Article 7: Illustrative indicators on children with disabilities

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<tr><th colspan="5">Article 7: Illustrative indicators on children with disabilities</th></tr>
<tr><th colspan="5">Full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children</th></tr>
<tr><th>Attribute[a]/type of indicator</th><th>Equality and non-discrimination</th><th>Survival, development and preservation of identity</th><th>Best interests of the child and respect for evolving capacities</th><th>Respect for the views of the child</th></tr>
<tr><td rowspan="2">Structure</td><td colspan="4">7.1: All legislation related to children prohibits discrimination on all grounds[b] and ensures respect for, and protection and fulfilment of, the rights of children with disabilities on an equal basis with other children[c]
7.2: All legislation, policies and national action plans and strategies concerning children or persons with disabilities[d] is inclusive of children with disabilities[e] and ensures the provision and availability of disability, age-appropriate and culturally appropriate support for children with disabilities to effectively exercise their right to express their views
7.3: Adoption of, and mandatory reporting on, a disability marker within budget allocations and expenditures across all sectors[f]</td></tr>
<tr><td colspan="2">7.4: Adoption of a moratorium on new admissions of children with disabilities into institutions
7.5: Adoption of a legal requirement to take into account the evolving capacities of children with disabilities and their right to preserve their identities in all decisions affecting them and with respect to medical and related interventions and treatments[g] (see also indicator 15/17.12 on the Convention on the Rights of Persons with Disabilities)
7.6: Statistics and data collected across all sectors concerning children are appropriately disaggregated[h] and publicly available in accessible formats
7.7: Availability of complaint mechanisms that are effective and accessible to children with disabilities, permitting them to bring forward complaints</td><td>7.8: Adoption of regulations, protocols and guidance for authorities on integrating best interest assessments inclusive of children with disabilities in the design, implementation, monitoring and evaluation of legislation and policies[i]</td><td>7.9: Adoption of regulations, protocols and other measures to promote:
The inclusion of children with disabilities in children-led organizations and initiatives
The development of and support for organizations and initiatives led by children and young persons with disabilities
7.10: Adoption of regulations, protocols and guidance for the authorities on the provision of disability, age-appropriate and culturally appropriate assistance in seeking the views of children, and consulting with and actively involving them</td></tr>
<tr><td>Process</td><td colspan="2">7.11: Number and proportion of pieces of legislation and national action plans and strategies concerning children and youth that make explicit references to girls and boys with disabilities
7.12: Proportion of asylum-seeking and refugee children with disabilities who have access to education, health and</td><td colspan="2">7.13: Proportion of children under 5 years of age whose births have been registered with a civil authority, by age (Sustainable Development Goal indicator 16.9.1), sex and disability</td><td>7.14: Number of consultation processes undertaken on national child policy development and on the implementation and monitoring of all disability-specific and mainstream child laws, policies, and programmes and services, and proportion of children with disabilities who participated in those processes[j]</td></tr>
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	social services, disaggregated by sex, age, disability, migrant status and service sector		
	7.15: Number of awareness-raising campaigns and activities aimed at combating stereotypes and prejudices concerning children and youth with disabilities and eliminating harmful practices carried out against them		
	7.16: Percentage of public expenditure directed at girls and boys with disabilities across sectors[k] 7.17: Proportion of awareness-raising and information campaigns concerning children and/or targeted at children that are fully accessible and inclusive of children with disabilities 7.18: Proportion of staff involved in the delivery of programmes and services related to children trained on working with children with disabilities[l] 7.19: Proportion of complaints received alleging discrimination on the basis of disability, including in conjunction with one or more additional grounds, involving girls and boys 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 type of mechanism		7.20: Number of awareness-raising campaigns and activities concerning the rights and participation of children with disabilities, including on representation of children with disabilities in decision-making processes, and proportion of people who have gained access to those campaigns and activities, disaggregated by age, sex, disability and geographical location[m]
Outcome	7.21: Under-5 mortality rate (Sustainable Development Goal indicator 3.2.1), disaggregated by sex and disability 7.22: Prevalence of undernourishment of children (based on Sustainable Development Goal indicator 2.1.1), disaggregated by sex, age and disability[n] 7.23: Prevalence of malnutrition among children under 5 years of age, by type (wasting and overweight) (Sustainable Development Goal indicator 2.2.2), disaggregated by sex, age and disability[o] 7.24: Proportion and number of children aged 5–17 years engaged in child labour, by sex and age (Sustainable Development Goal indicator 8.7.1) and disability 7.25: Proportion of children and young people (a) in grades 2/3; (b) at the end of primary; and (c) at the end of lower secondary achieving at least a minimum proficiency level in (i) reading and (ii) mathematics, by sex (Sustainable Development Goal indicator 4.1.1), disability and minority or indigenous background (see also indicator 24.28 on the Convention on the Rights of Persons with Disabilities)		7.27: Proportion of children with disabilities participating in forums, including through their own organizations, at school and local, regional and national governance levels,[p] disaggregated by sex, age and disability 7.28: Number of organizations led by children and young persons with disabilities, disaggregated by type of disability and geographical area or district

	7.26: Number and proportion of children with disabilities in alternative care (as compared to all children in alternative care) with a breakdown of place of residence: in a family setting, in small group homes or in other residential care facilities, disaggregated by age, sex, disability and type of setting (see also indicator 23.26 on the Convention on the Rights of Persons with Disabilities)	

[a] The attributes chosen for article 7 on children with disabilities mirror the guiding principles of the Convention on the Rights of the Child, namely, non-discrimination; right to life, survival and development; the best interests of the child; and respect for the views of the child, as they are applicable to all children, including children with disabilities. The guiding principle "right to life, survival and development" of the Convention on the Rights of the Child has been amended as "survival, development and preservation of identity" to reflect the principle enshrined in article 3 (h) of the Convention on the Rights of Persons with Disabilities of respect for the right of children with disabilities to preserve their identities. Reference to this principle in the context of survival and development is important as it articulates the concern for decisions taken on the basis of survival and development that may overlook or dismiss the right of children with disabilities to preserve their identities (e.g. decisions on treatment purported to correct or fix an impairment that may deny or have an impact on a facet of their identity). The attribute of the best interest of the child is presented together with respect for the evolving capacities of the child, which features in both the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, to highlight the need to consider the evolving capacities of children when determining their best interests, and that, as children mature, their views have increasing weight in the assessment of their best interests (see Committee on the Rights of the Child, general comment No. 14 (2013)). Children with disabilities are a group within the general population of children who may face greater barriers in having their evolving capacities recognized and respected.

[b] Grounds include disability, sex, age, migrant status and minority or indigenous background. Legislation explicitly recognizes multiple and intersecting forms of discrimination and the denial of reasonable accommodation as constituting disability-based discrimination.

[c] This includes the following:

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

[d] This would include those related to gender equality, health, social protection, combating violence, education, access to information, freedom of expression, participation in public and political life, migrant integration, access to justice, culture and recreation.

[e] This includes measures targeting children with disabilities, including those ensuring the inclusion of children with disabilities systematically within the development and delivery of child-rights impact assessments that determine and foresee the impact of any proposed policy, legislation, regulation, budget or other administrative decision that affects children (see Committee on the Rights of the Child, general comment No. 14 (2013), para. 99).

[f] Mandatory reporting should document the extent to which programmes have:

- The inclusion and empowerment of persons with disabilities as a primary objective
- Significant activities and mechanisms to support the inclusion and empowerment of persons with disabilities
- No focus on the inclusion of persons with disabilities
- Disaggregation by sex, age, geographical location and other grounds related to different layers of identity, such as minority or indigenous background or migrant status

[g] This is particularly with respect to treatments and interventions whose effectiveness is uncertain or deemed controversial and that are invasive and/or irreversible, such as the administration of psychotropic drugs, including neuroleptics; experimental mercury detoxification treatments; growth attenuation therapy; sterilization; behavioural modification regimes, such as the administration of electric shocks and packing of autistic children; conductive education for children with cerebral palsy; and limb-lengthening for children with restricted growth.

[h] By age, sex, disability, migrant status, minority or indigenous background and other prohibited grounds of discrimination.

[i] They must recognize and explicitly include:

- The prohibition of discrimination on the basis of disability and the provision of reasonable accommodation
- Respect for the rights of children, including the right to express their views freely with due weight given to their views in all matters affecting them and the right of children to preserve their identity as it relates to, among others, their sex, gender, impairment/disability, and social, cultural and linguistic identity and their intersections
- The evolving capacities of the child, and should not only assess the physical, emotional, educational and other needs at the specific moment of the decision, but also consider the child's future and potential development
- Appropriate measures to ensure effective and equal opportunities, which may require positive measures aimed at redressing a situation of inequality

[j] 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 Convention and general comment No. 7 (2018) of the Committee on the Rights of Persons with Disabilities, including consultation meetings, technical briefings, online consultation surveys, and 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 the provision of appropriate and accessible information
- Not withhold information or condition or prevent representatives of persons with disabilities from freely expressing their opinions

- Include both registered and unregistered organizations
- Ensure early and continuous involvement of persons with disabilities
- Cover related expenses of participants

[k] Such as education, participation, health, social protection, culture and recreation.

[l] This includes:

- The human rights-based approach to disability
- Child rights impact assessments inclusive of children with disabilities
- The obligation to provide reasonable accommodation
- The best interest of the child
- The evolving capacities of children with disabilities and their right to preserve their identities
- Accessible and alternative forms of communication
- The provision of disability and age-appropriate assistance
- Involving children with disabilities in the design, implementation and monitoring of training

[m] This includes their parents and relatives, as well as staff working for and with children (e.g. teachers) and the community at large (including peers and classmates), and should ensure the participation of girls and boys with disabilities in the design, implementation and monitoring of awareness-raising and information programmes.

[n] The prevalence of undernourishment is an estimate of the proportion of the population whose habitual food consumption is insufficient to provide the dietary energy levels that are required to maintain a normal active and healthy life.

[o] See N. Groce, E. Challenger and M. Kerac, "Stronger together: nutrition-disability links and synergies – briefing note", Leonard Cheshire Disability and Inclusive Development Centre, University College London.

[p] See the Child Participation Assessment Tool of the Council of Europe.