

Article 5:

List of illustrative indicators on equality and non-discrimination

ADVANCE VERSION

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The *Human Rights Indicators on the Convention on the Rights of Persons with Disabilities (CRPD)* are a component of the [SDG-CRPD Resource Package](#) developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR). This is an advance version of the SDG-CRPD Resource Package. A final version will be issued upon completion of OHCHR review processes.

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Right to equality and non-discrimination*

Attributes/ Indicators	Equality and protection from discrimination (disability based and others)	Provision of reasonable accommodation	Specific measures to achieve de facto equality
Structure	<p>5.1 National constitutional provisions adopted and legislation enacted recognizing the right to equality and non-discrimination of persons with disabilities, including the right to be provided with reasonable accommodation and the duty to adopt specific measures to achieve de facto equality.ⁱ</p> <p>5.2 Adoption of a national strategy and/or plan for equality of all persons with disabilities, in particular the groups more at risk of discrimination.ⁱⁱ</p> <p>5.3 Legal or statutory requirement to collect and publish data disaggregated by disability across all sectors (health, employment, education, violence, access to justice, political participation, among others), including enrolment rate, employment rate, access to health services, victims of violence, complaints on discrimination lodged, etc.)ⁱⁱⁱ</p> <p>5.4 Legal requirement to establish a marker on all public spending to promote and protect the rights of persons with disabilities.</p> <p>5.5 Relevant thematic legislation^{iv} enacted explicitly prohibiting discrimination on the basis of disability and providing legal remedies for all forms of discrimination.</p>	<p>5.6 Specific theme/target within national strategy/ plan for equality of all persons with disabilities, which ensures the availability of technical guidance,^v financial incentives and budgetary resources for the provision of reasonable accommodation by public and private actors.</p>	<p>5.7 Specific measures to achieve de facto equality including affirmative action measures,^{vi} adopted in legislation(s) and/or policy plans, in particular for the groups more at risk of discrimination among persons with disabilities, including the existence/appointment of monitoring and enforcement mechanisms.</p>
Process	<p>5.8 Number and proportion of public sector staff designing, implementing and/or delivering services to the public trained on equality and non-discrimination under the Convention, including on the obligation to provide reasonable accommodation, disaggregated by sector, agency and geographical location.</p>	<p>5.9 Budget allocated for the provision of reasonable accommodation within the public sector (e.g. in centralized reasonable accommodation funds)</p> <p>5.10 Number of persons trained under State-run programmes directed to private actors (employers, service providers, etc.) on the obligation to provide reasonable accommodation and related procedures.</p>	<p>5.11 Number of persons with disabilities benefiting from specific measures, in particular affirmative action measures, disaggregated by measure, sex, age, disability, geographical location, and if applicable, by sector (public or private).^{vii}</p> <p>5.12 Budget allocated for the implementation and monitoring of specific measures, including affirmative action measures.</p>

Right to equality and non-discrimination*

Attributes/ Indicators	Equality and protection from discrimination (disability based and others)	Provision of reasonable accommodation	Specific measures to achieve de facto equality
Process (Continued)	<p>5.13 Awareness raising campaigns and activities for the dissemination of information directed to the general public, including persons with disabilities and their families, on understanding the prohibition of discrimination on the basis of disability, anti-discrimination frameworks, the obligation to provide reasonable accommodation and specific measures to achieve de facto equality.</p> <p>5.14 Consultation processes undertaken to ensure the active involvement of persons with disabilities, including through their representative organizations, in the design, implementation and monitoring of laws, regulations, policies and programmes, concerning equality and non-discrimination of rights of persons with disabilities.^{viii}</p> <p>5.15 Proportion of received complaints alleging discrimination on the basis of disability and/or other grounds against persons with disabilities that have been investigated and adjudicated; proportion of those found in favour of the complainant; and proportion of the latter that have been complied with by the government and/or duty bearer; each disaggregated by kind of mechanism.^{ix}</p>		
Outcome	<p>5.16 Proportion of population reporting having personally felt discriminated against or harassed in the previous 12 months on the basis of a ground of discrimination prohibited under international human rights law (SDG indicators 10.3.1/16.b.1), disaggregated by sex, age and disability.</p> <p>5.18 Proportion of population below the international poverty line, by sex, age, employment status, geographical location (urban/rural), (SDG indicator 1.1.1) and disability.</p> <p>5.19 Proportion of population below the national poverty line, by sex, age (SDG indicator 1.2.1) and disability</p> <p>5.20 Proportion of population living in households with access to basic services (SDG indicator 1.4.1) disaggregated by sex, age and disability</p> <p>5.21 Proportion of total adult population with secure tenure rights to land, with legally recognized documentation and who perceive their rights to land as secure, by sex and by type of tenure (SDG indicator 1.4.2) and disability</p> <p>5.22 Average hourly earnings of female and male employees, by occupation, age and persons with disabilities (SDG indicator 8.5.1)</p> <p>5.23 Unemployment rate, by sex, age and persons with disabilities (SDG 8.5.2)</p> <p>5.24 Proportion of people living below 50 per cent of median income, by age, sex and persons with disabilities (SDG indicator 10.2.1)</p> <p>5.25 Coverage by essential health services (defined as the average coverage of essential services based on tracer interventions that include reproductive, maternal, newborn and child health, infectious diseases, non-communicable diseases and service capacity and access, among the general and the most disadvantaged population) (SDG indicator 3.8.1), disaggregated by sex, age and disability.</p> <p>5.26 Proportions of positions (by sex, age, disability and population groups) in public institutions (national and local legislatures, public service, and judiciary) compared to national distributions (SDG 16.7.1)</p>	<p>5.17 Number and proportion of reasonable accommodation requests granted in the public sector, disaggregated by sex, age and disability.</p>	

- * Article 5 of the CRPD cuts across all rights of the Convention and is thus intimately linked to each. While the CRPD establishes an autonomous right to equality and non-discrimination, violations of discrimination will most commonly be related to another article of the Convention. e.g. restricting the right of blind persons to open a bank account amounts to a violation of both Article 12 and of Article 5 of the CRPD.
- i Legislation should contain at least the following elements:
- Definition of discrimination on the basis of disability is compliant with Article 2 of the Convention;
 - Prohibition of discrimination against persons with disabilities on the basis of all prohibited grounds of discrimination, including actual or perceived disability;
 - Definition of discrimination on the basis of disability includes direct/indirect discrimination, harassment, discrimination by association, multiple/intersectional discrimination and denial of reasonable accommodation, which is defined in compliance with the Convention;
 - Discrimination on the basis of disability is prohibited across all sectors and in all areas of life, including employment, education, healthcare, access to goods and services, access to justice, political participation etc.;
 - The obligation to provide reasonable accommodation is recognized across all sectors and in all areas of life.
 - Provision for funding mechanisms to ensure the provision of reasonable accommodation;
 - Appointment of a national mechanism mandated to address discrimination on the basis of disability;
 - Availability of effective remedies against, and dissuasive sanctions for violations of anti-discrimination legislation;
 - Broad recognition of legal standing including individual victims, groups and associations working to combat discriminatory practices; and
 - State duty to adopt specific measures, including affirmative action measures, to achieve de facto equality of persons with disabilities.
- ii For example, women and girls, children, older persons, persons who are deafblind, persons with intellectual disabilities, persons with psychosocial disabilities, LGBTI persons with disabilities, people with disabilities belonging to disadvantaged socioeconomic groups, migrants, indigenous persons, persons with albinism, persons with autism, persons belonging to a minority, persons living in remote and rural areas and displaced persons with disabilities, among others.
- iii Publication of data must respect the right to privacy of individuals and data protection standards. See OHCHR, [A human rights based approach to data](#) (2018).
- iv “Relevant thematic legislation enacted” refers to legal frameworks regulating the exercise of rights, whether they are disability specific or mainstream (e.g. labour code, education act, law on social protection, media law, etc.)
- v For example, guidance on reasonable accommodation could contribute to ensuring broader knowledge of it and its broader provision particularly given that the obligation to provide reasonable accommodation is often misunderstood and confused with accessibility measures. For a clear distinction, see CRPD Committee, [general comment no. 2](#), paras. 25 and 26, and [general comment no. 6](#), para. 26. e.g. guidelines on reasonable accommodation at the national level have been developed in Peru <https://www.gob.pe/institucion/mtpe/normas-legales/282560-171-2019-tr>; in New Zealand https://www.hrc.co.nz/files/7814/4848/7923/imm_reasonable_accommodation_guide.pdf, among others.
- vi Typical examples of specific measures, including affirmative actions, to achieve de facto equality, are:
- Employment quotas requiring both public and private employers to hire a certain proportion of persons with disabilities according to the total number of employees (e.g. 1 out of 20, 5%);
 - Quotas in electoral lists or reserved seats in parliament to promote representativeness and enhance political participation of persons with disabilities;
 - Tax exemptions for importing specific products for mobility (adapted cars, assistive devices, etc.);
 - Social protection benefits granted to persons with disabilities, either to ensure income security (poverty reduction programmes targeting persons with disabilities) or to cover disability related costs (social protection programmes to mitigate and cover direct or indirect additional costs of disability-related expenses).
- vii Affirmative action measures should be designed to ensure that their impact can be monitored to report on beneficiaries, in particular, to reflect the multiple and intersecting identities of beneficiaries where relevant to the context. e.g. an increase in the admission rate of persons with disabilities at universities can be the effect of an affirmative action measure (e.g. quota or preferential admission) and/or the increased number of eligible applicants with disabilities.
- viii This indicator requires verifying concrete activities undertaken by public authorities to involve persons with disabilities in decision-making processes related to issues that directly or indirectly affect them in line with article 4.3 of the CRPD and [general comment no. 7](#) of the CRPD Committee, including consultation meetings, technical briefings, online consultation surveys, calls for comments on draft legislation and policies, among other methods and mechanisms of participation. In this regard, States must
- ensure that consultation processes are transparent and accessible;
 - ensure provision of appropriate and accessible information;
 - not withhold information, condition or prevent organizations of persons with disabilities from freely expressing their opinions;
 - include both registered and unregistered organizations;
 - ensure early and continuous involvement;
 - cover related expenses of participants.

^{ix} This information should be disaggregated by:

- sex, age, disability, ethnic background, indigenous background, minority background, language, nationality, migrant status, refugee status, asylum-seeker status, stateless status, socioeconomic status, geographical location or place of residence (urban/rural area), religion, marital and family status, sexual orientation, gender identity of the complainant/s;
- Mechanism (e.g. courts/tribunals, the national human rights institution, human rights ombudsperson or other mechanisms);
- Ground(s) of discrimination.
- Respondent (private persons or actors, or public agencies)
- Kind of discrimination alleged (direct, indirect, etc., identifying notably cases of alleged denial of reasonable accommodation and lack of compliance with specific measures).
- Outcome of the complaint (e.g. upheld, dismissed, etc.)
- Compliance or not by government (e.g. compensation for discrimination on the basis of disability, and the average amount of such compensation)