

**Submission of the International Commission of Jurists to the UN
Committee on the Rights of Persons with Disabilities**

In response to the "Call for written submissions on the draft guidelines on addressing multiple and intersectional forms of discrimination against women and girls with disabilities"

Submitted on 30 October 2025

Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

P.O. Box 1740, Rue des Buis 3
1211 Geneva 1, Switzerland
Tel: +41(0) 22 979 3800 – Fax: +41(0) 22 979 3801
Website: <http://www.icj.org>
E-mail: info@icj.org

Contents

INTRODUCTION.....	2
Legal & Policy Recognition.....	4
Data Collection & Evidence	10
Women and Girls with Disabilities Facing Multiple and Intersectional Discrimination.....	13
Forms & Risks of Discrimination	16

INTRODUCTION

1. The International Commission of Jurists ("ICJ") welcomes the opportunity to respond to the call by the Committee on the Rights of Persons with Disabilities ("Committee") on the draft guidelines on addressing multiple and intersectional forms of discrimination against women and girls with disabilities.¹
2. The ICJ is concerned that, despite efforts, institutional failings continue to impede the access to justice of women and girls with disabilities,² and that

¹ Committee on the Rights of Persons with Disabilities, "Call for written submissions on the draft guidelines on addressing multiple and intersectional forms of discrimination against women and girls with disabilities" (OHCHR, 2025), available at: <https://www.ohchr.org/en/calls-for-input/2025/call-written-submissions-draft-guidelines-addressing-multiple-and>.

² A 2025 ICJ study across nine sub-Saharan countries reveals that court facilities remain largely inaccessible and procedural accommodations have been inconsistently provided. With specific reference to women and girls with disabilities, the study emphasizes that, "Lack of barrier-free access to the justice system has particularly adverse impacts for women with disabilities who face gender-specific impacts, children with disabilities who face age-specific impacts, and persons with intellectual and/or psychosocial disabilities." ICJ, "An Opportune Moment: Realizing the Rights of Persons with Disabilities in Africa", ICJ's study of nine sub-Saharan African States' implementation of the Convention on the Rights of Persons with Disabilities (May 2025), page 6. In the Africa region, the Nairobi Declaration on Access to Justice for Persons with Disabilities (2025) underscores the intersecting discrimination faced by women and girls with disabilities, especially in cases of violence, and calls for gender- and disability-sensitive legal support throughout legal proceedings. The Nairobi Declaration on Access to Justice for Persons with Disabilities is the outcome of discussions at the Regional Workshop on Access to Justice for Persons with Disabilities, convened by the ICJ in collaboration with the United Disabled Persons of Kenya (UDPK) in Nairobi on 14–15 May, 2025. The workshop brought together over 80 attendees comprising persons with disabilities, representatives of organizations of persons with disabilities (OPDs), civil society representatives, legal experts, and justice actors from across the Africa region. The Nairobi Declaration makes various affirmations concerning a range challenges facing persons with disabilities in Africa and calls on African States and stakeholders to take specific actions to address those challenges. Similarly, in Asia, the Kathmandu Declaration on Access to Justice for Persons with Disabilities (2024) highlighted the compounded and intersectional discrimination faced by women and girls with disabilities, which compounds barriers to accessing justice. ICJ, "Kathmandu Declaration on Access to Justice for Persons with Disabilities, 2024 (Kathmandu Declaration 2024)", available at https://www.icj.org/wp-content/uploads/2024/11/A2J_DisabilityRights_KathmanduDeclaration_English.pdf. The Kathmandu Declaration on Access to Justice for Persons with Disabilities is the outcome of discussions at the Regional Workshop on Access to Justice for Persons with Disabilities convened by the ICJ between 12–13 May 2024 in collaboration with the Nepal Disabled Women's Association (NDWA) and KOSHISH, Transforming Communities for Inclusion (TCI), with participants from 13 countries in the Asia region, namely, Nepal, Bhutan, India, Pakistan, Bangladesh, Sri Lanka, Thailand, South Korea, Malaysia, Indonesia, Taiwan, Philippines, Japan, including judges, human rights lawyers, litigating lawyers, human rights defenders, representatives of OPDs. Moreover, in the European context, in preparing the *Model Benchbook on the Rights of Persons with Disabilities in Criminal Proceedings* in 2024, the ICJ observed that, while specialized measures are commonly available for children (including girls) and women survivors of domestic or sexual violence, comparable accommodations are rarely extended to women and girls with disabilities even though they face heightened risks of violence, abuse and exploitation. This results in compounded exclusion, particularly for those with intellectual or psychosocial disabilities. ICJ, "Model Bench Book on the Rights of Persons with Disabilities Who Are Defendants in Criminal Proceedings" (August 2024), available at: https://www.icj.org/wp-content/uploads/2024/09/ENABLE-Model-disability-benchbook_V2.pdf. The *Model Benchbook on the Rights of Persons with Disabilities in Criminal Proceedings*, drafted by the ICJ, promotes access to justice and fairer criminal proceedings for defendants with intellectual and psychosocial disabilities in Bulgaria, the Czech Republic, Lithuania, Portugal, Romania, Slovakia, Slovenia, and Spain. It analyses international and regional human rights standards on procedural accommodations and provides practical guidance for their implementation, serving as a foundation for national disability rights bench books developed by partner organizations in the participating countries.

compounded barriers often lead to gender-based violence and abuse going unreported.³ Obstacles, such as inaccessible legal procedures, denial of legal capacity, and lack of reasonable accommodation, further reinforce stigma and social marginalization, reflecting some of the unique concerns at the intersection of gender and disability.⁴

3. To address persistent discrimination, denial of access to justice, and harmful stereotypes, the ICJ, in partnership with national organizations, is implementing an initiative aiming to empower women and girls, including those with disabilities, in Nepal, Kenya and Uzbekistan. The development of guidelines for justice sector actors on addressing these concerns is central to this initiative.
4. This submission is based on ICJ's in-country research carried out in the context of the above-mentioned initiative and consultations with justice sector stakeholders, such as judges, lawyers, court officials, and organizations of persons with disabilities ("OPDs"),⁵ including with women and girls with disabilities themselves in Nepal, Kenya and Uzbekistan.
5. This submission builds on ICJ's earlier work highlighting ongoing gender-based discrimination and harmful stereotypes in justice systems, including its *Bangkok General Guidance for Judges on Applying a Gender Perspective* (BGG 2022).⁶

³ UN (DSPD & DESA), "Toolkit on Disability for Africa: Access to Justice for Persons with Disabilities", 2016 p. 24, available at: <https://www.un.org/esa/socdev/documents/disability/Toolkit/Access-to-justice.pdf>

⁴ ICJ, "An Opportune Moment: Realizing the Rights of Persons with Disabilities in Africa", ICJ's study of nine sub-Saharan African States' implementation of the Convention on the Rights of Persons with Disabilities (May 2025); ICJ, "Kathmandu Declaration on Access to Justice for Persons with Disabilities, 2024 (Kathmandu Declaration 2024)

⁵ ICJ, "Consultative Meeting with the Lawyers from Bar Units of the Kathmandu Valley" (01 August 2025), available at: <https://www.icj.org/nepal-lawyers-urge-authorities-to-address-inaccessibility-of-justice-system-to-women-and-girls-with-disabilities/>; ICJ, "Consultative Meeting with Lawyers with Disabilities and Advocates for Disability and Gender Equality" (Kathmandu, 07 August 2025); ICJ, "Consultative Meeting with High Court Judges" (Kathmandu, 15 August 2025); ICJ, "Consultative Meeting with the Court Officials" (Kathmandu, 29 August 2025)

⁶ ICJ, "Bangkok General Guidance for Judges on Applying a Gender Perspective in South and Southeast Asia" (May 2022) Shortly BGG 2022 available at: https://www.icj.org/wp-content/uploads/2023/02/ICJ_Bangkok_General_Guidance-1.pdf The guidance defines intersectional discrimination as occurring where multiple factors (such as gender and disability) intersect and operate together to create unique forms of discrimination. It asserts that applying a "gender perspective" is essential to ensure justice that is free from both explicit and implicit gender bias. Likewise, a combined gender and disability perspective is critical to ensuring justice be free from discrimination. The first edition of the BGG was discussed and adopted by judges from Indonesia, the Philippines, Thailand and Timor Leste at a judicial dialogue organized by the International Commission of Jurists (ICJ) and UN Women in Bangkok, Thailand, on 24 and 25 June 2016. The updated Guidelines in draft form were discussed and ultimately launched in final form by Judges from Bangladesh, India, Maldives, Nepal, Pakistan and Sri Lanka at a regional judicial dialogue held in Maldives on 27th and 28th of May 2022. Although the BGG was initially developed for South and Southeast Asia, it has broader relevance, particularly for addressing intersectional discrimination (for example, against women and girls with disabilities), and the ICJ has used the BGG for trainings of a range of justice actors elsewhere in the world.

Legal & Policy Recognition⁷

Kenya

6. Kenya is a State Party to the Convention on the Rights of Persons with Disabilities ("CRPD")⁸, the Convention on the Elimination of all Forms of Discrimination against Women ("CEDAW");⁹ the Convention on the Rights of the Child ("CRC");¹⁰ the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol);¹¹ and the Protocol to the African Charter on Human and Peoples' Rights on Persons with Disabilities in Africa (Africa Disability Protocol).¹² Kenyan Courts are constitutionally bound to consider the general rules of international law, and treaties by which Kenya is bound in determining matters, and do so on a routine basis, albeit inconsistently and seemingly selectively at times.¹³
7. The Constitution of Kenya provides recognition for the human rights of all persons, including persons with disabilities.¹⁴ The right to "equality and freedom from discrimination" is secured under the Bill of Rights, which also prohibits

⁷ The information below addresses the Committee's question on whether national laws prohibit disability-based discrimination, including denial of reasonable accommodations. In the context of access to justice, the CRPD requires the provision of procedural accommodation, which, while similar to the requirement for the provision of reasonable accommodation, has been considered by the Committee to demand a higher standard.

⁸ Convention on the Rights of Persons with Disabilities, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities>.

⁹ Convention on the Elimination of All Forms of Discrimination against Women, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>.

¹⁰ Convention on the Rights of the Child, available at <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.

¹¹ Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, available at <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa>.

¹² Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, available at <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-persons-disabilities-africa>.

¹³ Article 2(5)(6) Constitution of Kenya. The provisions state "(5) The general rules of international law shall form part of the law of Kenya. (6) Any treaty or convention ratified by Kenya shall form part of the law of Kenya under this Constitution." The application of international law in domestic arena has been interpreted severally by the Kenyan courts. See for instance Supreme Court judgment in *Mitu-Bell Welfare Society v Kenya Airports Authority & 2 Others; Initiative for Strategic Litigation in Africa (Amicus Curiae)* (Petition 3 of 2018) [2021] KESC 34 (KLR) (11 January 2021) (Judgment), available at <https://new.kenyalaw.org/akn/ke/judgment/kesc/2021/34/eng@2021-01-11>.

¹⁴ [Constitution of Kenya](#), Article 54. The provisions read as follows: "Persons with disabilities"

(1) A person with any disability is entitled—

(a) to be treated with dignity and respect and to be addressed and referred to in a manner that is not demeaning;

(b) to access educational institutions and facilities for persons with disabilities that are integrated into society to the extent compatible with the interests of the person;

(c) to reasonable access to all places, public transport and information;

(d) to use Sign language, Braille or other appropriate means of communication; and

(e) to access materials and devices to overcome constraints arising from the person's disability.

(2) The State shall ensure the progressive implementation of the principle that at least five percent of the members of the public in elective and appointive bodies are persons with disabilities."

“disability” and “sex”-based discrimination explicitly.¹⁵ Notably, the Constitution also includes a specific provision on the rights of persons with disabilities.¹⁶ The Constitution also secures the right to a fair hearing, which explicitly includes provision for an intermediary to assist communication with the court.¹⁷

8. Kenya’s Persons with Disabilities National Policy (2024) expressly identifies denial of reasonable accommodation as a form of discrimination.¹⁸ Consistent with the CRPD, section 2 of the Persons with Disabilities Act, enacted in 2025,¹⁹ defines disability-based discrimination to include a “denial of reasonable accommodation”.²⁰ Therefore, under the Act, the requirement to provide reasonable accommodation to persons with disabilities is of general application, although it is also specified in particular provisions relating to employment.²¹ This marks a clear improvement from the previous Act, which limited the application of the reasonable accommodation standard to the employment context.²²
9. The Act also contains a specific provision on “women with disability” expressly recognizing their rights to: participation in social, economic and political

¹⁵ Article 27(4) specifically states, “The State shall not discriminate directly or indirectly against any person on any ground, including race, sex, pregnancy, marital status, health status, ethnic or social origin, colour, age, disability, religion, conscience, belief, culture, dress, language or birth.” In the case of *NGOS Co-ordination Board vs. Eric Gitari & 5 Others* ([Supreme Court Petition No.16 of 2019](#)), the Supreme Court of Kenya by a majority, read sexual orientation within the prohibited grounds of discrimination contemplated under Article 27 (4) of the Constitution. In so doing, the apex Court upheld the finding of the Court below that failure of the appellant (NGO Board) to reserve a name for an NGO whose object was to address gay and lesbian rights was discriminatory.

¹⁶ Article 54, Constitution of Kenya.

¹⁷ Article 50(7), Constitution of Kenya.

¹⁸ Kenya: The Persons with Disabilities National Policy (May, 2024). The [National Policy](#) defines the term discrimination in the following terms: “any direct or indirect distinction, exclusion, or restriction on the basis of disability which has the purpose or effect of nullifying the recognition, enjoyment or exercise of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other fields. It includes all forms of discrimination including denial of reasonable accommodation.”

¹⁹ Persons with Disabilities Act 2025 [Act No. 4 of 2025](#). The 2025 Act repealed the outdated 2003 Persons with Disabilities Act ([Cap 133](#)).

²⁰ S 2 Persons with Disabilities Act, 2025 defines “discrimination on the basis of disability” to mean, “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation.” Reasonable accommodation is defined in section 21(7)(a) of the Act as, “(i) making existing facilities used by employees readily accessible to and usable by persons with disabilities; (ii) job restructuring, part time or modified work schedules, reassignment to a vacant or suitable position, acquisition or modification of equipment or devices, appropriate adjustments or modifications of examinations, training materials or policies, the provisions of qualified readers or interpreters, and other similar accommodations for persons with disabilities; (iii) payment of assistive allowances to employees with disabilities.”

²¹ S 21(7)(c) Persons with Disabilities Act, 2025. Discrimination in the context of employment includes: “(i) limiting or classifying a job applicant or employee in an adverse way; (ii) denying employment opportunities to qualified persons; (iii) not making reasonable accommodation; (iv) not advancing employees with disabilities in employment; and (v) not providing necessary accommodations in training materials or policies; and the provision of qualified readers or interpreters”.

²² Sections 2, 12, and 15 Persons with Disabilities Act ([Cap 133](#)) & Section 5 Employment Act (Cap. 226).

decision-making; protection from sexual and gender-based violence (SGBV) and to psychosocial support against SGBV; sexual and reproductive health services; retain and control their fertility; and not be deprived of their child/ren on grounds of disability.²³ The Act also features specific provisions on children with disabilities and youth with disabilities, both of which apply to girls with disabilities.²⁴

10. The Act is fully enforceable in Kenyan courts. It broadly defines discrimination on the basis of a disability as constituting a criminal offence, which, upon conviction, is punishable with a fine not exceeding two million Kenyan shillings (approximately 15500 dollars) or a two-year prison sentence or both.²⁵ This criminalization of a very broad range of conduct is couched in vague and ambiguous terms. As a result, it is inconsistent with general principles of criminal law and international human rights law and standards and may result in the imposition of disproportionate sanctions upon conviction.²⁶ Therefore, the ICJ considers that the Kenyan legislature should review and amend section 62 of the Act to ensure its compliance with international law and standards.
11. In addition to the Disability Act, other laws have a bearing on the human rights of persons with disabilities. The Mental Health Act (MHA) safeguards the right of “persons with a mental illness” to be free from any form of discrimination.²⁷ However, despite broadly endorsing a human rights-based, support-based decision-making approach, the MHA allows for too many exceptions and features provisions that permit or require substituted decision-making and involuntary treatment contrary to the CRPD. Further examples include the Children Act, which prohibits discrimination against children on any grounds,²⁸ including disability and gender-based discrimination, and the Employment Act, which

²³ S 10 Persons with Disabilities Act, 2025.

²⁴ Ss 11 and 12 Persons with Disabilities Act, 2025.

²⁵ S 62(1), (2) Persons with Disabilities Act, 2025. The Act also specifies that these criminal penalties do not prevent the granting of separate civil awards for “compensation” or “other appropriate remedies.”

²⁶ This is especially so when one weighs acts prescribed as offence and the penalty. Section 62(2) reads as follows: “(2) The following acts or omissions constitute discrimination within the meaning of subsection (1) if the act or omission complained of results in denial to any person by reason of his or her disability of any of the following—(a) public services or entry to public premises generally accessible to members of the public; (b) the right of inheritance in accordance with the law of succession; (c) health services including reproductive health services generally accessible to members of the public in accordance with the law relating to health; (d) educational or other training services, generally accessible to the public; (e) employment or indentured learner-ship; (f) the rights guaranteed under Article 53 of the Constitution; (g) the rights guaranteed under Article 55 of the Constitution; (h) the rights of older persons guaranteed under Article 57 of the Constitution; (i) the right to obtain, possess and utilize documents of registration or identification, including a certificate of birth, national identity card and passport; (j) the right to respect for personal dignity as guaranteed under article 28 of the constitution; and (k) reasonable accommodation. See, ICJ, “[The 8 March Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty](#)”, in particular, Principles 1, 2, 7, 8 and 13.

²⁷ Sections 2B and 3 Mental Health Act ([Cap 248](#)).

²⁸ Sections 9, 20 Children Act ([Cap 141](#)).

outlaws discrimination in employment and dismissal on the basis of sex and disability.²⁹

12. With the recent enactment of the Persons with Disabilities Act, Kenya has firmly entrenched broad guarantees of reasonable and procedural accommodations for persons with disabilities within its law. Court decisions, which have applied the prohibition of the denial of reasonable accommodation to persons with disabilities in the field of employment,³⁰ may also now extend to other contexts.³¹

Nepal

13. Nepal is a party to CEDAW and the CRPD,³² both of which have been interpreted by the CEDAW Committee and this Committee to prohibit intersectional discrimination.³³ The Constitution of Nepal prohibits discrimination on several grounds, including sex and “other similar grounds”.³⁴ Article 38 details the rights of women, including reproductive rights and protection against all forms of violence and exploitation.³⁵ Additionally, the Act Relating to the Rights of

²⁹ Sections 5, 46 Employment Act ([Cap. 226](#)).

³⁰ See, for instance, *Gichuru v Package Insurance Brokers Ltd* (Petition 36 of 2019) [2021] KESC 12 (KLR) (22 October 2021) (Judgment) and *JMM v Smollan Kenya Limited* (Cause 104 of 2017) [2019] KEELRC 1905 (KLR) (29 March 2019) (Judgment). In *Macharia v Safaricom PLC* (Petition 434 of 2019) [2021] KEHC 462 (KLR) (Constitutional and Human Rights) (8 July 2021) (Judgment), the High Court found that the act of denying the Petitioner an employment opportunity on the basis of disability was not shown to amount to an act of discrimination against the Petitioner nor was it discriminatory by virtue of then Section 15(2) of the Persons with Disabilities Act. The Court however found that the rights to human dignity and fair administrative action were violated by the employer who invited a candidate for an interview but failed to provide the software necessary to evaluate and enable the candidate to work. The Court proceeded to award damages.

³¹ More recently, the High Court has ruled that differential treatment of a visually impaired client in accessing bank services was discriminatory and violated the right to dignity and legal capacity. In the case of *Wilson Macharia v I & M Bank Limited* (HCCHRPET/E443/2023) the High Court at Milimani found that the requirement by the Bank for the petitioner to furnish a power of attorney or sign a deed of indemnity to open and operate a bank account violated the right to non-discrimination (Article 27(4)), right to dignity (Article 28), the right to accessibility (article 54 and section 25 of the Persons with Disabilities Act) and the right to legal capacity. The Petitioner was awarded damages amounting to 2.5 million Kenya Shillings (approx. 19,000 USD).

³² Office of the United Nations High Commissioner for Human Rights (OHCHR), “Status of Ratification Interactive Dashboard” (OHCHR, 2025), Nepal section, available at: <https://indicators.ohchr.org/>.

³³ Committee on the Elimination of Discrimination against Women (CEDAW), “General Recommendation No. 25: Temporary Special Measures” (2004), para. 12, available at: [https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20\(E%20nglish\).pdf](https://www.un.org/womenwatch/daw/cedaw/recommendations/General%20recommendation%2025%20(E%20nglish).pdf), Committee on the Elimination of Discrimination against Women (CEDAW), “General Recommendation No. 28: Core Obligations of States Parties under Article 2 (16 December 2010) para. 18, available at: <https://www.refworld.org/legal/general/cedaw/2010/en/77255>; Committee on the Rights of Persons with Disabilities (CRPD), General Comment No. 6: Equality and non-discrimination (26 April 2018) para. 19, available at: <https://documents.un.org/doc/undoc/gen/q18/119/05/pdf/q1811905.pdf>.

³⁴ The Constitution of Nepal, 2015, Article 18. (1) “All citizens shall be equal before law. No person shall be denied the equal protection of law. (2) No discrimination shall be made in the application of general laws on grounds of origin, religion, race, caste, tribe, sex, physical condition, condition of health, marital status, pregnancy, economic condition, language or region, ideology or on similar other grounds.”

³⁵ The Constitution of Nepal, 2015, Article 38 (3) “No woman shall be subjected to physical, mental, sexual, psychological or other form of violence or exploitation on grounds of religion, social, cultural tradition,

Persons with Disabilities, 2017 (“the ARPD 2017”) prohibits “discrimination on the basis of disability”, which the legislation defines as including “denial of reasonable accommodation”. Section 19 focuses on women, addressing health, reproductive rights, and empowerment, but it omits explicit reference to girls.³⁶ However, Section 20 focuses on the rights of children with disabilities, including girls, guaranteeing their rights to education, active participation in society, expression, and family life.³⁷

14. Nepal, however, lacks a comprehensive anti-discrimination law fully aligned with Article 1 of CEDAW and Article 2 of the CRPD, particularly regarding indirect, systemic, and intersectional discrimination. The constitutional guarantees and general protections for women with disabilities have not sufficiently addressed the intersectional discrimination they face, including on the basis of caste, class, ethnicity, gender, and geographic location.³⁸ As a result, civil society organizations have expressed concern that the State has failed to comply with its international human rights law obligations in this respect, leaving women and girls with disabilities without adequate protection.³⁹
15. Despite, constitutional guarantees under Article 20(10)⁴⁰ and Article 42(3)⁴¹ and specific provisions in the ARPD 2017 regarding access to services, facilities and justice for persons with disabilities,⁴² significant gaps in physical accessibility

practice or on any other grounds. Such act shall be punishable by law, and the victim shall have the right to obtain compensation in accordance with law”.

³⁶ The ARPD, 2017, Section 8 “Right against discrimination: (1) No person with disability shall be subjected to discrimination on the basis of disability or be deprived of personal liberty. Explanation: For the purposes of this Section, “discrimination on the basis of disability” means any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field, and this term also includes denial of reasonable accommodation.”

³⁷ The ARPD, 2017, Section 20 Rights of children with disabilities.

³⁸ UN Women & et al, Legal Needs Survey: Summary Of Findings And Recommendations For Nepal in “Closing the Justice Gap For Women with Intellectual and/or Psychosocial Disabilities in Asia and the Pacific” (2023), available at: https://pacificdisability.org/wp-content/uploads/2024/05/ap-c453-04-fa_final_nepal-kp1-country-brief.pdf.

³⁹ FWLD & CEDAW Shadow Report Preparation Committee, “Civil Society’s Submission for the List of Issues on the 7th Periodic Report of Nepal” (January 2024).

⁴⁰ The Constitution of Nepal, 2015, Article 20, “Rights relating to justice: (10) Any indigent party shall have the right to free legal aid in accordance with law”.

⁴¹ “The citizens with disabilities shall have the right to live with dignity and honor, with the identity of their diversity, and have equal access to public services and facilities”

⁴² Section 15. “Right of access to services, facilities and justice: (1) The persons with disabilities shall have the right to have easy access to other services and facilities that are open or provided for the public, including educational institutes, housing, workplaces, buildings, roads, transportation, and electronic communication services. (2) The persons with disabilities shall have the right to free legal aid in order to ensure that they have access to justice”.

and procedural accommodations persist, creating barriers to access to justice for persons with disabilities.⁴³

16. While some positive measures have been taken, such as constructions of ramps, installation of elevators, widening of corridors and the provision of accessible restrooms, especially in police and court buildings,⁴⁴ other systemic barriers to access to justice for women and girls with disabilities persist.⁴⁵ According to a study by NDWA in 2022, women and girls with disabilities face various barriers to access to justice that include physical, procedural and attitudinal barriers.⁴⁶ Places where justice is administered, such as police stations and courts, continue to lack procedural supports, such as intermediaries or assistance during legal proceedings, which further limit the effective access of women and girls with disabilities to justice.⁴⁷

Uzbekistan

17. Along with other international human rights treaties, including the ICCPR, CESC, CRC, Uzbekistan is a party to the CEDAW⁴⁸ and the CRPD.⁴⁹ Uzbekistan's Constitution prohibits discrimination on various grounds, including on the basis of "sex".⁵⁰ However, the Constitution does not include disability among the prohibited grounds of discrimination.
18. In 2020, ahead of its ratification of the CRPD, Uzbekistan enacted a law "On the Rights of Persons with Disability" ("Uzbek Disability Act"), which expressly prohibits discrimination based on disability, defining it as "any segregation, exclusion, dismissal, or restriction due to disability, the purpose or result of which is to deny the recognition or enjoyment - equally with others - of the

⁴³ ICJ, FWLD, KOSHISH & NDWA, "Shadow Report to the 51st Session of the Human Rights Council on the Universal Periodic Review of Nepal"(16 July 2025), available at: https://www.icj.org/wp-content/uploads/2025/07/NDWA_UPR_Nepal_Joint-Submission.pdf.

⁴⁴ National Federation of the Disabled Nepal & National Human Rights Commission, "A Study on Identifying Barriers to Accessing Justice for Persons with Disabilities" (2022), available at: <https://nfdn.org.np/research-report>.

⁴⁵ NDWA, "Revealing the Other Side of Stories of Women with Disabilities: Breaking the Silence", Policy Review and Barrier Analysis (June 2022).

⁴⁶ NDWA, "Revealing the Other Side of Stories of Women with Disabilities: Breaking the Silence", Policy Review and Barrier Analysis (June 2022).

⁴⁷ National Federation of the Disabled Nepal & National Human Rights Commission, "A Study on Identifying Barriers to Accessing Justice for Persons with Disabilities" (2022), available at: <https://nfdn.org.np/research-report>, ICJ, "Asia Regional Workshop on Access to Justice for Persons with Disabilities" Kathmandu, Nepal (11–12 May 2024), available at : <https://www.icj.org/asia-people-with-disabilities-advocate-their-own-rights-at-icjs-first-international-workshop/> (Nepal section, discussion on panel on access to justice for persons with disabilities).

⁴⁸ CEDAW ratification status by countries https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CEDAW, last accessed on 19 Sep 2025.

⁴⁹ CRPD ratification status by countries https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRPD last accessed on 19 Sep 2025.

⁵⁰ Constitution of the Republic of Uzbekistan, adopted December 8, 1992 (with amendments). Accessed September 24, 2025, available at: <https://constitution.uz/en>, last accessed on 19 Sep 2025.

rights and freedoms of persons with disabilities in the political, economic, social, cultural, civil, or other field". This definition is similar to the definition of discrimination on the grounds of disability featured in the CRPD,⁵¹ but importantly does not explicitly define denial of reasonable accommodation as discrimination on the basis of disability in contravention of the Convention.⁵² Moreover, it does not contain a specific provision on the rights of women with disabilities. The sole reference to gender in this regard requires the State and other entities to "inform persons with disabilities of the availability and accessibility of support programs and services that take into account their age, gender, and form of disability, as well as personal needs".⁵³

19. The recently adopted Law On Guarantees with Respect to Equal Rights and Opportunities for Women and Men defines discrimination on the basis of "gender" to include both direct and indirect discrimination and implicitly confirms a substantive approach to gender equality.⁵⁴ The Law also guarantees equality of rights and opportunities for women and men in family relations, including with respect to the "equal participation in the maintenance, upbringing and education of children, ensuring the protection of the rights and interests of minors and disabled family members".⁵⁵ The Law also guarantees that "parents shall have equal rights to receive allowances for the care of young children, family members with disabilities",⁵⁶ although it does not include a comprehensive treatment of the rights of women and girls with disabilities specifically.

Data Collection & Evidence⁵⁷

Kenya

20. Disability data are collected in censuses, surveys and administrative data. The Kenya National Bureau of Statistics (KNBS) is the principal government body mandated to collect, analyze and disseminate data, and is the "custodian of official statistical information".⁵⁸ Nevertheless, various other State and non-State institutions also collect disability-related data. This has resulted in a

⁵¹ The Law of the Republic of Uzbekistan On the rights of people with disabilities, available at: <https://lex.uz/docs/5694817> accessed on 19 Sep 2025.

⁵² CRPD, Article 2

⁵³ See The Law of the Republic of Uzbekistan On the rights of people with disabilities, available at: <https://lex.uz/docs/5694817>, Article 21, last accessed on 19 Sep 2025.

⁵⁴ The Law of the Republic of Uzbekistan On Guarantees with Respect to Equal Rights and Opportunities for Women and Men, available at: <https://lex.uz/docs/5167654>, Article 3, last accessed on 19 Sep 2025

⁵⁵ The Law of the Republic of Uzbekistan On Guarantees with Respect to Equal Rights and Opportunities for Women and Men, available at: <https://lex.uz/docs/5167654>, Article 24, last accessed on 19 Sep 2025

⁵⁶ The Law of the Republic of Uzbekistan On Guarantees with Respect to Equal Rights and Opportunities for Women and Men, available at: <https://lex.uz/docs/5167654>, Article 24, last accessed on 19 Sep 2025

⁵⁷ This section addresses questions raised by this Committee in respect of the need for the collection of disaggregated data. In the countries discussed in this submission, disaggregated data, including by disability and gender, are not collected regularly or systematically, limiting the ability to develop and implement action-oriented policies and strategies to address multiple and intersecting forms of discrimination.

⁵⁸ KNBS is established under section 3 of the Statistics Act (Cap. 112), available at <https://new.kenyalaw.org/akn/ke/act/2006/4/eng@2022-12-31>

fragmented, non-comprehensive disability data ecosystem.⁵⁹ Administrative data collected are often not disaggregated by gender and age, thus failing to properly account for women and girls with disabilities.⁶⁰

21. In the latest Census, in 2019, the KNBS used the Washington Group of Short Questions to capture information on persons with disabilities. According to the results, 2.2 per cent of Kenyans live with some form of disability. The results also indicate that disability is more prevalent among females (at 57.1 per cent) compared to males (42.9 per cent). In all probability, the census underreports disability prevalence significantly.⁶¹ There is therefore a need for a comprehensive national disability survey to address data gaps.⁶²

Nepal

22. Nepal's 2021 Census reported that 2.2 per cent of the population has a disability.⁶³ However, in 2023 the UN Development Programme noted that this figure likely underestimated the true prevalence of disability as the Census used an impairment-based approach, which, in turn, failed to capture broader social and functional barriers.⁶⁴ In 2023, a model survey in Sudurpashchim Province estimated adult disability prevalence at 10.1 per cent, which is closer to global rates, highlighting the need for more comprehensive and disaggregated data collection using a more appropriate and less medicalized approach to disability.⁶⁵
23. These gaps in disability data are reflected in the justice sector, where, despite the ARPD specifically mandating the collection of relevant data,⁶⁶ inefficient data management creates significant barriers to monitoring and addressing violence against women and girls with disabilities. Justice institutions, such as the Nepal Police,⁶⁷ the Nepal Women Commission,⁶⁸ and the Courts,⁶⁹ maintain

⁵⁹ DI, "Disability data in Kenya 2022: A comprehensive inventory Briefing" (November 2023) pages 6, 12 available at <https://devinit.org/resources/disability-data-kenya-2022-comprehensive-inventory/#downloads>.

⁶⁰ For example, ICJ's research shows that, in the context of access to justice, police, prosecutors and courts, disaggregated data on the basis of gender and disability are typically not collected in practice.

⁶¹ DI, Disability data in Kenya 2022: A Comprehensive Inventory Briefing (November 2023) page 12.

⁶² Kenya National Bureau of Statistics, 2019 Kenya Population and Housing Census, Analytical Report on Disability Volume XV page 92.

⁶³ National Federation of Disabled Nepal, "Disability Data from Nepal Census 2022" (4 April 2023) available at: <https://nfdn.org.np/news/disability-data/>, Central Bureau of Statistics, "DI01_PopulationByDisability" (2021) https://censusnepal.cbs.gov.np/results/files/disability/DI01_PopulationByDisability.xlsx.

⁶⁴ United Nations Development Programme (UNDP), "Terms of Reference for Supporting Disability Data Analysis and Disability Inclusion Survey" (2023), available at: <https://www.undp.org/sites/g/files/zskgke326/files/2023-09/undp-np-tor-disability-data-analysis-2023.pdf>.

⁶⁵ Ibid.

⁶⁶ The ARPD, Section 39(4).

⁶⁷ Nepal Police, "Crime data against Women, Children and Senior Citizen of Fiscal year 2080/81 (2023/2024), Women, Children and Senior Citizens Service Directorate-Crime Investigation Department (CID) available at: <https://cid.nepalpolice.gov.np/cid-wings/women-children-and-senior-citizen-service-directorate/>.

⁶⁸ National Women Commission, "National Women Commission, 'Report on Rape and Sexual Violence' (02 September 2024).

independent databases with no interoperability.⁷⁰ As a result of a lack of consistently collected data, a case involving a woman or girl with a disability might be recorded separately in three different systems with no link among them, with a significant risk of their disability being recorded inaccurately in some or all of them.⁷¹ As a result, there is a significant difficulty in tracking a victim's journey through the justice system and in getting a holistic picture of the prevalence of violence against women and girls with disabilities.⁷²

Uzbekistan

24. The official statistics collection data is not sufficiently disaggregated, thus failing to enable a comprehensive analysis of the situation of various groups of persons with disabilities.⁷³ The data includes the total number; gender (men/women); age groups (children/adult, working age/retirement age); type of disability (disability groups, such as I, II, III,⁷⁴ or by main cause of disability, such as endocrine diseases, and nervous system disorders);⁷⁵ and location of persons with disabilities (in each region).⁷⁶ While there have been efforts to reject a medical approach of disability,⁷⁷ the methodology used for data collection relies

⁶⁹ ICJ, Record of Consultative Meeting with High Court Judges (Kathmandu, 15 August 2025). A justice of the Supreme Court of Nepal stated that, in its full court meeting (early August), the Court decided to identify cases relating to persons with disabilities and to prioritize their hearing.

⁷⁰ ICJ, Record of Consultative Meeting with the Court Officials (Kathmandu, 29 August 2025). The participants noted that each institution keeps victim records separately. The lack of interoperability between databases used by police, courts, and justice sector actors leads to siloed information, duplication, delays, and barriers for persons with disabilities in accessing justice.

⁷¹ ICJ, Record of Consultative Meeting with Lawyers with Disabilities and Advocates for Disability and Gender Equality (Kathmandu, 7 August 2025). A litigating lawyer working to represent cases of women and girls with disabilities shared: "there is no consistent data system, in the cases involving a woman or girl with a disability might be entered into three different databases for example by the police, courts, and commissions, but the information is not linked. In many cases, disability is not recorded at all, or only in one place, making it hard to track the case and ensure justice."

⁷² Ibid.

⁷³ The Association of Disabled People of Uzbekistan, an umbrella NGO est. in 2018 and uniting dozens of public associations for persons with disabilities across Uzbekistan (35 member associations, with regional branches in 13 regions), also notes that, "information generated based on existing statistical indicators does not fully allow for a comprehensive analysis, identification of pressing problems, and assessment of the situation of various groups of persons with disabilities". See Bringing National Legislation into Compliance with the Provisions and Principles of the UN Convention on the Rights of Persons with Disabilities, Isakov O. Yu., available at: https://drive.google.com/file/d/1JSVM5PmD-FpgyyJNv-u-V1KL_4jscmHk/view, last accessed on 19 Sep 2025.

⁷⁴ Group I disability is assigned to individuals who have completely lost their ability to work and require outside assistance and care; Group II disability is assigned to individuals who have completely lost their ability to work but do not require outside assistance or care; Group III disability is assigned to individuals who have partially lost their ability to work.

⁷⁵ The National Statistics Committee "Number of women and men recognized as disabled for the first time due to disability" 02/07/2025, available at: <https://api.stat.uz/api/v1.0/data/nogironlik-sabablari-boyicha-birinchi-marta-nogi?lang=uz&format=pdf> accessed on 21 Sep 2025.

⁷⁶ The website of the National Agency for Social Protection of the Republic of Uzbekistan at: <https://ihma.uz/en/statistic> accessed on 21 Sep 2025. See also Key indicators of the social protection system in the Republic of Uzbekistan for 2024, National Statistics Committee of the Republic of Uzbekistan, (30 June 2025), available at: https://stat.uz/img/izhtimoiy_imoya-rus_p73448.pdf.

⁷⁷ In recent years, Uzbekistan has made efforts to move from the "medical" and "charity" models of disability to a social model of disability, abandoning the practice of determining disability based on the

on the old Soviet approach of assigning groups to disability based on medical assessment.⁷⁸

Women and Girls with Disabilities Facing Multiple and Intersectional Discrimination⁷⁹

Kenya

25. The ICJ's recent research documents significant obstacles faced by persons with psychosocial and/or intellectual disabilities in accessing justice in the formal justice system in Kenya.⁸⁰ Various laws discriminate against women and girls with disabilities and deny them legal capacity to participate in criminal and civil proceedings on an equal basis.⁸¹ The lack of procedural accommodations, including in the form of the provision of justice intermediaries, further aggravates the predicaments they face.⁸² Kenya's Persons with Disabilities National Policy recognizes that women and girls with disabilities face "multiple forms of discrimination based on gender, disability, and culture", which have resulted "in extreme difficulties in their effort for self-realization".⁸³ Women and girls with intellectual and/or psychosocial disabilities are targets of sexual and gender-based violence and face significant barriers in accessing justice.⁸⁴ These

degree of loss of ability to work. This change in the overall approach to defining disability is consistent with the Uzbek Disability Law, which provides that recognition of an individual as a person with a disability is determined by medico-social expert commissions, and for children under the age of eighteen by pediatric medico-social expert commissions. Effective from 1 September 2025, inter-district and district (city) medical and social expert commissions will no longer determine disability solely on the basis of medical documents. See, the Decree of the President of the Republic of Uzbekistan on the State Program for the implementation of the development strategy of New Uzbekistan for 2022-2026 in the year of caring for people and quality education, available at: <https://lex.uz/ru/docs/6999777>, last accessed on 24 Sep 2025.

⁷⁸ Key indicators of the social protection system in the Republic of Uzbekistan for 2024, National Statistics Committee of the Republic of Uzbekistan, (30 June 2025), available at https://stat.uz/img/izhtimoiy_imoya-rus_p73448.pdf. In particular, a person with a disability is defined as "an individual with persistent physical, mental, sensory, or psychiatric impairments who requires social support and protection, as well as the creation of conditions for full, equal, and effective participation in political, economic, and social life on an equal basis with other members of society; a child with a disability as an individual under 18 years of age who has persistent physical, mental, sensory, or psychiatric impairments and therefore requires social assistance and protection of their rights and legitimate interests from the State and society. Moreover, such methodology implies that, "disability groups are established depending on the degree of health impairment or ability to work and are divided into three groups."

⁷⁹ This section focuses on women and girls with intellectual and/or psychosocial disabilities, in particular, including those living in institutions. The section responds to the Committee's questions regarding women and girls with disabilities who face the greatest risks of multiple and intersectional discrimination.

⁸⁰ ICJ, "Access to Justice for Persons with Disabilities in Kenya: Progress and Challenges", (July 2025), p 25-9 available at: <https://www.icj.org/wp-content/uploads/2025/07/Access-to-Justice-for-Persons-with-Disabilities-in-Kenya.pdf>.

⁸¹ Ibid p 12, 25-30.

⁸² ICJ, "Access to Justice for Persons with Disabilities in Kenya: Progress and Challenges", (July 2025) p 36-8.

⁸³ Persons with Disabilities National Policy, para. 1.5.10 page 14.

⁸⁴ Coalition on Violence Against Women (COVAW), "Delayed. Denied. Legal and Administrative Bottlenecks to Effective and Efficient Delivery of Justice for Survivors of SGBV in Kenya", in COVAW Report (Nairobi, 2022), available at: [DELAYED. DENIED. Legal and Administrative Bottlenecks to Effective and Efficient Delivery of Justice for Survivors of SGBV in Kenya. - Coalition on Violence against Women -COVAW.](#)

barriers include: stigma and stereotyping; a lack of support services; a lack of procedural accommodations.⁸⁵

26. The recently enacted Persons with Disabilities Act includes a specific provision on access to justice, requiring the production of regulations providing persons with disabilities “free legal services”, and empowering the Chief Justice of Kenya to make rules excluding persons with disabilities from payment of court fees, as well as to provide for procedural accommodations for persons with disabilities.⁸⁶ These critical regulations and rules have not yet been drafted.
27. Research has also shown that sexual violence cases often take very long in the courts, with many of them collapsing before substantive determination, thus thwarting the course of justice.⁸⁷
28. Moreover, women and girls with disabilities face compounded barriers based on both their gender and disability. Women with disabilities are subjected to: rape and other forms of sexual assault; coerced procedures, such as sterilization; and denial of access to sexual and reproductive health services.⁸⁸ Sexual and reproductive health information is often not readily available in accessible formats.⁸⁹ Consistent with commonly held stereotypes, persons with disabilities are also considered to be asexual and incapable of consenting to sex.⁹⁰ Some persons with disabilities have been sterilized in health facilities without their informed consent,⁹¹ and involuntary treatment and institutionalization of persons with intellectual and/or psychosocial disabilities remain common,⁹² in contravention of the CRPD.

⁸⁵ Ibid.

⁸⁶ Article 28(3)(b).

⁸⁷ Ibid. This is partly through the exercise of nolle prosequi powers; under sections 82, 87 of the Criminal Procedure Code, the Prosecution has power to withdraw a case at any time before judgment is reached. Withdrawal of a case under this section however allows the case to be brought forth in future. The legal capacity of women and girls with disabilities is often disregarded, and they are commonly considered to be lacking capacity or competence to participate fully in legal processes on an equal basis.

⁸⁸ ICJ, *An Opportune Moment: Realizing the Rights of Persons with Disabilities in Africa*. ICJ’s study of nine sub-Saharan African States’ implementation of the Convention on the Rights of Persons with Disabilities (May 2025), pages 10,107.

⁸⁹ UNFPA, “Disability Inclusion” available at <https://kenya.unfpa.org/en/topics/disability-inclusion>.

⁹⁰ Focus group discussions with women and girls with disabilities (September 2025). In the case of *Wilson Morara Siringi v Republic* [2014] e KLR the High Court made reference to Article 12 of the CRPD and went ahead to find that, “It is therefore improper and inconsistent with the Convention and an affront to the right of dignity of a person protected by Article 28 to label any person as mentally retarded and proceed on the basis that the person is incapable of making a free choice to engage in sexual intercourse. What the Sexual Offences Act, 2006 requires is that the prosecution must prove beyond reasonable doubt that at the time the act of penetration is committed, the complainant was incapable of consenting by reason of mental impairment.”

⁹¹ Focus group discussions with women with disabilities (September 2025).

⁹² Ibid. See also ICJ, “Access to Justice for Persons with Disabilities in Kenya: Progress and Challenges”, (July 2025) p 10, 13, 18ff. See also generally, KNCHR, “Still Silenced A QualityRights Assessment of Selected Mental Health Facilities in Kenya” (2023) available at <https://www.knchr.org/Portals/0/Disability%20Publications/Still%20Silenced.pdf?ver=2023-06-07-154245-963>.

Nepal

29. Women and girls with intellectual and/or psychosocial disabilities in Nepal face compounded obstacles in exercising their human rights due to a systemic denial of their legal capacity.⁹³ Communication barriers, inaccessible complaints mechanisms, and the unavailability of appropriate support persons or tailored procedural accommodations often prevent them from effectively reporting abuse or participating in formal justice processes.⁹⁴ Women with disabilities who are confined to institutions face an even greater risk of abuse. A December 2023 report by an organization of persons with psychosocial disabilities, KOSHISH, found that over 55 per cent of residents in such institutions are women. The report underscores the lack of community-based support services in institutions,⁹⁵ the disproportionate risk of discrimination and abuse,⁹⁶ including sexual abuse, and other forms of violence faced by women with disabilities confined to institutions.⁹⁷
30. The Crime Victim Protection Act (2018) guarantees remedies, protection, compensation, and social rehabilitation for crime victims.⁹⁸ The Act applies to women and girls with disabilities, as it considers factors such as their physical or mental status at the time of the commission of the crime of which they were victims⁹⁹ and “the damage caused to the victim as a direct result of the offence”¹⁰⁰ when determining compensation and social rehabilitation. However, serious challenges remain in translating these commitments in practice. Inaccessible complaints mechanisms, fear of stigma, lack of trust in the system, and insufficient protection and support discourage and inhibit women and girls with disabilities from accessing the compensation and protection to which they are entitled.¹⁰¹

⁹³ UN Women & et al, Legal Needs Survey: Summary Of Findings And Recommendations For Nepal in “Closing the Justice Gap For Women with Intellectual and/or Psychosocial Disabilities in Asia and the Pacific” (2023), available at: https://pacificdisability.org/wp-content/uploads/2024/05/ap-c453-04-fa_final_nepal-kp1-country-brief.pdf.

⁹⁴ Ibid.

⁹⁵ KOSHISH & et al, “Study Report on Institutionalization and Human Rights Situation of Underrepresented Persons with Disabilities in Nepal” (December 2023), p 26.

⁹⁶ Rabindra Ghimire, “Extreme irregularities at the chaotic Khagendra Navajivan Center”, Onlinekhabar.com, (01 June 2024) Nepali version available at: <https://www.onlinekhabar.com/2024/03/1452224/extreme-irregularity-at-the-chaotic-khagendra-navjivan-kendra>.

⁹⁷ Ibid.

⁹⁸ The Crime Victim Protection Act 2018, Section 2 Definitions f “Second Degree Victim” and h “First Degree Victim”, The Crime Victim Protection Act 2018, Section 19 Right relating to compensation and social rehabilitation.

⁹⁹ The Crime Victim Protection Act 2018, Section 31, Factors considered in determining their determining the compensation amount, (n) “Physical or mental status of the victims during the incident”.

¹⁰⁰ The Crime Victim Protection Act 2018, Section 2m “Damage” (1) “Grievous Hurt (4) Mental Anxiety, emotional trauma or damage identified by the medical doctor, (5) Destruction of the physical, intellectual, sexual or reproductive capacity or serious damage caused to such capacity”

¹⁰¹ National Federation of the Disabled Nepal & National Human Rights Commission, “A Study on Identifying Barriers to Accessing Justice for Persons with Disabilities” (2022), available at: <https://nfdn.org.np/research-report>.

Uzbekistan

31. When ratifying the CRPD, Uzbekistan entered a reservation concerning Article 12 of the CRPD,¹⁰² with the apparent purpose of reserving the right to continue to rely on a regime of substitute decision-making for persons with disabilities.¹⁰³ In its latest Concluding observations addressed to Uzbekistan, the CEDAW Committee expressed concern that the reservation to Article 12 of the CRPD “contradicts the object and purpose of the [CEDAW] as enshrined in article 1 and prevents the State party from fully implementing and addressing all human rights of women and girls with disabilities in compliance with the human rights model of disability.”¹⁰⁴ It is critical for this reservation to be withdrawn.

Forms & Risks of Discrimination¹⁰⁵

Kenya

32. Kenya has undertaken various measures to enhance access to justice for persons with disabilities, generally. These measures, however, are heavily under implemented and inadequate.¹⁰⁶ For example, in the absence of sign language interpreters who are not consistently present in many access points to the justice system, communication barriers remain a challenge in all justice processes, but particularly at the point of reporting for deaf persons. Moreover, some courtrooms are on higher floors, which are difficult to reach by wheelchair or crutch users in the absence of functioning lifts.¹⁰⁷ Various provisions of the criminal¹⁰⁸ and civil law¹⁰⁹ regarding access to justice processes are in direct

¹⁰² Article 12 of the CRPD provides for equal recognition before the law.

¹⁰³ CRPD Convention, Article 12. While States may make reservations when ratifying treaties, however, such reservations cannot be incompatible with the object and purpose of the treaty. Vienna Convention on the Law of Treaties, Article 19.

¹⁰⁴ CEDAW (2022). Concluding observations on the sixth periodic report of Uzbekistan. CEDAW/C/UZB/CO/6. United Nations. Retrieved from <https://www.ohchr.org/en/documents/concluding-observations/cedawcuzbco6-concluding-observations-sixth-periodic-report>, last accessed on 30 September 2025.

¹⁰⁵ This section describes the area of life in which women and girls with disabilities exposed to multiple and intersecting forms of discrimination are more excluded from the access and enjoyment of their rights as noted by committee, access to justice.

¹⁰⁶ ICJ, “Access to Justice for Persons with Disabilities in Kenya: Progress and Challenges”, (July 2025).

¹⁰⁷ Information obtained during one of the focused group discussions on challenges facing women and girls in accessing justice (September 2025). Some participants in justice processes, including victims, witnesses and court staff, have indicated that some individuals with disabilities have had to be carried upstairs to access courtrooms or offices.

¹⁰⁸ Sections 162-167 of the Criminal Procedure Code deny accused persons of ‘unsound mind’ legal capacity to participate in criminal proceedings. They contain provisions on unfitness to stand trial, incapacity to plead and detention at president’s pleasure. As such, courts can detain an accused person with a psychosocial and/or intellectual disability who is deemed unfit to stand trial, unable to proceed with the trial, or who is found “guilty but insane”. Criminal Procedure Code (Cap 75) available at: https://new.kenyalaw.org/akn/ke/act/1930/11/eng@2023-12-11#part_IV_sec_164.

¹⁰⁹ Civil Procedure Act (Cap 21) and Rules available at <https://new.kenyalaw.org/akn/ke/act/1924/3/eng@2022-12-31>. Section 93 of the Civil Procedure Act takes

contravention of the CRPD and, in particular, the right to legal capacity of persons with intellectual and/or psychosocial disabilities. Additionally, free legal representation, which is not widely available, is necessary due to economic barriers that hinder persons with disabilities from reporting violations.¹¹⁰ Barriers in accessing the justice system have particularly adverse impacts for women with disabilities, due to economic barriers and harmful gender stereotypes rooted in culture.¹¹¹

Nepal

33. Social stigma and harmful stereotypes rooted in ableist and patriarchal norms increase the risk of exposure of women and girls with disabilities to GBV, while also creating barriers to access to justice for GBV victims/survivors. Cultural beliefs framing disability as a “punishment for a sin”¹¹² reinforce perceptions of persons with disabilities as “burdens,” which not only contributes to abuse but also shapes systemic barriers to justice.¹¹³ These societal barriers are compounded by procedural and infrastructural challenges within the justice system. Inconsistent provision of procedural accommodations and inaccessible infrastructure prevent women and girls with disabilities from effectively navigating legal processes.¹¹⁴ The absence of accessible formats, such as Braille or audio and/or visual information, and the lack of support staff often force persons with a variety of disabilities to rely on others to give or verify statements. This inhibits their autonomy and can lead to incorrectly recorded

away the legal capacity of persons with disabilities by allowing the appointment of “guardians” or “next friends” to act on their behalf: “In all suits to which any person with a disability is a party, any consent or agreement as to any proceeding shall, if given or made with the express leave of the court by the next friend or guardian for the suit, have the same force and effect as if such person were under no disability and had given such consent or made such agreement.” The Civil Procedure Rules equate persons of “unsound mind” with minors and subjects them to the procedures that apply to children. Once the court declares a person to be of “unsound mind”, that individual loses the capacity to represent themselves or even appoint a lawyer. The person cannot file a lawsuit in their own name. If the defendant is a person of “unsound mind”, the court must appoint a guardian before the proceedings can continue (See for instance Orders 4, 10, 27 and 32).

¹¹⁰ Persons with disabilities indicate that the cost of legal fees is compounded by other costs of getting to courts, such as transport fees and paying support persons to assist them in navigating inaccessible transport and court buildings. Costs may include, in some cases, catering for witness and police court attendances. For the deaf, some have to procure their own sign language interpreters.

¹¹¹ ICJ, *An Opportune Moment: Realizing the Rights of Persons with Disabilities in Africa*. ICJ’s study of nine sub-Saharan African States’ implementation of the Convention on the Rights of Persons with Disabilities (May 2025), page 53.

¹¹² Rama Dhakal, “The situation of sexual reproductive health rights of women with disabilities in Nepal”, in Wanhong Zhang & others (eds), *Disability, Sexuality and Gender in Asia* (1st edn, Routledge 2023), Tulasi Acharya, “Sex, Gender & Disability in Nepal” (Routledge, August 2019).

¹¹³ Wendy Hillman & Susan Teather, “Contextualising the experiences of women with disabilities in Nepal: an integrative review, *Disability & Society* (21 February 2025). See also *Sunkeshari Shrestha v. Jitendra Mishra*, Lalitpur District Court, Decision 11 July 2022 recounting how a woman with a physical disability who suffered verbal, physical, and psychological abuse faced skepticism and inadequate support from authorities due to stereotypes about her disability, resulting in minimal legal protection and remedies.

¹¹⁴ Ibid

testimonies and contributes to the dismissal of cases,¹¹⁵ as illustrated by instances reported in which a court disregarded the testimony of a deaf victim of violence.¹¹⁶

34. Such barriers to access to justice are compounded by gaps in national laws, such as the Administration of Justice Act (2016)¹¹⁷ and the Legal Aid Act (1997),¹¹⁸ which do not include explicit provisions relating to reasonable or procedural accommodations for persons with disabilities. Income-based legal aid eligibility criteria that are employed fail to account for the additional challenges faced by persons with disabilities in accessing justice.¹¹⁹ In combination with limited access to information on legal rights, these systemic failures often deter women and girls with disabilities from attempts to access justice through legal processes and procedures.

Uzbekistan

35. According to UNDP, key barriers in access to justice for women and girls with disabilities in Uzbekistan include low public awareness of legal rights, limited financial and human resources, limited provision of legal aid to victims, and societal stigma.¹²⁰ Free legal aid is available only to individuals charged with a crime, leaving other categories of individuals, including women and girls with disabilities, who are often victims of crimes, without access to necessary legal

¹¹⁵ *Government of Nepal v. Changed Name 26 Parisar* (40) Kha (077/078), Kathmandu District Court, 077-C1-0977, Decision Date: 18 April 2022. A case of rape of a girl with hearing and speech disabilities by a family member. The alleged perpetrator was the child's father, with whom she was living following her parents' divorce. When other family members initially approached the police to report the crime, the police refused to register the case, instructing them, instead, to first "teach the child to communicate", before proceeding. Later, when the case eventually reached court, the charges were dismissed. In its decision, the court completely disregarded the interpretation provided by a sign-language interpreter, who had conveyed the victim's communication, including gestures and drawings, disclosing the sexual violence that had been perpetrated against her. One of the reasons the court relied on to reach its decision dismissing the charges was the "inability of the victim to clearly testify that the rape was perpetrated against her".

¹¹⁶ NDWA, "Revealing the Other Side of Stories of Women with Disabilities: Breaking the Silence", Policy Review and Barrier Analysis (June 2022).

¹¹⁷ The Administration of Justice Act, 2016, Section 12, 14, 15, 21, 27, 28 It aims to establish fast, affordable, accessible, impartial, effective and accountable court services. It features provisions relating to fair trial safeguards, procedural fairness, and witness examination and evidence presentation. However, it lacks explicit provisions on persons with disabilities, including with respect to procedural accommodations for persons with disabilities, thus falling short of the requirements of the CRPD.

¹¹⁸ The Legal Aid Act, 1997, Section 2 (a) "Legal Aid" means Legal Aid to the indigent person under this Act and the term also includes counseling and other legal services such as correspondence pleadings, preparation of legal documents and proceedings in the courts or offices on behalf of indigent person", Legal Aid Act, 1997, Section 3 (1), Regulations Relating to Legal Aid, 1997, Rule 6 (1) " any person shall not be entitled legal aid if s/he has the annual income more than forty thousand rupees" (equivalent to USD 293)

¹¹⁹ Nor do they consider the comparatively high unemployment rates for persons with disabilities or other factors inhibiting persons with disabilities from accessing money to finance legal support.

¹²⁰ Gulnoza Akhmedova, "Challenges Faced by CSOs in Providing Legal Services to Women and People with Disabilities", UNDP Uzbekistan (7 December 2024), available at: <https://www.undp.org/uzbekistan/blog/challenges-faced-csos-providing-legal-services-women-and-people-disabilities>, last accessed on 2 Oct 2025.

support.¹²¹ Additionally, the Association of Disabled People of Uzbekistan has recommended that “persons with visual disabilities should be given the opportunity to use equipment, including guides, readers, and sound recording equipment at all stages of legal proceedings in courts, investigation proceedings; and ensure that persons with disabilities held in penitentiary institutions receive State social, rehabilitation, and medical services”.¹²²

¹²¹ Equality Now et al, “Joint Stakeholder Submission for the 44th Session of the UN Universal Periodic Review Working Group: Uzbekistan” (January 2024), available at: https://upr-info.org/sites/default/files/country-document/2024-01/JS5_UPR44_UZB_E_Main.pdf, para. 23.

¹²² Isakov Oybek, “Bringing national legislation into line with the provisions and principles of the UN Convention on the Rights of Persons with Disabilities, Association of Disabled People of Uzbekistan”, available in Russian at: https://drive.google.com/file/d/1JSVM5PmD-FpgyyJNv-u-V1KL_4jscmHk/view.