

**Mandates of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and the Special Rapporteur on the rights of persons with disabilities**

REFERENCE:  
AL UZB 2/2020

20 November 2020

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context and Special Rapporteur on the rights of persons with disabilities, pursuant to Human Rights Council resolutions 43/14 and 44/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the allegations of ongoing home demolitions and forced evictions, including of persons with disabilities, in the Surkhandarya and Tashkent provinces, without due legal protections, in order to make room for urban renewal projects, in the midst of protests by local residents.**

We would also like to bring to your attention that the forced evictions, expropriations and home demolitions are taking place during the COVID-19 pandemic, thus elevating the risks to health and life of the persons affected who, according to the information received, have not been consulted on the plans affecting them, nor they have received alternative accommodation and adequate compensation in all cases.

We recall that the special procedures mandate-holders have issued a communication in the past raising concerns over the allegations of urban regeneration projects that would result in the destruction of historic neighborhoods in Samarkand, as well as ongoing demolitions of houses in Tashkent, Yangiyul town, and other cities, in violation of the right to adequate housing and of the cultural rights of the residents (UZB 3/2019). We thank your Excellency's Government for its reply of 18 November 2019, in which it provided information in response to the concerns raised in the communication. We regret to note that, however, according to new information received, home demolitions and forced evictions in violation of international human rights law have continued.

According to the information received:

On 11 August 2020, the Deputy Ombudsperson referred to increasing appeals of citizens concerning illegal demolition of residential premises, non-payment of compensation, and illegal actions on the part of developers accompanied often by inaction of the authorities. It addressed in particular the case concerning the residents of Adyk Azimov street, in Tashkent, whose homes have been demolished or are under threat of forced evictions at the initiative of a private company. The Deputy Ombudsperson found that the residents, who are owners of their houses, were not notified of the beginning of the construction works, as confirmed in the Protocol of the meeting of owners of residential and non-

residential premises located on land plots allocated for commercial construction by the decision of the governor of Tashkent № 488 of 27 March 2018. The Deputy Ombudsperson considered that the construction projects underpinning the forced evictions of residents were not carried out to respond to public or state needs but were rather undertaken in the interest of private developers pursuing their commercial interests. It found that a number of national norms had been violated and that the evictions orders issued by the courts were consequently to be cancelled.

On 20 August 2020, a private construction company filed a case before the local court to obtain an eviction order against a family located in the Mirabad Avenue quarter, in Tashkent. The whole area had been acquired by a private development company in the context of the urban regeneration projects decided upon by the former mayor of Tashkent. The Court ordered the family to vacate the house within 5 days and relocate to another apartment in the Yashnabad district. The family was not consulted on the relocation. The same company also filed a lawsuit against dwellers in Mirabadskaya Street to obtain their forced relocation to alternative accommodations which, reportedly, are of a much smaller size and are located in a remote area of the city. The residents were not consulted on the expropriation nor the relocation.

On 3 September 2020, residents in Tashkent who live in other areas that have been transferred to the private development company, were waken up at night because of an attempt of eviction. They were offered monetary compensations for the eviction of a value three to four times inferior to the value of their homes. Their case is currently pending before the Supreme Court.

Similar situations are, reportedly, occurring also in other parts of the country. In Samarkand, three families with children were evicted in the context of a redevelopment project. They were offered alternative housing, which was far from the children's schools. Only one family accepted it. The others are all living at relatives' houses. In Djarkurgan district, Surkhandarya province (Nurli Diyor Mahalla), home demolitions are also ongoing. Six more families have recently been evicted, but the alternative accommodations offered to them is yet to be built. Four families who have refused the little compensation offered, still live in the area. However, all the surrounding buildings have been demolished.

Protests against forced evictions and home demolitions are reported across the country and have also included desperate gestures, such as incidents of self-immolation.<sup>1</sup> Reportedly, home demolitions started before the resettlement of all the residents. Many families were forced to leave their houses because the surrounding environment was made unviable and they were deprived of services such as electricity and gas.<sup>2</sup>

*The specific case of a family of persons with disabilities affected by forced eviction*

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<sup>1</sup> <https://www.hrw.org/world-report/2020/country-chapters/uzbekistan>

<sup>2</sup> <https://fpc.org.uk/the-perils-of-rebuilding-uzbekistan-the-rise-of-glass-and-glitter/>

One of the families affected by the eviction orders is the family of Tatyana Zhilkina, composed of five persons with disabilities (deaf), including three children. They live in the Tashkent, Zangiata district and belong to the Russian speaking ethnic minority.

According to the information received:

In 1987, Ms. Zhilkina inherited the house and the adjacent land plot from her late father. In 1993, she privatized the house, as evidenced by State Order 016-01 / 2063 of 21 June 1993.

In 2008, following a claim of ownership by the private company “Kuiyuk Agrofirma”, the khokim (governor) of the Zangiata district cancelled the decisions of the khokim No.161-B of 2 April 1998 and No.928 of 24 July 2008, which confirmed the ownership of the house by Ms. Zhilkina.

On 13 December 2019, after filing a complaint with the Tashkent regional civil court as well as with the Prosecutor General’s Office of Uzbekistan, and despite the documentation proving ownership, the Zangiata District Civil Court decided to evict the entire family. It is alleged that due consideration was not given to the presence of three children in the family. It was reported that the court hearings, as well as the court's decision, were made available only in the state (Uzbek) language, which the applicant does not know as she belongs to the Russian-speaking minority. Additionally, the claimant was not provided with a lawyer, nor was she able to access documents in Russian.

The claimant was not provided with a statement of claim from the Kuiyuk agricultural firm. The judge neither explained to the claimant her rights, nor provided her with a sign language interpreter. As a result, she did not know about her right to file an appeal within 20 days and therefore this stage of the judicial procedure was omitted.

On 11 March 2020, with the support of human rights activists, the Children's Ombudsperson of Uzbekistan and the khokimiyat visited the Zhilkins family. On that occasion, the Child Ombudsman, Yunusova Aliya, said that a lawyer would be appointed, and that she would take care of this case directly. However, no action was taken on this regard.

On 17 June 2020, Ms. Zhilkina was invited to a court hearing to learn that the case had been postponed, due to the quarantine measures in the context of the COVID-19 pandemic. On that occasion, a sign interpreter was provided by an NGO, not by the court or the government.

On 24 June 2020, human rights defenders helped Ms. Zhilkina to request the Court to suspend the hearing as there was no sign interpreter and all the documentation provided was in Uzbek, which Zhilkina does not understand. Based on this request, the Court took a decision to suspend the hearing until 30 June 2020.

On 30 June 2020, an NGO provided Zhilkina with a sign interpreter for the hearing. At the court, it was announced that the hearing had been postponed. They do not know if any documentation was available, and the announcement of the postponement was considered enough for them. It is noted that, again, no lawyer was provided to Zhilkina.

On 2 November 2020, Zhilkina received a document from the Tashkent Regional Court on Civil Cases - again in Uzbek language only. The document indicated that on 10 November 2020 the house would be inspected to conduct a construction and technical examination.

On 10 November 2020, a judge of the Tashkent district court with some experts, as well as the Child Ombudsman, a sign interpreter, one journalist and a lawyer of the 'Kuylyuk' agricultural firm, visited the house of Zhilkina. There was still no lawyer to support the Zhilkina family side. During the visit, the judge said that the decision on the eviction might be taken very soon.

An alternative accommodation was not offered. According to the Zhilkina family, it is not the house but the small plot of land that is attached to it – that the family uses to cultivate some crop and animals to survive - which is, in fact, “the main reason that the private firm is fighting for.”

On the same day, it was reported that because of the media attention to this case,<sup>3</sup> the 'Kuylyuk' firm “stepped back a little”, and orally suggested a deal to the family under which Zhilkina would keep the house, but the adjacent land plot would be taken by the firm. The firm intimidated the Zhilkina family that, should they not accept the deal, they would be evicted and “receive nothing”.

According to the Civil Code of Uzbekistan (Article 187. Acquisitive prescription):

(2) The right of ownership to immovable [15 years] and other property subject to state registration arises from the person who acquired this property by virtue of acquisitive prescription, from the moment of such registration.

(4) A person referring to the prescription of possession may add to the time of his possession all the time during which this property was owned by the person whose legal successor this person is.

As previously mentioned, Ms. Zhilkina inherited the house with the adjacent plot of land from her father. While the private company has no legal documents to claim ownership from their side, they referred to some outdated and illegal decision of the governor (who was imprisoned for corruption in 2018). Such documents are dated by 1998 and 2008, and are not currently available to Ms. Zhilkina, who saw them only once, two years ago.

Without prejudging the accuracy of the information received, we wish to express our serious concern about the ongoing home demolitions and forced evictions

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<sup>3</sup> See : <https://dilmurad.me/a-private-company-is-trying-to-seize-a-house-and-a-plot-of-a-deaf-family/> and <https://dilmurad.me/a-deaf-family-is-kicked-out-from-their-own-house/>

carried out in the context of urban regeneration projects that have reportedly not been consulted with the affected residents, thus impeding the exploration of alternatives to avoid these demolitions and evictions. While noting the Government's explanation in its reply of 18 November 2019 that the demolition of homes and the resettlement of the residents are carried out only with the consent of the concerned persons to resettlement or by allocating to them, if they so desire, plots of land for private housing construction, we regret to note that this does not seem to have happened in the cases brought to our attention. We are equally concerned about the allegations that the affected persons do not receive adequate advance notice before the evictions, they are not adequately compensated and, in some cases, they are obliged to leave their houses without the provision of alternative accommodation. In this connection, we note that some families affected by home demolitions were hosted by their relatives and we wish to emphasize that homelessness is experienced in a number of ways, including doubling or tripling up with others, or living in overcrowded improvised shelter (A/HRC/43/43, paragraph 29).

We express deep concern that, when those forced evictions were impugned in a court of law, no reasonable accommodation was provided persons with disabilities, including sign interpretation and translation of documents, which may constitute a violation of their right to a fair trial, to non-discrimination and to access to justice on an equal basis with others. We are furthermore deeply concerned that home demolitions and evictions are continuing to occur in the context of the COVID-19 crisis, thereby exposing these families to a great risk for their health and life, and heightening the risk of spreading the contagion. As noted by the Special Rapporteur on adequate housing in his report to the UN General Assembly, in the context of COVID-19, having no home, lacking space for physical distancing in overcrowded living areas or having inadequate access to water and sanitation has become a "death sentence" (A/75/148, para. 5). The Special Rapporteur has thus called for a moratorium on evictions (A/75/148, para. 68). We further wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18, Annex 1) which specify that evictions can only take place in 'exceptional circumstances' and that any settlement agreement must satisfy the criteria of adequacy, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education. The United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement also state that urban or rural planning and development processes should involve all those likely to be affected.

We commend Uzbekistan for having signed the Convention on the Rights of Persons with Disabilities (CRPD) in February 2009 and welcome the Government's acceptance of recommendations about ratification of the CRPD made during the third cycle of the Universal Periodic Review in May 2018. In line with the Vienna Convention on the Law of Treaties (VCLT), signing creates an obligation to refrain, in good faith, from acts that would defeat the object and the purpose of the treaty. Autonomy, independence and community living all form part of the object and purpose of the CRPD. We wish to highlight that the CRPD was adopted as a resolution by the General Assembly and enjoys near universal ratification. It has standing as the most progressive interpretation of all existing human rights as they apply to persons with disabilities. These rights are furthermore guaranteed by all other human rights

treaties. We urge Uzbekistan to step up its efforts to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above-mentioned allegations.
2. Please provide detailed information on the number of persons affected by the forced evictions in the context of urban regeneration projects in the country, disaggregated by gender, age, disabilities, socioeconomic status and other indicators.
3. Please provide information on the participation of the affected residents in the design and implementation of the urban regeneration projects and the related human-rights impact assessments. Please also indicate whether consultations were held with the affected persons prior to their relocation and provide information on the results of these consultations. Please also indicate what special measures, if any, have been adopted to ensure the meaningful participation of women, persons with disabilities and other groups who may be experiencing discrimination and marginalization.
4. Please indicate if and how all feasible alternatives to the home demolitions and evictions have been explored. If alternatives have been considered, please provide details as to why proposed alternatives to the eviction have been deemed unsuitable. If no alternatives were considered, please explain why feasible alternatives were not explored.
5. Please indicate the legal basis for such evictions and provide information on the outcome of the cases filed before the national courts and other bodies, including information on any action taken as a follow-up to the declaration of the Deputy Ombudsperson of 11 August 2020.
6. Please indicate whether all affected residents and tenants will be able to return to their respective neighborhoods after implementation of the regeneration programmes. If return is not possible, please explain the reasons why it is so.
7. Please provide information on specific measures taken by the Government to prevent the negative impact on human rights of the evictions and home demolitions, including the rights of residents to adequate housing (both emergency shelter and long-term

accommodation solutions), health, water and sanitation, food and education.

8. Please describe what concrete housing alternatives are available to the families evicted to ensure that no one remains homeless or lives in substandard conditions as a result of the eviction.
9. Please elaborate on whether any specific action was taken to protect the residents in relation to their health risks in the context of the COVID-19 pandemic and whether consideration was given to suspending or halting evictions during the COVID-19 pandemic.
10. Please provide information on the status of ratification of the Convention on the Rights of Persons with Disabilities, and on the efforts being taken by the Government to ensure that the draft bill on the rights of persons with disabilities is fully aligned with international human rights standards and is developed in consultation with, and with the participation of, persons with disabilities.
11. Please provide information on the status of the case of eviction order of the Zhilkina family, including with regard to measures put in place to ensure their right to a fair trial and to access to justice, as well as the considerations in regards to the right to non-discrimination and the best interests of the child.
12. Please elaborate on the measures being undertaken to ensure that all persons, including persons with disabilities and persons belonging to ethnic and linguistic minorities, can fully enjoy and exercise their rights to access to justice on the same basis as the others and without discrimination.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Balakrishnan Rajagopal  
Special Rapporteur on adequate housing as a component of the right to an adequate  
standard of living, and on the right to non-discrimination in this context

Gerard Quinn  
Special Rapporteur on the rights of persons with disabilities



## **Annex**

### **Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw your Excellency's Government's attention to the applicable international human rights norms and standards, as well as authoritative guidance on their interpretation.

We would like to draw the attention of your Excellency's Government to its obligations under article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), ratified by Uzbekistan in 1995, which recognizes the right of everyone to an adequate standard of living for himself and his family, including housing. This article must be read in conjunction with Article 2.2 of the Covenant, which provides for the exercise of any right under the Covenant without discrimination of any kind. We also would like to draw the attention of your Excellency's Government's to its obligations under articles 6 and 17 of the International Covenant on Civil and Political Rights (ICCPR), ratified in 1995, on the rights to life and to non-interference with privacy, family, home or correspondence.

As clarified by the Committee on Economic, Social and Cultural Rights, in its General Comment No. 7, forced evictions are a gross violation of the right to adequate housing and may also result in violations of other human rights, such as the right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions. Paragraph 15 of the same General Comment provides that if an eviction is to take place, procedural protections are essential, including, among others, genuine consultation, adequate and reasonable notice, alternative accommodation made available in a reasonable time, and provision of legal remedies and legal aid. Under no circumstances, evictions should result in homelessness, and the State party must take all appropriate measures to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available to affected individuals, where they are unable to provide for themselves. We wish to underscore that, notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties shall ensure, prior to carrying out any evictions, and particularly those involving large groups, that all feasible alternatives are explored in consultation with the affected persons.

We also wish to recall that the Committee on Economic, Social and Cultural Rights has clarified that the obligation to progressively realize the right to housing will almost invariably require the adoption of a national housing strategy which should be developed in consultation with affected groups, include clearly defined goals, identify the resources to be allocated and clarify responsibilities and a time frame for implementation. Moreover, steps should be taken to ensure coordination between ministries and regional and local authorities in order to reconcile related policies with the obligations under article 11 of the Covenant.

In addition, we would like to refer your Excellency's Government to the Principles on security of tenure for the urban poor (A/HRC/25/54), and Guidelines for the Implementation of the Right to Adequate Housing (A/HRC/43/43) - notably guidelines no. 6 on forced evictions and no. 12 on ensuring the regulation of businesses

in a manner consistent with State's obligations and address the financialization of housing - as well as the "COVID-19 Guidance Note: Prohibition of evictions" elaborated by the former Special Rapporteur on the right to adequate housing. With regard to the regulation of business, we wish to underscore in particular that States may need to ensure, for example, not only that developers do not displace residents from affordable housing, but also that they produce needed affordable housing, that housing is not left vacant and that some of the profits from housing or other economic activities are redirected to ensure the availability of adequate housing for low-income households (A/HRC/43/43, paragraph 68).

We furthermore wish to recall the United Nations Basic Principles and Guidelines on Development-based Evictions and Displacement (A/HRC/4/18, Annex 1) which specify that evictions can only take place in 'exceptional circumstances'; that they must be authorized by law, and ensure full and fair compensation and rehabilitation. The Guidelines also state that any settlement agreement must satisfy the criteria of adequacy, accessibility, affordability, habitability, security of tenure, cultural adequacy, suitability of location, and access to essential services such as health and education. Urban or rural planning and development processes should involve all those likely to be affected and should include the following elements: (a) appropriate notice to all potentially affected persons that eviction is being considered and that there will be public hearings on the proposed plans and alternatives; (b) effective dissemination by the authorities of relevant information in advance, including land records and proposed comprehensive resettlement plans specifically addressing efforts to protect vulnerable groups; (c) a reasonable time period for public review of, comment on, and/or objection to the proposed plan; (d) opportunities and efforts to facilitate the provision of legal, technical and other advice to affected persons about their rights and options; and (e) holding of public hearing(s) that provide(s) affected persons and their advocates with opportunities to challenge the eviction decision and/or to present alternative proposals and to articulate their demands and development priorities. The Guidelines further states that States should explore fully all possible alternatives to evictions. All potentially affected groups and persons, have the right to relevant information, full consultation and participation throughout the entire process, and to propose alternatives that authorities should duly consider. In the event that agreement cannot be reached on a proposed alternative among concerned parties, an independent body having constitutional authority, such as a court of law, tribunal or ombudsperson should mediate, arbitrate or adjudicate as appropriate. Moreover, the Guidelines states that States must give priority to exploring strategies that minimize displacement. Comprehensive and holistic impact assessments should be carried out prior to the initiation of any project that could result in development-based eviction and displacement, with a view to securing fully the human rights of all potentially affected persons, groups and communities, including their protection against forced evictions. "Eviction-impact" assessment should also include exploration of alternatives and strategies for minimizing harm. The State must make provision for the adoption of all appropriate measures, to the maximum of its available resources, especially for those who are unable to provide for themselves, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available and provided. Alternative housing should be situated as close as possible to the original place of residence and source of livelihood of those evicted.

We wish to recall the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework which is grounded in three pillars: (a) the obligation of States to protect against human rights abuses committed by companies; (b) the responsibility of business enterprises to respect human rights, and thus avoid causing or contributing to adverse human rights impacts; and (c) the obligation of States to provide victims with access to effective remedies when rights are breached.

Everyone should, on an equal basis with others, enjoy the rights to equality before the law, to equal protection under the law, to a fair resolution of disputes, to meaningful participation and to be heard. States must ensure equal access to justice for all persons with disabilities by providing the necessary substantive, procedural, and age- and gender appropriate accommodations and support.

Article 13 (1) of the Convention on the Rights of Persons with Disabilities, on access to justice, requires a clear prohibition of discrimination by the organs of the justice system and throughout all stages of legal proceedings, regardless of the procedural status of the person with disabilities. In order to ensure effective access to justice for persons with disabilities, States should, inter alia, provide legal advice and other support services in a manner that takes into account the individual needs of persons with disabilities to assist them in bringing their case before the justice actors. It guarantees effective access to justice by setting a fundamental obligation related to the provision of procedural accommodations, meant to ensure that, when engaging with the justice system, persons with disabilities are heard and appropriate action is taken. Article 13 (2) also explicitly requires States to provide the judiciary, police and other staff with disability training.

Equality and non-discrimination are principles and rights. The Convention on the Rights of Persons with Disabilities refers to them in Article 3 as principles and in Article 5 as rights. They are a cornerstone of the international protection guaranteed by the Convention. Promoting equality and tackling discrimination are cross-cutting obligations of immediate realization and are not subject to progressive realization.<sup>4</sup>

Article 5 of the Convention on the Rights of Persons with Disabilities on Equality and non-discrimination requires States to (2) prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds; and (3) [...] take all appropriate steps to ensure that reasonable accommodation is provided. The term “equal before the law” describes the entitlement of persons to equal treatment by and in the application of the law. In order for this right to be fully realized, the judiciary and law enforcement officers must not, in the administration of justice, discriminate against persons with disabilities<sup>5</sup>.

As reiterated by the Committee on the Rights of Persons with Disabilities in its General Comment no.6 (2018) on equality and non-discrimination, Article 5 of the Convention, like article 26 of the International Covenant on Civil and Political Rights, provides in itself an autonomous right independent from other provisions. It prohibits

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<sup>4</sup> CRPD/C/GC/6, para. 12

<sup>5</sup> Ibid, para. 14

de jure or de facto discrimination in any field regulated and protected by public authority<sup>6</sup>.

Furthermore, the Committee explained that the phrase “on an equal basis with others” permeates the whole Convention on the Rights of Persons with Disabilities. It means that persons with disabilities will not be granted more or fewer rights or benefits than the general population, but also requires that States take concrete specific measures to achieve de facto equality for persons with disabilities to ensure that they can in fact enjoy all human rights and fundamental freedoms<sup>7</sup>.

Article 9 (2) of the Convention on the Rights of Persons with Disabilities requires States to take measures to, *inter alia*, (c) Provide training for stakeholders on accessibility issues facing persons with disabilities; and (f) promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;

With regard to the rights of children with disabilities, we wish to recall that Article 7 of the Convention on the Rights of Persons with Disabilities requires States: (1) to take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children; and that (2) in all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.

Furthermore, in its Article 19, the Convention on the Rights of Persons with Disabilities includes an obligation for States to ensure non-discrimination and the recognition of the equal right of persons with disabilities to live with full inclusion and participation independently in the community. As reaffirmed by the Committee on the Rights of Persons with Disabilities in its General Comment no.6 (2018) on equality and non-discrimination<sup>8</sup>: in order to realize the right to live independently and be included in the community, States must take effective and appropriate measures to facilitate the full enjoyment of the right and the full inclusion and participation of persons with disabilities in the community. .

Additionally, Article 4 (3) of the Convention on the Rights of Persons with Disabilities provides that States shall closely consult with and actively involve persons with disabilities, including children with disabilities in the development and implementation of legislation and policies [...] and in other decision-making processes concerning issues relating to persons with disabilities.

We would also like to bring to your Excellency’s Government’s attention to the general comments of the Committee on the Rights of Persons with Disabilities, No. 1 (2014) on equal recognition before the law, and No. 2 (2014) on accessibility<sup>9</sup>.

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<sup>6</sup> Ibid, para. 13

<sup>7</sup> Ibid, para.17

<sup>8</sup> [CRPD/C/GC/6](#), para. 57

<sup>9</sup> CRPD/C/GC/2, para. 37: “There can be no effective access to justice if the buildings in which law-enforcement agencies and the judiciary are located are not physically accessible, or if the services, information and communication they provide are not accessible to persons with disabilities (art. 13).”

In addition, we wish to bring to your attention the “International Principles and Guidelines on Access to Justice for Persons with disabilities”<sup>10</sup>, that provide guidance to States and other actors to design, develop, modify and implement justice systems that provide equal access to justice for all persons with disabilities, regardless of their roles in the process, in accordance with the Convention on the Rights of Persons with Disabilities.

Finally, we also would like to recall the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities which refers to the obligation of States to ensure that persons belonging to minorities can exercise their human rights without discrimination and in full equality before the law.

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<sup>10</sup> <https://www.ohchr.org/EN/Issues/Disability/SRDisabilities/Pages/GoodPracticesEffectiveAccessJusticePersonsDisabilities.aspx#:~:text=The%20International%20Principles%20and%20Guidelines,with%20international%20human%20rights%20standards.>