admission to a public or private educational establishment cannot be refused on the basis of disability, regardless of the type of disability (Article 60). The Disability Law recognizes the right of persons with disabilities to education and guarantees equal opportunities to all persons with disabilities in all educational establishments of any type, whether in the general education system or in specialized institutions (Article 59). The law states that any provision that conditions admission to being free from a disability or to have full physical capacities is considered void (Article 60-a).

Conformity with the CRPD: According to Education Indicator 1, the legal framework of Lebanon is in conformity with the CRPD as it expressly includes a “no-rejection” clause and prohibits discrimination on the basis of disability in the access to the general education system. However, the CRC expressed its concerns about “low educational achievements of children from economically

disadvantaged communities”⁴⁵ and the CESCR commended Lebanon to “ensure that persons with disabilities have equal access to education and training, including by promoting inclusive education”.⁴⁶

Conformity Value: 2 (-)

The Sudan

Relevant Legal Clauses: The 2005 Interim Constitution prohibits discrimination in the access to education on the basis of disability (Article 44-1). The Constitution also specifies that the State guarantees access to education to persons with disabilities (Article 45). The 2010 Child Law stipulates that the State protects children with disabilities against any obstacle to their education (Article 48-1) and that children with disabilities should be included in all levels of education in accordance with the type of disability (Article 49-1). The reference to “levels of education” in this clause can be understood as a reference to the general education system. Indeed, according to the Education Law, the education system in the Sudan is divided into two parts: a general system, which includes a basic and a secondary level, and a “non-level” system, which includes Quranic schools, industrial schools, nutrition, agricultural and farming schools and schools for teaching the gifted and persons with disabilities (Article 14). It is worth noting that the 2013 National Action Plan on Disability specifies the inclusion of persons with disabilities in the general education system as one its objectives (Project No. 46). Also, the 2017 disability law completed the framework of inclusion into general education system through its article 4 (d).

Conformity with the CRPD: According to Education Indicator 1, the legal framework of the Sudan is in conformity with the CRPD as it expressly states that persons with disabilities children should be included in all levels of the general education system. The framework also provides a constitutional guarantee against the discrimination on the basis of disability in the access to education. Even if the 2010 Child act was insufficient for the CRC which recommended Sudan to “ensure that children with disabilities have equitable access to basic services, including health and education”, the 2017 disability law completed the legal framework of inclusion by a specific definition of disability based discrimination (article 3) and specified that every facilities, exemptions and privileges for persons with disabilities shall be implemented in equal basis with others (article 4) especially for education (article 4 – g).

Conformity Value: 2

Tunisia

Relevant Legal Clauses: The Disability Law provides that the State guarantees the right to education, habilitation and training for children with disabilities in the general system and that they shall be provided with equal opportunities to enjoy that right (Article 19).

⁴⁵ See CRC concluding observations report (CRC/C/LBN/CO/4-5; CRC – 2017, para.34 – a).

⁴⁶ See CESCR concluding observations report (E/C.12/LBN/CO/2; CESCR-2016 – para.22- c).

Conformity with the CRPD: According to Education Indicator 1, the legal framework of Tunisia is in conformity with the CRPD. Although it does not include a clear “no-rejection” clause, it guarantees the access of persons with disabilities to the general education system on equal basis with others. However, CmRPD “noted with deep concern that, in practice, the inclusion strategy is not equally implemented in schools; rules relating to the number of children in mainstream schools and to the management of inclusive classes are commonly breached.”⁴⁷

Conformity Value: 2

United Arab Emirates

Relevant Legal Clauses: the Disability Law guarantees equal opportunities for persons with disabilities in all educational institutions, vocational training, adult and continuous education, in the general system or in specialized classes where necessary; and it specifies that disability should not represent an obstacle preventing any person from applying or joining any public or private educational institution of any kind (Article 12).

Conformity with the CRPD: According to Education Indicator 1, the legal framework of the United Arab Emirates is in conformity with the CRPD as it expressly includes a “no-rejection” clause and guarantees the access of persons with disabilities to the general education system on equal basis with others.

Conformity Value: 2

EDUCATION INDICATOR 2: The national legal framework states that persons with disabilities shall have access, without discrimination on the basis of disability, to free and compulsory primary education

Lebanon

Relevant Legal Clauses: Legislative Decree 134/1959 as amended by Law 150/2011 guarantees the right to free and compulsory basic education to all Lebanese citizens in public schools (Article 49).

Conformity with the CRPD: According to Education Indicator 2, the legal framework of Lebanon is in partial conformity with the CRPD as it recognizes the right to access free and compulsory primary education for all persons but does not specifically recognize this right to persons with disabilities.

Conformity Value: 1

The Sudan

⁴⁷ See CmRPD concluding observations report (CRPD/C/TUN/CO/1; CmRPD – 2011, para.30).

Relevant Legal Clauses: The 2005 Interim Constitution states that basic education is compulsory and provided free of charge (Article 44-2) and persons with disabilities are guaranteed all the rights listed in the Constitution (Article 45-1). The Disability Law states that persons with disabilities are exempted from tuition fees at all levels of education, including primary, secondary and tertiary level (Article 4-2-a). Moreover, the Child Law specifies that the State should provide free education to orphans, persons with disabilities, persons living in poverty and children of unknown parents in public secondary schools (Article 28-3).

Conformity with the CRPD: According to Education Indicator 2, the legal framework of the Sudan is in conformity with the CRPD as it guarantees the access of persons with disabilities to free and compulsory primary education.

Conformity value: 2

Tunisia

Relevant Legal Clauses: the 2002 School Education Law states that basic education is compulsory (Article 1), that free public education is guaranteed to all children of schooling age on an equal basis and that children with special needs should be provided with adequate conditions to enjoy the right to education (Article 4).

Conformity with the CRPD: According to Education Indicator 2, the legal framework of Tunisia is in partial conformity with the CRPD as it recognizes the right to access free and compulsory primary education for all persons but does not specifically recognize this right to persons with disabilities.

Conformity Value: 1

United Arab Emirates

Relevant Legal Clauses: The Constitution states that education is compulsory in its primary level and free of charge at all levels (Article 17). Federal Law 11/1972 related to compulsory education states that primary education is compulsory and that education is free at all levels for all citizens, whether males or females (Article 1); it adds that children who have a medical condition that prevents them from receiving education and children who have a mental or physical disability that prevents them from enrolling in specialized education schools can be exempted from compulsory education by decision of the Minister of Education as long as the reason for exemption exists (Article 4).

Conformity with the CRPD: According to Education Indicator 2, the legal framework of the United Arab Emirates is in partial conformity with the CRPD as it recognizes the right to access free and compulsory primary education for all persons but does not specifically recognize this right to persons with disabilities.

Conformity Value: 1

EDUCATION INDICATOR 3: The national legal framework states that persons with disabilities shall have access, without discrimination on the basis of disability, to secondary education

Lebanon

Relevant Legal Clauses: The Disability Law guarantees equal opportunities to all persons with disabilities in all educational establishments of any type, whether in the general education system or in specialized institutions (Article 59). The reference to “educational establishments of any type” includes establishments providing secondary education as they fall under the authority of the Ministry of Education according to Decree 2869/1959 (Article 10).

Conformity with the CRPD: According to Education Indicator 3, the legal framework of Lebanon is in conformity with the CRPD as it guarantees the access of persons with disabilities to all educational establishments, including those providing secondary education, on equal basis with others.

Conformity Value: 2

The Sudan

Relevant Legal Clauses: The Child Law states that the State protects children with disabilities against any obstacle to their education (Article 48-1) and that children with disability should be included in all levels of education depending on the type of disability (Article 49-1). The reference to “all levels of education” in this clause includes secondary education given that the general education system includes the secondary education level according to the 2001 Education Law (Article 14).

Conformity with the CRPD: According to Education Indicator 3, the legal framework of the Sudan is in conformity with the CRPD as it guarantees the access of persons with disabilities to all levels of education, including secondary education.

Conformity Value: 2

Tunisia

Relevant Legal Clauses: There appears to be no specific provisions guaranteeing the access of children with disabilities to secondary education without discrimination on the basis of disability.

Conformity with the CRPD: According to Education Indicator 3, the legal framework of Tunisia does not specifically state that persons with disabilities have access to secondary education without discrimination on the basis of disability.

Conformity Value: 0

United Arab Emirates

Relevant Legal Clauses: the Disability Law guarantees equal opportunities for persons with disabilities in all educational institutions (Article 12). The reference to “all educational institutions” includes those providing secondary education as education in the United Arab Emirates includes four stages: kindergarten, primary, preparatory and secondary education.⁴⁸

Conformity with the CRPD: According to Education Indicator 3, the legal framework of the United Arab Emirates is in conformity with the CRPD as it guarantees the access of persons with disabilities to all educational institutions, including those providing secondary education, on equal basis with others.

Conformity Value: 2

EDUCATION INDICATOR 4: The national legal framework states that persons with disabilities shall have access, without discrimination on the basis of disability, to general tertiary education

Lebanon

Relevant Legal Clauses: The Disability Law states that persons with disabilities have the right to equal opportunities in all educational establishments of any type (Article 59). This includes establishment providing tertiary education given that they fall under the jurisdiction of the Ministry of Education according to Law 247/2000 (Article 11). The Disability Law also states that persons holding disability cards should be provided with the opportunity to pursue education in the educational establishment of their choice at all levels of schools, vocational training and tertiary education, by providing them with the best conditions to sit for admission tests and all other tests (Article 60-c). The Law 285/2014 regulating higher education states that private establishments providing higher education should adopt specific regulations to facilitate the admission of qualified persons with disabilities and to facilitate their pursuit of education until graduation (Article 60).

Conformity with the CRPD: According to Education Indicator 4, the legal framework of Lebanon is in conformity with the CRPD as it guarantees the access of persons with disabilities to tertiary education on equal basis with others.

Conformity value: 2

The Sudan

Relevant Legal Clauses: the Disability Law states that persons with disabilities are exempted from tuition fees in tertiary education (Article 4-2-a). The 2005 Interim Constitution prohibits discrimination in the access to education on the basis of disability (Article 44-1).

⁴⁸ The Official Portal of the United Arab Emirates (undated); Decree 29/2008 for Private Education Bylaws (2008)

Conformity with the CRPD: Although the legal framework of the Sudan does not explicitly guarantee the access of persons with disabilities to general tertiary education without discrimination on the basis of disability, it guarantees this access to education in general, which should in principle include tertiary education. It also facilitates the access of persons with disabilities to tertiary education by exempting them for tuition fees. As such, the framework is considered to be in conformity with the CRPD according to Education Indicator 4.

Conformity Value: 2

Tunisia

Relevant legal clauses: There appears to be no specific provisions guaranteeing the access of persons with disabilities to general tertiary education without discrimination on the basis of disability.

Conformity with the CRPD: According to Education Indicator 4, the legal framework of Tunisia does not specifically state that persons with disabilities have access to general tertiary education without discrimination on the basis of disability.

Conformity value: 0

United Arab Emirates

Relevant legal clauses: the Disability Law guarantees equal opportunities for persons with disabilities in all educational institutions (Article 12). This presumably includes educational institutions providing tertiary education if read together with Article 13 of the Disability Law. The latter states that both the Ministry of Education and the Ministry of Higher Education and Scientific Research, which is responsible for tertiary education, has the duty to facilitate the learning of persons with disabilities in their institutions (Article 13)

Conformity with the CRPD: According to Education Indicator 4, the legal framework of the United Arab Emirates is in conformity with the CRPD as it guarantees the access of persons with disabilities to all educational institutions, including those providing tertiary education, on equal basis with others.

Conformity value: 2

EDUCATION INDICATOR 5: The national legal framework states that persons with disabilities shall have access, without discrimination on the basis of disability, to vocational training

Lebanon

Relevant legal clauses: The Disability Law prohibits discrimination in the access to education on the basis of disability in all types of educational establishment (Article 59). This includes establishments

providing vocational training as they fall under the authority of the Ministry of Education according to Law 247/2000 (Article 10). The Disability Law also states that persons holding disability cards should be provided with the opportunity to pursue education in the educational establishment of their choice at all levels of schools, vocational training and tertiary education, by providing them with the best conditions to sit for admission tests and all other tests (Article 60-c).

Conformity with the CRPD: According to Education Indicator 5, the legal framework of Lebanon complies with the CRPD as it guarantees the access of persons with disabilities to vocational training without discrimination on the basis of disability.

Conformity value: 2

The Sudan

Relevant Legal Clauses: the Disability Law states that the State should establish annual quotas for the training of persons with disabilities in coordination with institutes for technical training (Article 4-2-a).

Conformity with the CRPD: although the legal framework of Sudan does not explicitly state that persons with disabilities shall have access to vocational training without discrimination on the basis of disabilities, it establishes a quota-mechanism which aims to guarantee and ensure such access through positive measures. As such, the framework is in conformity with the CRPD according to Education Indicator 5.

Conformity value: 2

Tunisia

Relevant legal clauses: The Disability Law guarantees the right to rehabilitation and training in the general system on the basis of equal opportunities with others (Article 19). It provides that vocational training within the general system should be provided to persons with disabilities to enable them to acquire professional knowledge and skills which facilitate their preparation for active life and their social and economic inclusion (Article 22). It further reserves a quota of 3 per cent of places for persons with disabilities in public vocational institutes (Article 23). The 2008 Vocational Training Law provides that that vocational training programs, both in their substance and organization, should be based on the principle of equality of opportunity for all persons seeking training and should comply with the regulations related persons with disabilities (Article 3).

Conformity with the CRPD: According to Education Indicator 5, the legal framework of Tunisia is in conformity with the CRPD as it states that persons with disabilities have access to vocational training on equal basis with others.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: The Disability Law guarantees equal opportunities and access for persons with disabilities to vocational rehabilitation, adult learning and continuous learning (Article 12).

Conformity with the CRPD: According to Education Indicator 5, the legal framework of the United Arab Emirates is in conformity with the CRPD as it states that persons with disabilities have access to vocational training on equal basis with others.

Conformity value: 2

EDUCATION INDICATOR 6: The national legal framework states that persons with disabilities shall have access, without discrimination on the basis of disability, to adult education and lifelong learning

Lebanon

Relevant legal clauses: the Disability Law states that the right to education is guaranteed to persons with disabilities, children and adults alike (Article 59).

Conformity with the CRPD: According to Education Indicator 6, the legal framework of Lebanon is in conformity with the CRPD as it guarantees the access of persons with disabilities to adult education.

Conformity value: 2

The Sudan

Relevant legal clauses: The 2001 Education Law provides for adult learning in “non-level” education but does not guarantee the access of persons with disabilities. It is worth noting that the 2013 national action plan on disability includes making 6 literacy centers for adults accessible for persons with disabilities (Objective 47).

Conformity with the CRPD: According to Education Indicator 6, the legal framework of the Sudan is partly in conformity with the CRPD as it recognizes the right to adult education but does not guarantee the access of persons with disabilities to adult learning without discrimination on the basis of disabilities.

Conformity value: 1

Tunisia

Relevant legal clauses: there appears to be no specific provisions related to adult learning or continuing education.

Conformity with the CRPD: According to Education Indicator 6, the legal framework of Tunisia does not state that persons with disabilities have access to adult education and lifelong learning without discrimination on the basis of disabilities.

Conformity value: 0

United Arab Emirates

Relevant legal clauses: the Disability Law guarantees equal opportunities and access for persons with disabilities to vocational habilitation, adult learning and continuous learning (Article 12).

Conformity with the CRPD: According to Education Indicator 6, the legal framework of the United Arab Emirates is in conformity with the CRPD as it states that persons with disabilities have access to adult education and lifelong learning on equal basis with others.

Conformity value: 2

EDUCATION INDICATOR 7: The legal framework states that educational establishments should be accessible to persons with disabilities

Lebanon

Relevant legal clauses: Decree 9091/2002 states that public schools should have all of the necessary facilities for persons with reduced mobility (Article 8). Decree 7194/2011 states that newly established educational establishments, whether private or public, must comply with accessibility standards (Article 2), which are limited to the physical environment.

Conformity with the CRPD: According to Education Indicator 7, the legal framework of Lebanon is partially in conformity with the CRPD as it states that public and private educational establishments should be accessible to persons with disabilities, but limits this accessibility to the physical environment.

Conformity value: 1

The Sudan

Relevant legal clauses: There appears to be no relevant clauses in the readily available laws.

Conformity with the CRPD: According to Education Indicator 7, the legal framework of the Sudan does not state that educational establishments should be accessible to persons with disabilities.

Conformity value: 0

Tunisia

Relevant legal clauses: Decree 1467/2006 states that educational institutions should be made accessible for persons with disabilities (Article 35). The decree imposes this obligation on all educational establishments, which should therefore be applicable to both the public and private sector.

Conformity with the CRPD: According to Education Indicator 7, the legal framework of Tunisia is in conformity with the CRPD as it states that educational establishments should be accessible to persons with disabilities.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: There appears to be no relevant clauses in the readily available laws.

Conformity with the CRPD: According to Education Indicator 7, the legal framework of the United Arab Emirates does not state that educational establishments should be accessible to persons with disabilities.

Conformity value: 0

EDUCATION INDICATOR 8: The legal framework states that public and private educational establishments have an obligation to provide reasonable accommodation to persons with disabilities

Lebanon

Relevant legal clauses: the Disability Law states that authorities and educational establishments should provide “the best conditions” that allow the participation of students holding disability cards in admission tests, lessons, official State examinations and all other tests in all educational levels, including schools, tertiary education and vocational training (Article 60-c, 62 and 63-b-1). Specific consideration is given to the planning of State examinations according to the individual needs of persons with disabilities (Article 62-b). The Disability Law includes examples of required adjustments such as making the entrance and rooms of examinations accessible, determining the time allocated for examinations, providing examination questions through accessible means of communication and allow for personal assistance and technical support through Braille machines, typing machines and sign language interpreter (Article 62-a). It also requires that the “best conditions” are elaborated by a specialized committee on education and issued by decree (Article 63-b-1). However this decree has not yet been issued.

Conformity with the CRPD: although the legal framework of Lebanon does not refer to the term “reasonable accommodation”, it does require educational establishments to accommodate the needs of persons with disabilities to facilitate their participation in exams and lessons. The establishments’

obligation in this regard appears to focus mainly on facilitating the participation of persons with disabilities to examinations rather than on facilitate their education in general. As such, the legal framework of Lebanon is considered to be in partial conformity with the CRPD according to Education Indicator 8.

Conformity value: 1

The Sudan

Relevant legal clauses: the Disability Law states that the competent authorities should provide interpreters for persons with disabilities to facilitate their correct understanding of lessons and exams (Art 4-2-b).

Conformity with the CRPD: The legal framework of the Sudan does not state that reasonable accommodation should be provided to persons with disabilities in education. Although the provision of interpreters for persons with disabilities to facilitate their education is a form of accommodation, this is only one measure of accommodation that cannot be considered sufficient to comply with the CRPD general obligation of reasonable accommodation in education. As such, the Sudan is considered to be in partial conformity with the CRPD according to Education Indicator 8.

Conformity value: 1

Tunisia

Relevant legal clauses: the Education Law states that children with special needs should be provided with adequate conditions to enjoy the right to education (Article 4). This applies to both public and private educational establishments as they are both covered by the Law. It also states that public schools should accommodate to the specificities of their social environment and the specific needs of students when determining the education programs (Article 32). The Disability Law also specifies that vocational training posts should be accommodated according to the needs of the trainee (Article 23).

Conformity with the CRPD: According to Education Indicator 8, the legal framework of Tunisia is in conformity with the CRPD as it requires accommodation to the needs of students with disabilities in both the public and private sector.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: The Disability Law requires the competent authorities to take suitable measures to provide teaching assistive devices and technologies, alternative methods that enhance communication with persons with disabilities, an accessible environment and other necessary techniques that ensure the involvement of students with disabilities (Article 13). The Disability Law also states that the educational curriculum should be provided through sign language and Braille and

any other means where necessary (Article 13). As the Disability Law does not distinguish between public and private educational establishments, it is reasonable to assume that this obligation is applicable in both sectors. It is worth noting that Decision No. 166 of 2010 issued by the Minister of Education establishing the general rules for special education programs includes a series of measures to be taken to accommodate to the needs of students with disabilities, which include adjustment to the physical environment and the provision of tools and devices for students with disabilities, of accessible books for students with visual impairments and of special accessible transport.⁴⁹

Conformity with the CRPD: According to Education Indicator 8, the legal framework of the United Arab Emirates is in conformity with the CRPD as it requires suitable measures to be taken to accommodate the needs of persons with disabilities.

Conformity value: 2

EDUCATION INDICATOR 9: The legal framework states that persons with disabilities have the right to receive support in the education system

Lebanon

Relevant legal clauses: There appears to be no relevant legal clauses. It is worth noting that the 2012 national education plan for the integration of persons with special needs includes objectives to establish mechanisms for the educational support of persons with disabilities, develop individual education plans, provide support for the families of students with disabilities and provide the necessary educational and technical materials.

Conformity with the CRPD: According to Education Indicator 9, the legal framework of Lebanon has no legal provisions related to the right of persons with disabilities to receive support in education.

Conformity value: 0

The Sudan

Relevant legal clauses: The Child Law states that children with special needs should be provided with social, psychological, medical, educational and vocational care and with free assistive devices that they require to overcome the effects of their impairments (Article 48-2). The Child Law also establishes child development centres, which aim to provide support to children in order to improve their education and learning experience and to provide support for families through awareness raising on how to care for the child (Article 22) but it does not appear to specifically address the needs of children with disabilities. The Education Law specifies that education is provided by establishing criteria to encourage and care for the gifted, persons with disabilities and special groups (Article 6-1-h). It is also worth noting that the Disability Law requires the competent authorities to provide incentives to gifted persons with disabilities (Article 4-2-d).

⁴⁹ United Arab Emirates, undated, Para. 189

Conformity with the CRPD: According to Education Indicator 9, the legal framework of the Sudan is in partial conformity with the CRPD as it states that children with disabilities should be provided with appropriate care to overcome their impairments. It is not clear whether the provision of “appropriate care” extends to the education system and whether this would amount to the requirement of providing support for persons with disabilities in education.

Conformity value: 1

Tunisia

Relevant legal clauses: There appears to be no relevant legal provisions in the readily available laws. It is worth noting that the national plan for school integration includes providing individual support and technical and health assistance to students with disabilities as necessary, in addition to providing guidance, orientation and material support for guardians of students with disabilities.⁵⁰

Conformity with the CRPD: According to Education Indicator 9, the legal framework of Tunisia has no legal provisions related to the right of persons with disabilities to receive support in education.

Conformity value: 0

United Arab Emirates

Relevant legal clauses: Decision No. 166 of 2010 issued by the Minister of Education establishing the general rules for special education programs includes the creation of educational support teams in schools and in special education units to accompany students with disabilities.⁵¹

Conformity with the CRPD: According to Education Indicator 9, the legal framework of the United Arab Emirates is considered to be in conformity with the CRPD as it establishes mechanisms to provide support in education for persons with disabilities.

Conformity value: 2

EDUCATION INDICATOR 10: The legal framework requires that the teaching and learning of sign language, Braille, and appropriate augmentative and alternative modes, means and formats of communication is available for persons with disabilities

Lebanon

Relevant legal clauses: The Disability Law states that a specialized committee for the education of persons with disabilities is tasked with the creation of a national audio library and a national printing house for Braille writing (Article 64-b-4).

⁵⁰ United Nations Committee on the Rights of Persons with Disabilities, 2010, Para. 128

⁵¹ United Arab Emirates, undated, Para. 189

Conformity with the CRPD: According to Education Indicator 10, the legal framework of Lebanon has no legal provisions related to the teaching and learning of sign language, Braille, and appropriate augmentative and alternative modes, means and formats of communication for persons with disabilities. The above-mentioned legal clauses are not sufficient to comply with the CRPD requirements.

Conformity value: 0

The Sudan

Relevant legal clauses: The Disability Law states that the competent authorities should facilitate the learning of Braille, sign language, alternative forms of writing, technical aids, and necessary teaching methods (Art 4-2-c).

Conformity with the CRPD: According to Education Indicator 10, the legal framework of the Sudan is in conformity with the CRPD.

Conformity value: 2

Tunisia

Relevant legal clauses: There appears to be no relevant legal clauses in the readily available laws.

Conformity with the CRPD: According to Education Indicator 10, the legal framework of Tunisia has no legal provisions related to the teaching and learning of sign language, Braille, and appropriate augmentative and alternative modes, means and formats of communication for persons with disabilities.

Conformity value: 0

United Arab Emirates

Relevant legal clauses: The Disability Law states that the educational curriculum should be provided through sign language and Braille and any other means where necessary (Article 13).

Conformity with the CRPD: According to Education Indicator 10, the legal framework of the United Arab Emirates is in conformity with the CRPD given that the provision of the educational curriculum in sign language and Braille and any other means will effectively provide opportunities for persons with disabilities to learn sign language, Braille, and appropriate augmentative and alternative modes, means and formats of communication, and will ensure that the education of persons with disabilities is the delivered in the most appropriate languages and modes and means of communication.

Conformity value: 2

EDUCATION INDICATOR 11: The legal framework requires that education professionals and staff are trained on working with persons with disabilities

Lebanon

Relevant legal clauses: The Disability Law states that educators should be trained on the rehabilitation of persons with disabilities whether in the general education system or in specialized units; academic specialization should be provided in the public university and all public institutes (Article 65-a). It is also worth noting that the 2012 national educational plan for the integration of persons with special needs includes the habilitation of teachers on how to teach and support persons with special needs.

Conformity with the CRPD: According to Education Indicator 11, the legal framework of Lebanon is in partial conformity with the CRPD as it requires that education professionals are trained on the rehabilitation of persons with disabilities but not on working with persons with disabilities.

Conformity value: 1

The Sudan

Relevant legal clauses: There appears to be no relevant legal clauses related to training of educational professionals in working with persons with disabilities. It is worth noting that the 2013 national plan of action on disability sets an objective to organize training sessions for 200 teachers on specialized education as part of the inclusion project (Objective 50) and for 100 trainers in vocational training centres for persons with disabilities (Objective 69).

Conformity with the CRPD: According to Education Indicator 11, the legal framework of the Sudan does not require that education professionals and staff are trained on working with persons with disabilities.

Conformity value: 0

Tunisia

Relevant legal clauses: There appears to be no relevant legal clauses in the readily available laws.

Conformity with the CRPD: According to Education Indicator 11, the legal framework of Tunisia does not require that education professionals and staff are trained on working with persons with disabilities.

Conformity value: 0

United Arab Emirates

Relevant legal clauses: The Disability Law states that the competent authorities should provide academic specializations to train staff working with students with disabilities, whether in the areas of

early diagnosis and detection or in educational, social, psychological, medical or vocational training. According to the law, the authorities should also ensure the provision of in-service training programs in order to equip staff with the latest knowledge and experience (Article 14). The specialized committee on education is also tasked with establishing the policies for the habilitation and training of educational human resources working with persons with disabilities (Article 15). It is worth noting that Decision 527 of 2010 issued by the Minister of Education established 28 centers specialized in the training of educational professionals and staff in public and private establishments on the needs of persons with disabilities.⁵²

Conformity with the CRPD: According to Education Indicator 11, the legal framework of the United Arab Emirates is in conformity with the CRPD as it requires that education professionals and staff are trained on working with persons with disabilities.

Conformity value: 2

Table 1: Comparison of conformity values resulting from the application of Education Indicators

	Lebanon	The Sudan	Tunisia	United Arab Emirates
Right to access education				
Education Indicator 1	2	2	2	2
Education Indicator 2	1	2	1	1
Education Indicator 3	2	2	0	2
Education Indicator 4	2	2	0	2
Education Indicator 5	2	2	2	2
Education Indicator 6	2	1	0	2
Accessibility in education				
Education Indicator 7	1	0	2	0
The Respect for rights within education				
Education Indicator 8	1	1	2	2
Education Indicator 9	0	1	0	2
Education Indicator 10	0	2	0	2
The right to quality education				
Education Indicator 11	1	0	0	2
Total conformity value	14	15	9	19

B. APPLICATION OF EMPLOYMENT INDICATORS TO THE SELECTED ARAB COUNTRIES

EMPLOYMENT INDICATOR 1: The legal framework states that no person shall be denied employment on the basis of disability

⁵² United Arab Emirates, undated, Para. 190

Lebanon

Relevant legal clauses: the Disability Law guarantees the right to work and employment for persons with disabilities and for all citizens, and specifies that the State is committed to assist persons with disabilities to enter the labor market on the basis of equality and equal opportunities with others (Article 68). The law also states that disability should not represent an obstacle preventing any person from applying to a job or a position and that any provision that conditions the acceptance of a job application to the absence of a disability is considered void; competence exams and training periods are sufficient to accept or reject the employment of persons with disabilities, with due accommodation to their special needs to enable them to sit for tests when required (Article 69).

Conformity with the CRPD: According to Employment Indicator 1, the legal framework of Lebanon is in conformity with the CRPD as it clearly states that no person shall be denied employment on the basis of disability.

Conformity value: 2

The Sudan

Relevant legal clauses: the 2005 Interim Constitution prohibits discrimination in the access to work or employment on the basis of disability (art 12-2).

Conformity with the CRPD: According to Employment Indicator 1, the legal framework of the Sudan is in conformity with the CRPD as it prohibits discrimination on the basis of disability in the access to work or employment.

Conformity value: 2

Tunisia

Relevant legal clauses: the Disability law states that disability does not constitute a ground to deny employment in the public or private sector to a citizen who is suitably qualified and the State should formulate plans and policies to promote the employment of persons with disabilities (Article 26). It also stipulates that no applicant may be denied an interview or test for a position in the public sector, in public facilities and in public and private institutions if s/he is suitably qualified to perform the work and if the position does not require special physical qualification according to internal regulations (Article 27).

Conformity with the CRPD: According to Employment Indicator 1, the legal framework of Tunisia is in conformity with the CRPD as it prohibits discrimination on the basis of disability in the access to work or employment.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: The Disability Law guarantees persons with disabilities the right to work and hold a public-sector position. Disability cannot be an obstacle for recruitment and should be accommodated in the conduct of competence exams (Article 16).

Conformity with the CRPD: According to Employment Indicator 1, the legal framework of the United Arab Emirates is in conformity with the CRPD as it states that disability cannot be obstacle in the access to work.

Conformity value: 2

EMPLOYMENT INDICATOR 2: The legal framework states that workplaces in the public and private sector should be accessible to persons with disabilities

Lebanon

Relevant legal clauses: There appears to be no relevant legal clauses related to accessibility in the workplace in the readily available laws.

Conformity with the CRPD: According to Employment Indicator 2, the legal framework of Lebanon does not specifically state that workplaces should be accessible to persons with disabilities.

Conformity Value: 0

The Sudan

Relevant legal clauses: There appears to be no relevant legal clauses related to accessibility in the workplace in the readily available laws.

Conformity with the CRPD: According to Employment Indicator 2, the legal framework of the Sudan does not specifically state that workplaces should be accessible to persons with disabilities.

Conformity Value: 0

Tunisia

Relevant legal clauses: Decree 1467/2006 states that workplaces should be made accessible for persons with disabilities (Article 33).

Conformity with the CRPD: According to Employment Indicator 2, the legal framework of Tunisia is in conformity with the CRPD as it specifically states that workplaces should be accessible to persons with disabilities.

Conformity Value: 2

United Arab Emirates

Relevant legal clauses: There appears to be no relevant legal clauses related to accessibility in the workplace in the readily available laws.

Conformity with the CRPD: According to Employment Indicator 2, the legal framework of the United Arab Emirates does not specifically state that workplaces should be accessible to persons with disabilities.

Conformity Value: 0

EMPLOYMENT INDICATOR 3: The legal framework states that employers have an obligation to provide reasonable accommodation to persons with disabilities

Lebanon

Relevant legal provisions: The Disability Law states that the special needs of persons with disabilities should be accommodated to allow them to participate in recruitment competence tests whenever required (Article 69).

Conformity with the CRPD: According to Employment Indicator 3, the legal framework of Lebanon does not specifically state that employers should provide reasonable accommodation to persons with disabilities. The legal framework of Lebanon limits the obligation of accommodation to the recruitment process and therefore does not comply with the CRPD obligation to provide “reasonable accommodation” in employment.

Conformity value: 0

The Sudan

Relevant legal clauses: the Disability Law states that reasonable means of accommodation should be provided in the workplace to accommodate the various situations of persons with disabilities (Article 4-2-h).

Conformity with the CRPD: : According to Employment Indicator 3, the legal framework of the Sudan is in conformity with the CRPD as it explicitly states that employers should provide reasonable accommodation to persons with disabilities in the workplace.

Conformity value: 2

Tunisia

Relevant legal clauses: There appears to be no relevant legal clauses related to reasonable accommodation in the workplace in the readily available laws.

Conformity with the CRPD: According to Employment Indicator 3, the legal framework of Tunisia does not specifically state that employers should provide reasonable accommodation to persons with disabilities.

Conformity Value: 0

United Arab Emirates

Relevant legal clauses: The Human Resources Law provides that persons with disabilities employed in the public sector should be provided with all suitable means to enable the performance of the job requirements and the workplace should be equipped with the means and requirements that are suitable to the nature of their special needs (Article 14). It is worth noting that Local law No. 27 of 2006 issued in the Emirate of Dubai related to the administration of human resources in public administrations under the authority of the Emirate of Dubai includes similar provisions.⁵³ There appears to be no similar provisions applicable to employers in the private sector.

Conformity with the CRPD: According to Employment Indicator 3, the legal framework of the United Arab Emirates is partly in conformity with the CRPD as it states that employers in the public sector should provide reasonable accommodation to persons with disabilities, but does not extend this obligation to the private sector.

Conformity Value: 1

EMPLOYMENT INDICATOR 4: The legal framework establishes measures to increase the employment of persons with disabilities in the public sector

Lebanon

Relevant legal clauses: the Disability Law states that a quota of 3 per cent of the overall categories and positions in the public sector should be reserved to persons with disabilities (Article 73).

Conformity with the CRPD: According to Employment Indicator 4, the legal framework of Lebanon is in conformity with the CRPD as it establishes a quota mechanism that aims to guarantee and increase the employment of persons with disabilities in the public sector.

Conformity value: 2

The Sudan

Relevant legal clauses: The Disability Law states that the right of persons with disabilities to employment in public sector should be ensured (Article 4-2-e). The National Civil Service Law reserves a quota of no less than 2 per cent of positions in the public sector for persons with disabilities, taking into consideration the nature and requirements of the work and the nature of the disability (Article 24-

⁵³ United Arab Emirates, undated, Para. 13

4). The Child Law also specifies that the Minister of Labor should reserve positions in the public sector for children with disabilities according to the required scientific qualifications (Article 52).

Conformity with the CRPD: According to Employment Indicator 4, the legal framework of the Sudan is in conformity with the CRPD as it establishes a quota mechanism that aims to guarantee and increase the employment of persons with disabilities in the public sector.

Conformity value: 2

Tunisia

Relevant legal clauses: The Disability Law states that a quota of no less than 1 per cent of the annual appointment for public service should be allocated in priority to persons with disabilities who meet the required conditions and are qualified to perform the job (Article 29). Public institutions are subject to the same regime as private institutions regarding the promotion of the employment of persons with disabilities (Article 30). Following the revolution, exceptional provisions were issued by the national constitutive assembly for the appointment of persons with disabilities in the public sector through an external recruitment process on the basis of Law 4/2012 and Decree 833/2012; these provisions specify that the external recruitment process does not apply to the recruitment of persons with disabilities within the quota established by the Disability Law. A Decision of the Prime Minister of 7/11/2012 establishes a common committee responsible for the examination of the applications submitted by candidates with disabilities, on the basis of criteria to be established by the committee.

Conformity with the CRPD: According to Employment Indicator 4, the legal framework of Tunisia is in conformity with the CRPD as it establishes a quota mechanism that aims to guarantee and increase the employment of persons with disabilities in the public sector.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: the Disability Law states that specific legislation will guarantee the access of persons with disabilities to the public and private sector, and that a government decree will determine a quota of positions to be reserved for persons with disabilities in the public and private sector (Article 18). The 2000 Civil Service Law also provides that a decree will determine the number and types of positions that should be reserved for persons with disabilities and the conditions for their appointment (Article 20). However, no such decree was found to be readily available during the data collection process. The Human Resources Law states that persons with disabilities should be granted priority in appointment to the positions that have tasks that are suitable to their health conditions (Article 14). It is worth nothing that Local Law No. 1 of 2006 as amended by Local Law No. 1 of 2008 issued by the Emirate of Abu Dhabi and related to the civil service in administrations under the authority of the Emirate of Abu Dhabi reserves a quota of 2 per cent of the vacancies in the civil service of public administrative bodies that are under its authority for persons with disabilities.⁵⁴

⁵⁴ United Arab Emirates, undated, Para. 13

Conformity with the CRPD: According to Employment Indicator 4, the legal framework of the United Arab Emirates is in conformity with the CRPD as it establishes a quota mechanism that aims to guarantee and increase the employment of persons with disabilities in the public sector, even though the details of this mechanism have not been found in the readily available laws. As the Employment Indicator 4 aims to measure the presence or absence of mechanism, a conformity value of 2 is assigned to the United Arab Emirates because it establishes a quota mechanisms but defers the details of its implementation to another decree that appears not to have been issued yet.

Conformity value: 2

EMPLOYMENT INDICATOR 5: The legal framework establishes positive measures that aim to encourage the employment of persons with disabilities in the private sector

Lebanon

Relevant legal clauses: The Disability Law establishes an employment quota for the private sector. The quota varies according to the numbers of employees: employers with between 30 to 60 employees are required to employ one person with disabilities who meets the required qualifications; private institutions with more than 60 employees are required to reserve a quota of 3 per cent for persons with disabilities who meet the required qualifications. In case of non-conformity with this obligation, the employer is required to pay a fine to the Ministry of Labour. The Disability Law also establishes incentives allowing employers to benefit from tax reductions in the event that they exceed the legal quota (Article 75).

Conformity with the CRPD: According to Employment Indicator 5, the legal framework of Lebanon is in conformity with the CRPD as it establishes a quota mechanism that aims to guarantee and increase the employment of persons with disabilities in the private sector and includes enforcement mechanisms to ensure conformity with the quota.

Conformity value: 2

The Sudan

Relevant legal provisions: there appears to be no relevant clauses in the readily available laws. It is worth mentioning that the Child Law states that the Minister of Labour encourages the private sector to employ children with disabilities according to their qualifications (Article 52).

Conformity with the CRPD: According to Employment Indicator 5, the legal framework of the Sudan does not establish positive measures that aims to encourage the employment of persons with disabilities in the private sector.

Conformity value: 0

Tunisia

Relevant legal clauses: The Disability Law requires public and private institutions⁵⁵ that employ more than 100 employees to reserve a quota of no less than 1 per cent of positions for persons with disabilities (Article 30). The Disability Law (Article 31) and Decree 3087/2005 (Article 6) allow employers who are unable to meet this obligation to have recourse to alternatives to direct employments under certain conditions (such as allowing persons with disabilities to work off-site, the purchase of products made by self-employed persons with disabilities or at centers of disability-related associations). The Disability Law states that in cases of non-conformity with the obligation for direct employment or its alternatives, the employer must pay a financial contribution to the National Fund for Social Solidarity, which will be allocated to finance projects for the promotion of the employment of persons with disabilities (Article 33). The Disability Law also outlines various incentives for employers in the private sector to encourage them to meet their obligation of direct employment such as exemption from social security contributions, taxes for vocational training and contributions to the fund for the promotion of housing (Article 34). Decree 3087/2005 also specifies that the level of exemptions increases with the degree of severity of the disability of the person employed in order to encourage the employment of persons with severe disabilities (Article 9). The Disability Law provides that the violation of these provisions related to the employment by public and private institutions is coupled with financial sanctions (Article 53) and that labor inspectors are responsible for ensuring their conformity (Article 54).

Conformity with the CRPD: According to Employment Indicator 5, the legal framework of Tunisia is in conformity with the CRPD as it establishes a quota mechanism that aims to guarantee and increase the employment of persons with disabilities in the private sector, and includes enforcement mechanisms to ensure conformity with the quota

Conformity value: 2

United Arab Emirates

Relevant legal clauses: the Disability Law states that specific legislation will guarantee the access of persons with disabilities to the private sector and a government decree will determine a quota of positions to be reserved for persons with disabilities in the private sector (Article 18). However, no such decree was found.

Conformity with the CRPD: According to Employment Indicator 5, the legal framework of the United Arab Emirates is in conformity with the CRPD as it establishes a quota mechanism that aims to guarantee and increase the employment of persons with disabilities in the private sector. Even though the implementation mechanisms appear to be missing, the framework is found to be in conformity with the CRPD as it already introduces positive measures in the law.

⁵⁵ According to Art 1 of Decree 3087/2005, public and private institutions include public institutions and facilities that do not have an administrative character, facilities that receive public contributions, economic, commercial and agricultural private institutions, service institutions, professional collectives, groups of companies and every institution that is subjected to Labor Law and which employs 100 employee at minimum whether on a permanent or temporary basis, and whether full-time or part-time.

Conformity value: 2

Table 2: Comparison of conformity values resulting from the application of Employment Indicators

	Lebanon	The Sudan	Tunisia	United Arab Emirates
Non-discrimination in the access to employment				
Employment Indicator 1	2	2	2	2
Accessibility in employment				
Employment Indicator 2	0	0	2	0
Reasonable accommodation in employment				
Employment Indicator 3	0	2	0	1
Positive measures to promote the employment of persons with disabilities				
Employment Indicator 4	2	2	2	2
Employment Indicator 5	2	0	2	2
Total conformity value	6	6	8	7

C. APPLICATION OF ACCESSIBILITY INDICATORS TO THE SELECTED ARAB COUNTRIES

ACCESSIBILITY INDICATOR 1: The legal framework states that accessibility is a right for persons with disabilities

Lebanon

Relevant legal clauses: The Disability Law recognizes the right of persons with disabilities to an accessible environment, which is defined as the possibility for every person with disabilities to access a space than can be accessed by a person without disability (Article 33).

Conformity with the CRPD: According to Accessibility Indicator 1, the legal framework of Lebanon is in partial conformity with the CRPD as it recognizes the right of persons with disabilities to an accessible physical environment; however, it does not explicitly recognize barriers to the access to information and communications.

Conformity value: 1

The Sudan

Relevant legal clauses: The Disability Law requires the State to take appropriate measures to facilitate the access of persons with disabilities to buildings, roads, means of transportation and other facilities (Article 4-2-p).

Conformity with the CRPD: According to Accessibility Indicator 1, the legal framework of the Sudan is in partial conformity with the CRPD as it establishes an obligation on the State to ensure accessibility

for persons with disabilities to the physical environment without explicitly recognizing barriers to the access to information and communications.

Conformity value: 1

Tunisia

Relevant legal clauses: The Disability Law requires the State, local authorities, public and private facilities and institutions to endeavour to make accessible the environment, means of communication and information, and to facilitate the movement of persons with disabilities and their access to services (Article 10). It is also worth noting that Tunisia also adopted in 2007 a national strategy on access for persons with disabilities, which covers private buildings, public premises and facilities, public transport, information and communications technology.⁵⁶

Conformity with the CRPD: According to Accessibility Indicator 1, the legal framework of Tunisia is in conformity with the CRPD as it establishes an obligation on the State to ensure accessibility for persons with disabilities; this obligation extends to the physical environment, transportation, information and communications and services.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: the Disability Law recognizes the right of persons with disabilities to an accessible environment, which is defined as the possibility for every person with disabilities to access spaces than can be accessed by a person without disability (Article 22).

Conformity with the CRPD: According to Accessibility Indicator 1, the legal framework of the United Arab Emirates is in partial conformity with the CRPD as it recognizes the right of persons with disabilities to an accessible physical environment without explicitly recognizing barriers to the access to information and communications.

Conformity value: 1

ACCESSIBILITY INDICATOR 2: The legal framework establishes minimum standards and guidelines for accessibility

Lebanon

Relevant legal clauses: the Disability Law states that the authorities should develop external and internal architectural and technical standards referred to as the “minimum standards for buildings and

⁵⁶ United Nations Committee on the Rights of Persons with Disabilities, 2010, Para. 131

facilities”; these standards are applicable to buildings, facilities and services, whether public or private, and whether they are marked for public or private use; they should be integrated into construction laws and be required in construction, rehabilitation and renovation works (Article 34-a). The Disability Law also states that additional standards should also be developed to cover the special needs of some persons with disabilities, which are not required to be included in the “minimum standards” (Article 34-b). The minimum standards were adopted by Decree 7194/2011. These standards are limited to the physical environment.

Conformity with the CRPD: According to Accessibility Indicator 2, the legal framework of Lebanon is in partial conformity with the CRPD as it established minimum standards and guidelines for accessibility that are limited to the physical environment without taking into consideration barriers to transportation, services or information and communications.

Conformity value: 1

The Sudan

Relevant legal clauses: There appears to be no relevant legal clauses in the readily available laws. It is however worth noting that the 2013 national action plan on disability includes the adoption of regulations for accessibility (Objective 61).

Conformity with the CRPD: According to Accessibility Indicator 2, the legal framework of the Sudan does not establish minimum standards and guidelines for accessibility.

Conformity value: 0

Tunisia

Relevant legal clauses: the Disability Law provides that technical standards for accessibility that facilitate the movement of persons with disabilities should be taken into consideration in the construction and rehabilitation of public buildings, spaces and collective equipment of residential complexes and private buildings open to the public (Article 12). Decree 1467/2006 sets the standards which apply to public roads, institutions and spaces that are open to the public and collective residential complexes; they also apply to public facilities and private facilities and services that are open to the public (Article 26). Decree 1477/2006 establishes standards for the adjustment and adaptation of means of communication and information and the facilitation of the movement of persons with disabilities, which also covers accessibility in transportation.

Conformity with the CRPD: According to Accessibility Indicator 2, the legal framework of Tunisia is in conformity with the CRPD as it established minimum standards and guidelines for accessibility that cover the physical environment, transportation, facilities open to the public and information and communications.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: the Disability Law states that a Decree should set the architectural standards for public buildings and facilities in order to make them accessible for the use and safety of persons with disabilities; these standards should apply to the public and private sector unless otherwise specified (Article 23). However, no such decree was found to be readily available during the data collection process. According to the government's initial report to the UN Committee on the Rights of Persons with Disabilities, the Ministry of Public Works developed standards and criteria for public buildings to ensure their accessibility for persons with disabilities in 2011. In addition, the Emirate of Dubai issued a guide for architects in 2008 setting the construction criteria to accommodate the needs of persons with disabilities, as well as another guide for the design of buildings, facilities and infra-structure for persons with disabilities in 2011.⁵⁷

Conformity with the CRPD: According to Accessibility Indicator 2, the legal framework of the United Arab Emirates does not appear to have established minimum standards and guidelines for accessibility, although it appears to be committed to doing so. As Accessibility Indicator 2 is measuring the presence or absence of these standards and guidelines, it will be assigned a conformity value of 0.

Conformity value: 0

ACCESSIBILITY INDICATOR 3: The legal framework states that barriers to accessibility in buildings should be eliminated

Lebanon

Relevant legal clauses: the Disability Law provides for the elimination of barriers in the physical environment according to the established minimum standards (Article 33). The Disability Law imposes an obligation to prevent the creation of barriers in newly constructed buildings and facilities and to remove barriers in existing building and facilities. Decree 7194/2011 establishing the minimum standards specifies that it applies to buildings and facilities, whether public or private, that are marked for public use and to private buildings that are marked for residential use. This includes, *inter alia*, public administration buildings, facilities and services, offices, places of worship, health, educational, leisure, touristic and sports establishments, certain commercial establishments, banks, ports, airports, and residential buildings (Article 4). In addition, the 2004 Constructions Law imposes the conformity of all building constructions with the Disability Law and its implementing decrees (Article 13).

Conformity with the CRPD: According to Accessibility Indicator 3, the legal framework of Lebanon is in conformity with the CRPD as it states that barriers to accessibility in buildings should be eliminated, whether in the public or private sector.

⁵⁷ United Arab Emirates, no date, Para.79 - 81

Conformity value: 2

The Sudan

Relevant legal clauses: the Disability Law requires the State to take appropriate measures to facilitate the access of persons with disabilities to buildings, roads and other facilities (Article 4-2-p), to provide accommodation to the architectural design of buildings that ensure the easy access and mobility of persons with disabilities (Article 4-2-q). It is worth noting that the 2013 national action plan on disability includes among its objectives to identify public buildings and buildings open to the public that are not accessible, assess the costs required to make them accessible and implement these modifications (Objective 62).

Conformity with the CRPD: According to Accessibility Indicator 3, the legal framework of the Sudan is in conformity with the CRPD as it states that barriers to accessibility in buildings should be eliminated. As the law does not distinguish between the public and private sector, it is reasonable to assume that the obligation applies on both sectors.

Conformity value: 2

Tunisia

Relevant legal clauses: Decree 511/1991 regulating the construction of public buildings states that any proposal for a public building must take into account technical specifications to facilitate the access of persons with disabilities (Article 7 bis). Decree 1467/2006 ensures that the movement of persons with disabilities is facilitated in public roads, institutions and spaces open to the public and collective residential complexes (Article 1). Any building, institution or establishment where it is possible for persons with disabilities or limited mobility to enter under regular conditions, move around in and make use of all the facilities therein is considered accessible (Article 3). Building and facilities open to the public include those that provide services for the public or that are marked to receive the public (Article 26), workplaces (Article 33), touristic institutions (Article 34), and sports, cultural and educational institutions (Article 35). Decree 1467/2006 also imposes an obligation to prevent the creation of barriers in newly constructed buildings and facilities and to remove barriers from existing building and facilities, and states that the accessibility standards apply to new construction works and to renovation works (Article 8, 13, 22 and 27).

Conformity with the CRPD: According to Accessibility Indicator 3, the legal framework of Tunisia is in conformity with the CRPD as it states that barriers to accessibility in buildings should be eliminated whether in the public or private sector.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: The Disability Law specifies that public buildings and facilities, whether in the public or private sector, should comply with the architectural standards established by a decree (Article 23). According to the government's report to the UN Committee on the Rights of Persons with Disabilities, a Decision by the Ministry of Social Affairs puts private non-governmental centers for the care and rehabilitation of persons with disabilities under the obligation to comply with architectural standards to ensure an accessible environment.⁵⁸ The Ministry of Social Affairs and the Tourism Authority of the Emirate of Abu Dhabi also places a similar obligation on hotels, touristic places and public parks.⁵⁹

Conformity with the CRPD: According to Accessibility Indicator 3, the legal framework of the United Arab Emirates is in conformity with the CRPD as it states that barriers to accessibility in buildings should be eliminated whether in the public or private sector.

Conformity value: 2

ACCESSIBILITY INDICATOR 4: The legal framework states that barriers to accessibility in roads should be eliminated

Lebanon

Relevant legal clauses: The Disability Law states that roads, sidewalks, public parks and traffic signals should be in conformity with the minimum standards (Article 36-a), but Decree 7194/2011 setting the minimum standards did not provide specific criteria to ensure their accessibility.

Conformity with the CRPD: According to Accessibility Indicator 4, the legal framework of Lebanon is in conformity with the CRPD as it states that barriers to accessibility in roads should be eliminated.

Conformity value: 2

The Sudan

Relevant legal clauses: the Disability Law requires the State to take appropriate measures to facilitate the access of persons with disabilities to buildings, roads and other facilities (Article 4-2-p).

Conformity with the CRPD: According to Accessibility Indicator 4, the legal framework of the Sudan is in conformity with the CRPD as it states that barriers to accessibility in roads should be eliminated.

Conformity value: 2

Tunisia

⁵⁸ Decision No. 294 of 2011 issued by the Minister of Social Affairs, referred to in United Arab Emirates, no date, Para. 82

⁵⁹ United Arab Emirates, no date, Para. 84

Relevant legal clauses: Decree 1467/2006 ensures that the movement of persons with disabilities is facilitated in public roads, institutions and spaces open to the public and collective residential complexes (Article 1). The Decree covers the accessibility of signs, roads, passages, lifts, stairs, newly created residential building complexes, and institutions and facilities open to the public. The standards related to public roads cover pathways, sidewalks, passages, parking spaces, traffic signals, etc. (Article 9).

Conformity with the CRPD: According to Accessibility Indicator 4, the legal framework of Tunisia is in conformity with the CRPD as it states that barriers to accessibility in roads should be eliminated.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: the Disability Law states that roads should incorporate the necessary technical standards for the use and needs of persons with disabilities (Article 25).

Conformity with the CRPD: According to Accessibility Indicator 4, the legal framework of the United Arab Emirates is in conformity with the CRPD as it states that barriers to accessibility in roads should be eliminated.

Conformity value: 2

ACCESSIBILITY INDICATOR 5: The legal framework states that barriers to accessibility in means of transportation should be eliminated

Lebanon

Relevant legal clauses: the Disability Law provides for the elimination of barriers to accessibility in public means of transportation, including buses, boats and airplanes. It requires the provision of accessible buses and other means of transportation that are equipped for the use of persons with disabilities to a minimum of 15 per cent of the total number of available means of transportation provided by the Ministry of Transport (Article 44). It also requires the accommodation of means of transportation that are not equipped for the use of persons with disabilities by reserving priority seats for persons with disabilities and their companions (Article 45-a).

Conformity with the CRPD: According to Accessibility Indicator 5, the legal framework of Lebanon is in partial conformity with the CRPD as it states that barriers to accessibility in public means of transportation should be eliminated without extending the obligation to the private sector.

Conformity value: 1

The Sudan

Relevant legal clauses: the Disability Law requires the State to take appropriate measures to facilitate the access of persons with disabilities to means of transportation (Article 4-2-p). It is worth noting that the 2013 national action plan aims to making part of public transport accessible for persons with disabilities (Objective 63).

Conformity with the CRPD: According to Accessibility Indicator 5, the legal framework of Sudan is in conformity with the CRPD as it states that barriers to accessibility in means of transportation should be eliminated. As the law does not distinguish between the public and private sector, it is reasonable to assume that the obligation applies on both sectors.

Conformity value: 2

Tunisia

Relevant legal clauses: The Disability Law requires the State, local authorities, public and private institutions to endeavour to make collective means of transportation accessible and adapted for the use of persons with disabilities to facilitate their movement (Article 10). Decree 1477/2006 which regulates the facilitation of the movement of persons with disabilities, requires the provision of collective means of transportation that may be used by persons with disabilities (Article 1). Collective means of transportation, whether private or public, with more than 22 seats, should be accommodated to allow their use by persons with reduced mobility within a period of seven years (Article 4 and 7). Trains should include at least one wagon with toilets adapted to the needs of persons with disabilities (Article 4). Priority access and seats should be provided to persons with disabilities on public and private collective means of transportation (Article 6).

Conformity with the CRPD: According to Accessibility Indicator 5, the legal framework of Tunisia is in conformity with the CRPD as it states that barriers to accessibility in means of transportation should be eliminated, whether in the public or private sector.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: the Disability Law states that public vehicles and means of transportation by land, air and water should incorporate the necessary technical standards for the use and needs of persons with disabilities (Article 25). According to the government's initial report to the UN Committee on the Rights of Persons with Disabilities, the Transport Authority in the Emirate of Abu Dhabi developed specific accessibility standards for public transportation including buses and parking spaces.⁶⁰

⁶⁰ United Arab Emirates, undated, Para. 77

Conformity with the CRPD: According to Accessibility Indicator 5, the legal framework of the United Arab Emirates is in partial conformity with the CRPD as it states that barriers to accessibility in public means of transportation should be eliminated, without extending the obligation to the private sector.

Conformity value: 1

ACCESSIBILITY INDICATOR 6: The legal framework states that facilities and services open to the public should provide forms of live assistance to persons with disabilities

Lebanon

Relevant legal clauses: there appears to be no relevant legal clauses in the readily available laws.

Conformity with the CRPD: According to Accessibility Indicator 6, the legal framework of Lebanon does not state that facilities and services open to the public should provide forms of live assistance to persons with disabilities.

Conformity value: 0

The Sudan

Relevant legal clauses: there appears to be no relevant legal clauses in the readily available laws.

Conformity with the CRPD: According to Accessibility Indicator 6, the legal framework of the Sudan does not state that that facilities and services open to the public should provide forms of live assistance to persons with disabilities.

Conformity value: 0

Tunisia

Relevant legal clauses: the Disability Law states that persons with disabilities may be granted priority reception in administration, facilities and private or public institutions depending on the nature and the degree of the disability in order to facilitate their movement and daily affairs (Article 11).

Conformity with the CRPD: According to Accessibility Indicator 6, the legal framework of Tunisia does not state that facilities and services open to the public should provide forms of live assistance to persons with disabilities. It is noted nonetheless that guaranteeing priority reception to persons with disabilities in facilities in administration and facilities will effectively facilitate their use by persons with disabilities but it does not strictly comply with the obligation to provide forms of live assistance, such as guides, readers and professional sign language interpreters.

Conformity value: 0

United Arab Emirates

Relevant legal clauses: there appears to be no relevant legal clauses in the readily available laws.

Conformity with the CRPD: According to Accessibility Indicator 6, the legal framework of the United Arab Emirates does not state that facilities and services open to the public should provide forms of live assistance to persons with disabilities.

Conformity value: 0

ACCESSIBILITY INDICATOR 7: The legal framework states that barriers to accessibility to information and communications should be eliminated

Lebanon

Relevant legal clauses: there appears to be no relevant legal clauses in the readily available laws.

Conformity with the CRPD: According to Accessibility Indicator 7, the legal framework of Lebanon does not state that barriers to accessibility to information and communications should be eliminated.

Conformity value: 0

The Sudan

Relevant legal clauses: the Disability Law states that sign language should be used in all programs and activities specialized for persons with disabilities (Article 4-2-m).

Conformity with the CRPD: According to Accessibility Indicator 7, the legal framework of the Sudan does not state that barriers to accessibility to information and communications should be eliminated. The above-mentioned legal clauses are not sufficient to meet the CRPD requirements.

Conformity value: 0

Tunisia

Relevant legal clauses: Decree 1477/2006 regulates the adjustment and adaptation of means of communication and information. It provides for making audio, visual and written means of information and communication accessible to persons with disabilities in order to enable them to receive and access information (Article 1). Public and private media institutions are required to accommodate the special needs of persons with disabilities through the use of sign language and closed captioning to ensure their access to their audio-visual programs, and in particular news bulletins (Article 2).

Conformity with the CRPD: According to Accessibility Indicator 7, the legal framework of Tunisia is in conformity with the CRPD as it requires the removal of barriers to accessibility to information and communications, both in the private and public sector.

Conformity value: 2

United Arab Emirates

Relevant legal clauses: the Disability Law states that the State guarantees the freedom of opinion and expression of persons with disabilities through the use of Braille, sign language and other means of communications and recognizes the right of persons with disabilities to request, receive and transmit information on equal basis with others (Article 7). The Disability Law also provides for the provision of literary and cultural material in all accessible format, including electronic texts, sign language and Braille and in all auditory and complex formats and other means (Article 20).

Conformity with the CRPD: According to Accessibility Indicator 7, the legal framework of the United Arab Emirates is in conformity with the CRPD as it recognizes the right of persons with disabilities to access information and communications without barriers, without distinguishing between the public and private sector.

Conformity value: 2

ACCESSIBILITY INDICATOR 8: The legal framework states that sign language has legal status equivalent to national language

Lebanon

Relevant legal clauses: the Disability Law states that a specialized committee for the education of persons with disabilities is tasked with the unification of the sign language (Article 64-b-4).

Conformity with the CRPD: According to Accessibility Indicator 8, the legal framework of Lebanon does not recognize sign language as having the status of a national language.

Conformity value: 0

The Sudan

Relevant legal clauses: there appears to be no relevant legal clauses in the readily available laws.

Conformity with the CRPD: According to Accessibility Indicator 8, the legal framework of the Sudan does not state that sign language has a legal status equivalent to national language.

Conformity value: 0

Tunisia

Relevant legal clauses: there appears to be no relevant legal clauses in the readily available laws. It is worth noting however that, according to the government report to the UN Committee on the Rights of Persons with Disabilities, the Centre for the Advancement of Persons with Disabilities published a standardized dictionary of Tunisian sign language, which was registered with the Tunisian Institute for Authors' Rights as No. 09-13-15-03-2010.⁶¹

Conformity with the CRPD: According to Accessibility Indicator 8, the legal framework of Tunisia does not state that sign language has a legal status equivalent to national language. The publication of a standard dictionary of Tunisian sign language does not amount to its official recognition as a national language.

Conformity value: 0

United Arab Emirates

Relevant legal clauses: the Disability Law recognizes the right to receive and transmit information through the use of sign language (Article 7) and provides for the provision of literary and cultural material in sign language (Article 20).

Conformity with the CRPD: According to Accessibility Indicator 8, the legal framework of the United Arab Emirates is in partial conformity with the CRPD given that recognizing the right to use sign language in the receipt and transmission of information does not constitute an effective recognition of sign language as a national language.

Conformity value: 1

Table 3: Comparison of conformity values resulting from the application of Accessibility Indicators

	Lebanon	The Sudan	Tunisia	United Arab Emirates
Accessibility as a Right				
Accessibility Indicator 1	1	1	2	1
Accessibility Indicator 2	1	0	2	0
Accessibility of the physical environment				
Accessibility Indicator 3	2	2	2	2
Accessibility Indicator 4	2	2	2	2
Accessibility of transportation				
Accessibility Indicator 5	1	2	2	1
Accessibility of facilities and services open or provided to the public				
Accessibility Indicator 6	0	0	0	0
Accessibility of information and communications				
Accessibility Indicator 7	0	0	2	2
Accessibility Indicator 8	0	0	0	1

⁶¹ United Nations Committee on the Rights of Persons with Disabilities, 2010, Para. 141-142

<i>Total conformity value</i>	7	7	12	9
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Table 4: Comparison of total conformity values resulting from the application of all Indicators

Area	Lebanon	The Sudan	Tunisia	United Arab Emirates
Education	14	15	9	19
Work	6	6	8	7
Accessibility	7	7	12	9
<i>Total</i>	27	28	29	35

CONCLUSION AND RECOMMENDATIONS

The study aimed at developing indicators that reveal the conformity of national legal frameworks with the Convention

The development of these conformity indicators was facilitated by the fact that the Convention contains detailed and specific provisions that aim to guarantee the rights of persons with disabilities. In the sectors selected for this study, the Convention specifies the type of measures and steps required to be taken by States in order to guarantee the right to education, employment and accessibility for persons with disabilities. It was therefore possible to formulate conformance indicators that can adjust to the diverse national legal frameworks examined in this study, without necessarily moving away from the wording of the Convention.

Nonetheless, difficulties arose from the need to have a limited number of indicators, which therefore could not take into consideration some of the key aspects of the CRPD requirements that would require a large number of conformity indicators to be formulated. As a result, several of the proposed indicators provided isolated conclusions and did not allow for a general analysis of the legal frameworks conformity with the CRPD requirements for each sector, such as guaranteeing the right of persons with disabilities to quality education, to just and favourable conditions of work and to access to information and communications.

Another main difficulty was the selection of indicators that measure conformity with the CRPD requirements that would be expected to be included in a country's legal framework. The exercise required distinguishing practical measures that are likely to be included in administrative instructions from more overreaching obligations that are likely to be included in laws and regulations. Formulating indicators of conformity with an obligation to take practical measures will likely result in negative findings raising doubts as to whether the legal framework fell short of conformity with the CRPD or whether these measures may in fact be respected despite the lack of legal intervention. This was for instance revealed in the application of indicators measuring conformity with the CRPD obligations to provide persons with disabilities with support in education and forms of live assistance in facilities and serviced open or provided to the public. The application of these two indicators revealed that all or most of the national legal frameworks were not in conformity with the CRPD requirements. In the case of the Education Indicator measuring conformity with the provision of support in education, the negative result was undermined by the inclusion of such a requirement in relevant national policy documents. In the case of the Accessibility Indicator measuring conformity with the requirement to provide persons with disabilities with forms of live assistance, the negative result most likely indicates that such a requirement should not be expected to be included in a legal framework as it relates to the practical management and organization of facilities and services open or provided to the public. Therefore, such CRPD requirements appear to be better measured through process or outcome indicators rather than through structural indicators that measure legal conformity.

Despite their limitations, the indicators revealed to be an efficient means to measure conformity with the national legal frameworks with the CRPD. The application of the indicators to the legal frameworks of the selected countries has shown that none of these legal frameworks are in full conformity with the standards and requirements of the CRPD in the selected areas. Despite the fact that many of the requirements of the CRPD may be implemented in practice, the examination of the legal frameworks of the selected countries

reflected the complex challenges posed by the Convention. The several legal gaps identified in this study highlight the continued efforts required by State Parties in order to achieve compliance with the CRPD.

The application of the indicators revealed some difficulties that mainly resulted from the need to interpret relevant national legal clauses in order to conclude whether or not they were in conformity with the Convention. The interpretation of legal texts is generally the responsibility of executive or judicial authorities in each country. It would be reasonable to expect national authorities to interpret national law in conformity with ratified international treaties as is the case of the CRPD in three of the four selected countries. The study therefore refrained from providing extensive interpretation to the examined legal clauses but overcame difficulties related to interpretation by taking into consideration the specific objective pursued by each indicator.

Indeed, some difficulty arose in situations where the CRPD requirement could be implied from one or more legal clauses but was not clearly or explicitly translated in the national legal framework. In these instances, the objective pursued through the indicator was taken into consideration in order to assign the conformity value rather than the practical impact of the implicit legal clauses. For instance, in applying the indicator measuring conformity with the obligation of accessibility at the workplaces, it was found that most of the legal frameworks did not clearly state that workplaces should be made accessible for persons with disabilities, but that workplaces could practically be covered under the general obligation to make all buildings and facilities accessible. However, as this indicator's purpose intends to measure whether the accessibility obligation was specifically imposed in workplaces in order to guarantee an accessible work environment for persons with disabilities, the national legal frameworks that did not explicitly include this obligation were found not to be in compliance with the CRPD.

A similar approach was adopted to overcome the difference in legal terminologies. In cases where the relevant legal clauses used a legal terminology that differed from the wording of the CRPD or the indicators, the legal framework was found to be in conformity with the CRPD as long as the objective pursued by the indicator was met. For instance, a legal clause that guaranteed the access of persons with disabilities to all educational establishments without discrimination on the basis of disability was considered to guarantee access to primary, secondary and tertiary education as long as these types of establishments were under the same administrative authority in charge of educational establishments.

Despite these limitations, the application of the indicators allowed to draw initial conclusions regarding the conformity of the national legal frameworks of the selected countries to the requirements of the Convention in the selected areas. This study remains however an initial experiment to develop indicators and to offer a preliminary assessment of the conformity of the legal frameworks of the selected Arab countries with the CRPD.

Indeed, in this very limited selection of indicators it was found that the legal framework of the United Arab Emirates reached the highest total conformity value while the legal framework of Lebanon reached the lowest value. In the sector of education, the legal frameworks of the United Arab Emirates reached the highest conformity value while the framework of Tunisia obtained the lowest value. In the area of employment and accessibility, the legal framework of Tunisia reached the highest conformity value while the frameworks of Lebanon and the Sudan reached the lowest value.

The legal framework of Lebanon reached a total conformity value of 27 over a maximum of 48. It was found to be mostly in conformity with the CRPD in the areas of education and employment but not in the area of accessibility. In the area of **education**, the legal framework of Lebanon reached a conformity value of 14 over a maximum of 22. It was found to be generally in conformity with the selected CRPD requirements according to the indicators to guarantee the right to access education for persons with disabilities on equal basis with others, to ensure accessibility in education and to guarantee the right to quality education, but it did not conform with the CRPD requirements related to the respect for the rights of persons with disabilities in education. In the area of **work and employment**, Lebanon's legal framework reached a conformity value of 6 over a maximum of 10. According to the indicators, it was found to be generally in conformity with the selected CRPD requirements to guarantee the right of persons with disabilities to access employment without discrimination and to establish positive measures to promote the employment of persons with disabilities in the public and private sector. It did not however conform with the selected CRPD requirements to ensure accessibility and to provide reasonable accommodation in the workplaces. In the area of **accessibility**, Lebanon's legal framework reached a conformity value of 7 over a maximum of 16. It is generally in conformance with the selected CRPD requirements related to guaranteeing accessibility to the physical environment and to transport. According to the indicators, the selected CRPD requirements related to ensuring accessibility in information and communications and in facilities and services open or provided to the public were not found to be present in the legal framework.

The legal framework of Sudan reached a total conformity value of 28 over a maximum of 48. It was found to be generally in conformity with the selected CRPD requirements in the areas of education and work but not in the area of accessibility. In the area of **education**, the legal framework of the Sudan reached a conformity value of 15 over a maximum of 22. According to the indicators, it was found to be in conformity with the selected CRPD requirements guaranteeing access to education for persons with disabilities without discrimination on the basis of disability and the respect for their rights within education. However, provisions related to the selected CRPD requirements to ensure accessibility in education and to guarantee the right to quality education were not found in the legal framework. Regarding **work and employment**, the legal framework of the Sudan reached a conformity value of 6 over a maximum of 10. It was found to be generally in conformance with the selected CRPD requirements to guarantee the right of persons with disabilities to access employment without discrimination, to provide reasonable accommodation in the workplaces and to establish positive measures to promote the employment of persons with disabilities. It did not however conform with the selected CRPD requirements to ensure accessibility in the workplace. In the area of **accessibility**, the Sudan's legal framework reached a conformity value of 7 over a maximum of 16. It was generally in conformance with the selected CRPD requirements related to ensuring accessibility to the physical environment and to transport. According to the indicators, the selected CRPD requirements related to ensuring accessibility in information and communications and in facilities and services open or provided to the public were not found to be present in the legal framework.

The legal framework of Tunisia reached a total conformity value of 29 over a maximum of 48. It was found to be generally in conformity with the selected CRPD requirements in the area work and accessibility but not in the area of education. In the area of **education**, the legal framework of Tunisia reached a conformity value of 9 over a maximum of 22, the lowest in this sector among the four countries. While it was found to be partly in conformity with the selected CRPD requirements related to guaranteeing the right of persons with disabilities to access education and to ensuring accessibility in education, it was not found

to be in conformance with the selected CRPD requirements related to guaranteeing the respect for rights in education and to quality education according to the indicators. In the area of **work and employment**, the legal framework of Tunisia reached a conformance value of 8 over a maximum of 10, the highest in this sector among the four countries. It was found to be generally in conformance with all of the selected CRPD requirements in the employment sector, with the exception of the requirement to provide reasonable accommodation for persons with disabilities in the workplace. In the area of **accessibility**, the legal framework of Tunisia reached a conformance value of 12 over a maximum of 16, the highest in this sector among the four countries.

The legal framework of the United Arab Emirates reached a total conformance value of 35 over a maximum of 48. It is the framework that ranked the highest among the four selected countries. It was found to be generally in conformance with the selected CRPD requirements in all sectors. In the area of **education**, the legal framework of the United Arab Emirates reached a conformance value of 19 over a maximum of 22, the highest in this sector among the four selected countries. In the area of **work and employment**, the legal framework of the United Arab Emirates reached a conformance value of 7 over a maximum of 10. It was found to be mostly in conformance with all of the selected CRPD requirements in both sectors, but did not conform with the requirement to ensure accessibility in education and employment. In the area of **accessibility**, the legal framework of the United Arab Emirates reached a conformance value of 9 over a maximum of 16. It was found to be mostly in conformance with most of the selected CRPD requirements in this sector, except for the selected indicator related to ensuring accessibility in facilities and services open or provided to the public.

Recommendations

In light of these conclusions, the following recommendations addressed to the selected countries can be formulated:

- Review the national legal frameworks to ensure compliance with the CRPD;
- Adopt necessary legislative and administrative measures to include provisions guaranteeing the standards and requirements of the Convention in the area of education, work and employment and accessibility;
- Ensure conformance with the CRPD in the elaboration and implementation of national strategies and action plans;
- Adopt general anti-discrimination laws that include disability as a protected ground and provide persons with disabilities with a legal remedy in case of violations in order to prohibit discrimination on the basis of disability and guarantee equality for persons with disabilities with others in all areas and aspects of society.

BIBLIOGRAPHY

A. GENERAL RESOURCES

Academic Network of European Disability Experts (2009). *Indicators of Disability Equality in Europe (IDEE): A Preliminary List of Indicators Proposals For Discussion*, September 2009, available from: <http://www.disability-europe.net/content/aned/media/ANED%202009%20Task%204%20Preliminary%20Indicator%20Proposals%20report.pdf>

Disability Rights Promotion International (2012). *Law, Policy and Program Monitoring Template, Monitoring Systems*, June 2012, available from: <http://drpi.research.yorku.ca/sites/default/files/files/DRPISystemicTemplate.pdf>

International Labor Organization (undated), *NORMLEX*, available from: <http://www.ilo.org/dyn/normlex/en/f?p=1000:1:0::NO::> Accessed on 15 July 2014.

International Labor Organization (1958). *Convention concerning Discrimination in Respect of Employment and Occupation*, No. 111, available from: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312256:NO

International Labor Organization (2002). *Managing Disability in the Workplace: ILO Code of Practice*, available from: http://ilo.org/skills/pubs/WCMS_103324/lang--en/index.htm

International Labor Organization (2007). *Achieving Equal Employment Opportunities for People with Disabilities through Legislation: Guidelines*, available from: http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_091340/lang--en/index.htm

League of Arab States (2004). *Arab Decade for Persons with Disabilities 2004-2013*, adopted at the Summit Meeting of the League of Arab States on 23/5/2004, available at: http://www.aodp-lb.net/law.php?events_id=15

National University Center of Scientific and Technical Documentation (1956). *JORT*, available at: [http://www.cnudst.rnrt.tn/cgi-bin/wwwi32.exe/\[in=C%3a/sources/appli/jort.06/affiche.in\]/](http://www.cnudst.rnrt.tn/cgi-bin/wwwi32.exe/[in=C%3a/sources/appli/jort.06/affiche.in]/). Accessed 15 January 2014

O'reilly, Arthur (2007). *The Right to Decent Work for Persons with Disabilities*, International Labor Office, available from: http://www.ilo.org/global/publications/ilo-bookstore/order-online/books/WCMS_091349/lang--en/index.htm

Secretariat for the Convention on the Rights of Persons with Disabilities (undated). *United Nations Enable*, available from: <http://www.un.org/disabilities/default.asp?id=17>. Accessed on 15 January 2014.

Sudanese Parliament (undated). *Legislations*, available from: <http://www.parliament.gov.sd/ar/activity/legislation.php>. Accessed on 15 January 2014.

The Official Portal of the United Arab Emirates (undated), *Going to school in the UAE*, available from: <http://www.government.ae/en/web/guest/going-to-school-in-the-uae> . Accessed on 8 December 2014.

The Salamanca Statement on Principles, Policy and Practice in Special Needs Education, Adopted on 10/6/1994, available from: http://www.unesco.de/fileadmin/medien/Dokumente/Bildung/Salamanca_Declaration.pdf

Thornton, Patricia (1998). *Employment Quotas, Levies And National Rehabilitation Funds For Persons With Disabilities: Pointers For Policy and Practice*, International Labour Office, available from: http://www.ilo.org/wcmsp5/groups/public/---ed_emp/---ifp_skills/documents/publication/wcms_106625.pdf

United Arab Emirates (undated). *Initial report of the United Arab Emirates regarding the Convention on the Rights of Persons with Disabilities*, , available from: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fARE%2f1&Lang=en. Accessed on 15 January 2014.

United Nations Children’s Fund (2012). *The Rights of Children with Disabilities to Education: a Rights-Based Approach to Inclusive Education*, Position Paper, available from: http://www.unicef.org/ceecis/IEPositionPaper_ENGLISH.pdf

United Nations Children’s Fund Innocenti Research Centre (2007). *Promoting the Rights of Children with Disabilities*, Innocenti Digest No. 13, available from <http://www.unicef-irc.org/publications/474>

United Nations Committee on the Rights of Persons with Disabilities (2010). *Initial report submitted by States parties under article 35 of the Covenant, Tunisia*, CRPD/C/TUN/1, available from: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fTUN%2f1&Lang=en

United Nations Educational, Scientific and Cultural Organization (2001). *Understanding and Responding to Children’s Needs in Inclusive Classrooms: A Guide for Teachers*, ED-00/WS/34, available from: <http://unesdoc.unesco.org/images/0012/001243/124394e.pdf>

United Nations Educational, Scientific and Cultural Organization (2005), *Guidelines for Inclusion: Ensuring Access to Education for All*, available from: <http://unesdoc.unesco.org/images/0014/001402/140224e.pdf>

United Nations General Assembly (2006). *Convention on the Rights of Persons with Disabilities*, 13/12/2006, A/RES/61/106, available from:

<http://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

United Nations Office of the High Commissioner for Human Rights (2010). *Monitoring the Convention on the Rights of the Persons with Disabilities: Guidance for Human Rights Monitor*, Professional Training Series No. 17, HR/P/PT/17, available from:

http://www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf

a. United Nations Office of the High Commissioner for Human Rights (2012). *Human Rights Indicators: A Guide to Measurement and Implementation*, HR/PUB/12/5, available from:

http://www.ohchr.org/Documents/Publications/Human_rights_indicators_en.pdf

b. United Nations Office of the High Commissioner for Human Rights (2012), *Thematic Study on the Work and Employment of Persons with Disabilities*, A/HRC/22/25, available at:

http://www.ohchr.org/Documents/Issues/Disability/A-HRC-22-25_en.pdf

United Nations Office of the High Commissioner for Human Rights (2013), *Thematic Study on the Right of Persons with Disabilities to Education*, A/HRC/25/29, available at:

http://www.ohchr.org/Documents/Issues/Disability/StudyEducation/A_HRC_25_29_ENG.pdf

UN Office of the High Commissioner for Human Rights & Inter-Parliamentary Union (2007). *From Exclusion to Equality: Realizing the Rights of Persons with Disabilities; Handbook for Parliamentarians on the Convention on the Rights of Persons with Disabilities and its Optional Protocol*, HR/PUB/07/6, available from: <http://www.ipu.org/PDF/publications/disabilities-e.pdf>

B. LIST OF NATIONAL LAWS AND REGULATIONS

1. Lebanon

Constitution of Lebanon, adopted in 1926 (last amended in 2004)

Legislative Decree No. 134 of 12/6/1959 as amended by Law No. 150 of 17/8/2011, Conditions of appointment at the Ministry of Education and Higher Education

Decree No. 2869 of 16/12/1959 Organization of the Ministry of Education and Higher Education

Law No. 220 of 29/5/2000 regarding the rights of persons with disabilities.

Law No. 247 of 7/8/2000 on the merger, elimination and establishment of Ministries and Councils

Decree No. 9091 of 15/11/2002 determining the standards and criteria for public schools' building in general pre-tertiary education

Law No. 646 of 11/12/2004 amending Legislative Decree No. 148 of 16/9/1983 on Construction Law

Decree No. 7194 of 16/12/2011 regarding the implementation of Law 220 of 29/5/2000 related to the rights of persons with disabilities

Law No. 285 of 30/4/2014 on the general rules of higher education and the regulation of private higher education

National strategy for the educational integration of persons with special needs, adopted by the Minister of Education on 21/2/2012

2. The Sudan

Law on reparations of work injuries of the year 1981

Law for the planning and organization of general education of the year 2001

Interim Constitution of the **Sudan**, adopted in 2005

National Civil Service Law of 2007, adopted on 6/2/2007

National Law for Persons with Disabilities of the year 2009

The Child Law of the year 2010

The Traffic Law of the year 2010

2013 National Plan of Action, adopted by the National Council for Persons with Disabilities, 2013

3. Tunisia

Decree No. 511 of 1991 issued on 8/4/ 1991 amending Decree No. 1979 of 1989 issued on 23/12/1989 regarding the construction of civil buildings

Law No. 92 of 1995 issued on 9/11/2005, Child Protection Code

Orientation Law No. 80 of 2002 issued on 23/7/2002 regarding school education and learning, amended by Laws No. 9 of 2008 issued on 11/2/2008

Orientation Law No. 83 of 15/8/2005 for the advancement and protection of disabled persons

Decree No. 3087 of 2005 issued on 29/11/2005 regulating the conditions and arrangements for the employment of persons with disabilities

Decree No. 1467 of 2006 issued on 30/5/2006 regarding the technical specifications for disabled access to public buildings, shared spaces and facilities, and private buildings that are open to the public

Decree No. 1477 of 2006 issued on 30/5/2006 regarding the adjustment and adaptation of means of communication and information and the facilitation of the movement of persons with disabilities

Law No. 10 of 2008 issued on 11/2/2008 concerning vocational training

Law No. 66 of 2008 issued on 3/11/2008 regarding the facilitation of transactions by persons with disabilities

Law No. 4 of 2012 issued on 22/6/2012 regarding exceptional provisions for appointment in the public sector

Decree No. 833 of 2012 issued on 20/7/2012 regarding the implementation of Law No. 4/2012

Decision of the Prime Minister of 7/11/2012 related to the composition and organization of the work of the common committee assigned to examine the application of candidates for appointment to the public sector among persons with disabilities

Constitution of **Tunisia** adopted on 26/1/2014

4. United Arab Emirates

The Constitution of the United Arab Emirates, adopted in 1971 (last amended in 1996)

Federal Law No. 11 of 1972 related to compulsory education

Federal Law No. 8 of 1981 related to the organization of labor relations

Civil Service Law No. 21 of 2000

Federal Law No. 29 of 2006 concerning the rights of persons with disabilities (last amended in 2009).

Law on the Human Resources in the Union Government No. 11 of 2008 as amended by Law No. 9 of 2011

Federal Law No. 9 of 2011 related to land transport