

The voice of blind and partially sighted people in Europe

EBU guidelines for UNCRPD Alternative Reporting

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EXECUTIVE SUMMARY

This guidance document sets out to provide practical information which can support civil society in participating in the review process by submitting an Alternative Report in relation to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

It is intended that this guidance document will improve the participation of civil society through NGOs during the various stages of the process, the mechanisms that exists and how best to use them.

This publication would like to acknowledge the European Union of the Deaf (EUD) <u>UNCRPD Toolkit for NADs</u> which was a valuable source of information during the development of this Reporting Guidelines.

There are four different stages of the review process during which civil society can participate: the reporting stage, the list of issues, the constructive dialogue and the concluding observations.

Monitoring the proper implementation of the UNCRPD is essential to enhance blind and partially sighted citizens' social inclusion in society. National visual impairment organisations have a key role to play in the matter. We do hope these guidelines will support them in defining their own UNCRPD alternative reporting process and contribute to their national disability council's work usefully. In particular, this publication is expected to help your organisation prioritise the work and plan the necessary resources for the full completion of the process. When going through the various steps, always bear in mind that the end result is not only a report, but a contribution to achieving equal rights for ALL!

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SECTION 1 - INTRODUCTION

1.1. Overview

Globally, at least 2.2 billion people have a vision impairment or blindness, of whom at least 1 billion have a vision impairment that could have been prevented or has yet to be addressed.

In terms of regional differences, the prevalence of distance vision impairment in low- and middle-income regions is estimated to be four times higher than in high-income regions. With regards to near vision, rates of unaddressed near vision impairment are estimated to be greater than 80% in western, eastern and central sub-Saharan Africa, while comparative rates in high-income regions of North America, Australasia, Western Europe, and of Asia-Pacific are reported to be lower than 10%.

Among children, the causes of vision impairment vary considerably across countries. For example, in low-income countries congenital cataract is a leading cause, whereas in high income countries it is more likely to be retinopathy of prematurity.

There are estimated to be over 30 million blind and partially sighted persons in geographical Europe and on average of 1 in 30 Europeans experience sight loss. There are four times as many partially sighted persons as blind persons. Some people are born with reduced sight whilst others may acquire an eye condition later in life, such as retinitis pigmentosa that deteriorates with age. Others may lose their sight in an accident, or because of a disease like diabetes or arthritis.

Population growth and ageing will increase the risk that more people acquire vision impairment.

The average unemployment rate of blind and partially sighted persons of working age is over 75 percent. Women are more at risk of becoming blind or partially sighted than men.

Sight loss is closely related to old age with one in three senior citizens over 65 faces sight loss. 90 percent of visually impaired persons are over the age of 651.

At EU level, European Blind Union (EBU) is the organisation representing the interests of blind and partially sighted people to ensure they have the same rights and opportunities as other citizens.

It is a non-governmental, non-profit making European organisation founded in 1984. EBU has an extensive network to collect and to disseminate information including monthly members' newsletters.

EBU also provides support to its members, by following the CRPD cycle for all 27 EU Member States. In the past EBU have collaborated on the submission of the Alternative Report to the Committee on the Rights of Persons with Disabilities (CRPD Committee) for the European Union (EU). The Alternative Report was submitted to the CRPD Committee in March 2015, under the umbrella of the European Disability Forum 20152.

feph.org/sites/default/files/2015_03_04_edf_alternative_report_final_accessible.pdf

¹ http://www.euroblind.org/about-blindness-and-partial-sight/facts-and-figures

² http://www.edf-

1.2 Article 33: National implementation and monitoring United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)

Article 33 of the UNCRPD is outlined below and the full text can be found on the United Nations (UN) website in PDF and accessible word format.

- 1. States Parties, in accordance with their system of organization, shall designate one or more <u>Focal points</u> within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.
- 2. State Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.
- Civil society, persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

1.3 The UNCRPD Review Process

As described in Article 33(3), civil society organisations such as those that represent persons with disabilities (DPOs) can be involved in the monitoring process. The UNCRPD review process provides an opportunity for civil society involved in promoting the rights of persons with disabilities to engage with their government and UN level human rights advocacy. There are four stages where National Associations, Non-Governmental Organisations (NGO's) and Disabled Peoples Organisations (DPO's) can engage in the review process:

- Before or after the State Party submits its report.
- Before the adoption of the list of issues.
- After the state party has submitted its replies to the list of issues and before the constructive dialogue.
- Before the UNCRPD Committee adopts the list of issues within the framework of its simplified reporting procedure.

When the concluding observations have been adopted, national NGOs and DPOs are among the best placed to follow-up on those recommendations, to exert pressure on State Party to ensure that they are implemented.

This can be followed up by informing the UNCRPD Committee on the ongoing progress of how the recommendations are being implemented and if the approach taken was effective.

Diagram 1 below describes the stages where national NGOs can engage in the review process of the UNCRPD.

The diagram comprises of five boxes, with box 1 (on the left-hand side) outlining the start of the process and box 6 on the far right hand side giving information on the final stage of the process.

Box 1: Preparation of the State Report at the National Level

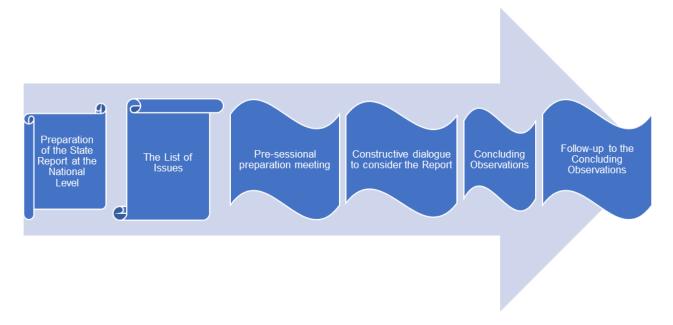
Box 2: The List of Issues

Box 3: Pre-sessional preparation meeting

Box 4: Constructive dialogue to consider the Report

Box 5: Concluding Observations

Box 5: Follow-up to the Concluding Observations



1.4 United Nations Convention of the Rights of Persons with Disabilities Overview

The United Nations Convention³ on the Rights of Persons with Disabilities (UNCRPD) or otherwise known as the Convention is the first legally binding international instrument to set out the rights of persons

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³ European Parliament 2015, United Nations 2015b

with disabilities and is the single most crucial Convention for the blind and partially sighted persons with disabilities worldwide. It was adopted in 2006 and entered into force on 3rd May 2008.

The Convention states that persons with disabilities are entitled to full access to and equal enjoyment of all human rights. The removal of barriers are explicitly mentioned as a condition for access and the effective exercise of all rights.

The Convention contains:

- i. general principles that guide the implementation of all Articles;
- ii. lists the rights that must be respected, protected and fulfilled by the State Parties;
- iii. describes specific and general obligations of State Parties while implementing the UNCRPD.

Even if your country has only signed the UNCRPD it is bound under international law not to enact any laws or policies which run contrary to or are conflicting with the UNCRPD in the intervening period between signature and ratification.

If your country has ratified the UNCRPD, it will be obligated to report to the Committee on the Rights of Persons with Disabilities (the Committee) within two years of the entry into force of the Convention in your the State as well as have their human rights record on disability reviewed in front of the Committee in Geneva when they meet.

The Committee of the UNCRPD is a body composed of 18 independent experts who serve in their personal capacity and are tasked with reviewing the implementation by State Parties of the UNCRPD.

1.4.1 General Principles

Article 3 UNCRPD sets out general principles which should guide the implementation of all Articles of the UNCRPD:

- respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and the independence of persons;
- non-discrimination;
- full and effective participation and inclusion in society;
- respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
- equality of opportunity;
- accessibility;
- equality between men and women;
- respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

1.4.2 Rights protected by the UNCRPD

Various Articles in the UNCRPD guarantee rights for people with disabilities:

- equality and non-discrimination (Article 5);
- right to life (Article 10);
- protection in situations of risk and humanitarian emergencies (Article 11);
- equal recognition before the law (Article 12);
- access to justice (Article 13);
- right to liberty and security (Article 14);

- freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15);
- freedom from exploitation, violence and abuse (Article 16);
- respect for physical and mental integrity (Article 17);
- freedom of movement and nationality (Article 18);
- right to live independently and be included in the community (Article 19);
- right to personal mobility (Article 20);
- freedom of expression and opinion and access to information (Article 21);
- respect for privacy (Article 22);
- respect for home and the family (Article 23);
- right to education (Article 24);
- right to health (Article 25);
- right to habilitation and rehabilitation (Article 26);
- right to work and employment (Article 27);
- right to an adequate standard of living and social protection (Article 28);
- right to participate in political and public life (Article 29); and
- right to participate in cultural life, recreation, leisure and sport (Article 30).

1.4.3 Specific obligations related to the UNCRPD

The UNCRPD also includes specific obligations to ensure that the rights of women (Article 6) and children (Article 7) with disabilities are protected. It also requires States to adopt awareness-raising (Article 8) and accessibility (Article 9) measures and to collect statistical and

research data (Article 31). The importance of international cooperation (Article 32) and national implementation and monitoring (Article 33) are also highlighted.

1.4.4. General obligations related to the UNCRPD

Article 4 of the UNCRPD requires State Parties to promote the full realization of human rights and fundamental freedoms for all persons with disabilities, without discrimination of any kind by:

- adopting legislative, administrative and other measures to implement the rights contained in the UNCRPD;
- adopting legislative, administrative and other measures to abolish discrimination against persons with disabilities;
- protecting and promoting the rights of persons with disabilities in all policies and programs;
- not engaging in any act or practice that is inconsistent with the UNCRPD and ensuring that the public sector acts in conformity with the UNCRPD;
- taking measures to eliminate discrimination on the basis of disability;
- undertaking or promoting research and development of new technologies suitable for persons with disabilities;
- providing accessible information about assistance, support services and facilities to persons with disabilities;
- promoting the training of professionals and staff who work with persons with disabilities; and

 involving persons with disabilities in developing and implementing legislation and policies and in all decision-making processes related to persons with disabilities.

SECTION 2 - MONITORING AND REPORTING

2.1. Stakeholders involved in the UNCRPD Review process

Several stakeholders are involved during the monitoring and reporting process. These include:

- a. The representatives from the national governments as States Parties to the UNCRPD;
- b. The UNCRPD Committee as a committee to assess progress in implementation;
- c. Civil Society various organisations representing people with disabilities: Disabled Persons Organisations (DPOs), Nongovernmental organisations (NGOs) (e.g. National Disability Councils, National Associations of blind and partially sighted persons) and other advocacy groups.

2.2. Reports and Reporting cycle

The 2 Reports that are generated for submission to the UNCRPD Committee are:

- State Reports;
- Alternative Reports.

State Parties Reports are submitted by the State (Government) under Article 35 of the UNCRPD to the Committee.

Each State Party to the UNCRPD /Convention must submit to the Committee on the Rights of Persons with Disabilities an initial comprehensive report on measures taken to implement the UNCRPD/Convention.

The Report must be submitted within two years of the ratification and entry into force of the Convention. After that, the State Party submits a State Party Report every four years. State Parties Reports are also called Periodic Reports. The UNCRPD Committee receives the State Party's Report and a member of the Committee, the country's rapporteur, inspects the documents. Once the documents have been examined, the Committee decides whether any information is missing from the Report and returns a **List of Issues** to the State Party. The State Party then prepares the necessary information and its written responses to the **Lists of Issues** that are a prerequisite for the meeting with the Committee.

The State Party and the UNCRPD Committee then meet, for Constructive Dialogue in the form of plenary session. During this meeting, representatives from a government (State Party) and the Members of the UNCRPD Committee discuss the progress that has been made towards implementation of the UNCRPD. Following the constructive dialogue, the Committee issues its opinions and Concluding Observations for the State Party to implement. The Concluding Observations are Recommendations that will form the basis for preparation of the next cycle.

Following on from this, a State Party must prepare a report or response on the **Recommendations** for the next cycle on this basis, in accordance with the Article 36 of the Convention, the State Party must ensure that the State Party Reports are available to the public in their

own country and that the public have access to general suggestions and **Recommendations** about the State Party's Reports.

You can find further information on what State parties are required to submit Article 35 of the UNCRPD at this <u>link</u>.

2.2.1 State Reports

State Reports after an initial comprehensive report to the UNCRPD Committee, are required to be submitted every four years thereafter. The UNCRPD Committee can also request at any time further reports if they deem it necessary.

For some smaller countries, they may experience difficulties in meeting their treaty body reporting obligations, and their human rights duties.

You can check online in relation to the <u>review process dates</u> for your country which is based on the <u>ratification date</u>.

The State Party's Report should be written in consultation with the government, civil society and the National Associations before submission. This should include Disabled Persons Organisations (DPOs) and national human rights institutions. If you have not already had the opportunity to participate in this process at national level, it is recommended that you do so. You can contact your Government to get information of the consultation process at national level and how you can get involved. You can also find further information in relation to Reporting Guidelines which are available in a number of languages and were adopted by the UNCRPD Committee.

These are the key times when you should be included in the discussions or to ensure that you are part of the review process:

- Before the State Party prepares and submits its State Party Report;
- Before the preparation of reports submitted by national monitoring frameworks;
- submitting an Alternative Report or participating in the preparation of an Alternative Report by national DPO coalitions or National Disability Councils;
- Before the adoption of the List of Issues by the UNCRPD Committee;
- After the State Party has submitted its responses to the List of Issues and before the Constructive Dialogue;
- Before the Committee adopts the Concluding Observations;
- After the adoption of the Concluding Observations.

You can find further information here on <u>State Parties and Alternative</u>

<u>Reports</u> which will assist you on how you can participate in this process.

<u>Section 2.2.2</u> and <u>section 4</u> provides more information on participation in this process.

2.2.2 Alternative Reporting

The second report that can be generated as part of the UNCRPD process is an Alternative Report. This can be prepared by civil society which includes Disabled Persons Organisations (DPOs), Non-Governmental Organisations (NGOs) and advocacy groups.

The reason for generating an Alternative Report is to highlight shortcomings and to focus on a situation or issue. It is a way of informing the UNCRPD Committee on the progress of the implementation of the UNCRPD at the national level through an analysis of national legislation,

providing complementary information and the concerns of the persons with disabilities. Organisations preparing an Alternative Report represent the interests of people with disabilities.

<u>See section 4</u> for more details on Alternative Reporting and contents to be considered for inclusion in the Report.

2.3. Involvement of National Associations of the Blind and Partially Sighted before, during and after the review process of the UNCRPD

The UNCRPD / Convention, through Article 33, paragraph 3, encourages civil society and representative organisations such as National Associations of the Blind and Partially Sighted to participate effectively during the review process. Articles 3 and 4 of the Convention emphasize the importance of active involvement of persons with disabilities through representative organisations for the implementation of the UNCRPD.

There are several benefits to being involved in this process:

- Bringing issues to the attention of your government;
- Educating the various government departments of the needs of persons who are blind and partially sighted in everyday life, education, employment, cultural and social aspects;
- Building a relationship with government officials for future planning and development of a National Disability Strategy;
- Informing the UNCRPD Committee of issues and concerns you have in your country about the implementation of the List of Issues from previous reporting cycles.

You should contact the government department in your country who are responsible for the submission of these Reports, sometimes known as focal points. They normally coordinate the submission of Reports. It is also of value to be part of the National Disability Council and build a network with the various organisations that advocates for the rights of people with disabilities.

During the preparation of the State Report, the government may have an open consultation so that all stakeholders can give their views on the initial document. If you do not have this opportunity in your country to participate in an open consultation, it is very important that you make contact with the focal point to ensure you are aware of all key dates and opportunities to participate. This can be generally found at the Department of Justice in your country.

You can find more information here in relation to <u>participation of DPO</u> and civil society.

SECTION 3 - NEEDS AND CHARACTERISTICS OF BLIND AND PARTIALLY SIGHTED PERSONS

3.1 Overview

The UNCRPD sets out clearly the obligations on State Parties that ensure the fundamental rights of persons who are blind or partially sighted.

- Article 9 requires State Parties to give blind and visually impaired persons equal access to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.
- Article 11 requires State Parties to ensure the protection and safety of blind and visually impaired persons in situations of risk, including armed conflict, humanitarian emergencies and the occurrence of natural disasters.
- Article 12 requires State Parties to reaffirm that blind and visually impaired persons have the right to recognition everywhere as persons before the law. State Parties must recognise that blind and visually impaired persons enjoy legal capacity on an equal basis with others.
- Article 13 requires State Parties to ensure effective access to justice for blind and visually impaired persons.
- Article 16 requires State Parties to take all appropriate legislative, administrative, social, educational and other measures to protect blind and visually impaired persons, both within and outside the

home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

- Article 20 requires State Parties to ensure personal mobility of blind and visually impaired persons at affordable costs, facilitating access to mobility aids, assistive technologies.
- Article 21 requires State Parties to take all appropriate measures
 to ensure that blind and visually impaired persons can exercise the
 right to freedom of expression and opinion, including the freedom
 to seek, to receive and impart information and ideas on an equal
 basis with others and through all forms of communication of their
 choice, without additional costs.
- Article 24 requires State Parties to ensure an inclusive education at all levels and lifelong learning for blind and visually impaired persons without discrimination.
- Article 25 requires States Parties recognise that blind and visually impaired persons have the right to the enjoyment of the highest attainable standard of health without discrimination, including health-related rehabilitation.
- Article 26 requires States Parties to take effective and appropriate
 measures, including through peer support, to enable blind and
 visually impaired persons to attain and maintain maximum
 independence, full physical, mental, social and vocational ability,
 and full inclusion and participation in all aspects of life.
- Article 27 states that State Parties must recognise that blind and visually impaired persons have the right to work on an equal basis with others, to make a living in an environment that is inclusive and accessible.

 Article 28 states that State Parties must recognise that blind and visually impaired persons have the right to an adequate standard of living for themselves and their families and social protection.

- Article 29 requires States Parties to guarantee to blind and visually impaired persons their political rights and the opportunity to enjoy them on an equal basis with others.
- Article 30 requires State Parties to recognise the right of blind and
 visually impaired persons to take part on an equal basis with
 others in cultural life, such as access to television programmes,
 films, theatre and other cultural activities, in accessible formats
 and o have the opportunity to develop and utilise their creative,
 artistic and intellectual potential.

Further information on the Articles of the UNCRPD, the declaration of needs and characteristics and important aspects of the Convention can be found at this <u>link</u>.

3.2 UNCRPD and aspects for persons who are blind or partially sighted.

For persons to lead a full, safe and independent life, the built environment, products and services need to be accessible and usable by all. This includes children when accessing education facilities, public buildings and amenities such as sports and recreational facilities.

The provision of services in relation to public transport that is accessible and usable is key to persons who are blind or partially sighted. The needs of persons who are blind or partially sighted may vary due to the

extent of their accessibility needs, their age, social circumstances amongst other things.

3.2.1 Blind and partially sighted people need to have full, safe and unencumbered access to services, public transport and the built environment which includes public spaces in order for them to lead independent lives in the community.

To achieve this, services, facilities and services need to be designed, delivered and managed to enable blind and partially sighted people to:

- access, understand and use information that is part of their everyday living:
- access, understand and use information on products and services that are provided via the internet or mobile application;
- access, understand and use information is relevant to their journey and location;
- have access to information that informs them of their location either
- when they are on a journey or in a public place by providing alternative means of communication;
- know where they are and whether they are travelling in the right direction;
- know that they are as safe as other people who are in that environment.
- **3.2.2** The built environment and all public transport, information, goods, facilities and services must be capable of being as fully, easily and

effectively accessed, understood and used by blind and partially sighted people as by other citizens.

- **3.2.3** Blind people and partially sighted people adopt very different approaches to the accessibility of it and interpretation of information when using public transport and moving around the built environment.
- **3.2.4** People who have very little or no sight rely on information that is acquired through other senses, such as touch, hearing, kinesthesis and smell. Information that is provided by multiple means needs to be available in the environment and can be accessed understood and can be used by blind and partially sighted people to ensure their safety and independence.
- 3.2.5 The ability of blind and partially sighted people to use information that is generally found in the environment depends on the extent to which such information can be accessed and understood. The presence of a particular sound that would give a blind person information about their location or direction might be masked by high levels of ambient noise and sound levels. The extent to which a blind person is assisted by a feature, such as a tactile surface depends on whether the installation complies with, and the individual has access to training on them and understands national or international standards or guidance.
- **3.2.6** Partially sighted people rely much more on their ability to utilise visual information that exists in the environment. Their ability to do this depends, not only on the nature and extent of their visual loss, but also

on the way the environment is configured. Lighting levels, contrast between surfaces and objects and the size and clarity of signage are some of the critical factors that will determine the extent to which individual partially sighted people can function independently in an environment. Guidance and standards are available to assist those concerned with the design, construction and management of the built environment and public transport to provide environments that are best able to enable partially sighted people to move around safely and independently.

3.2.7 There are many situations where it is necessary for blind and partially sighted people to travel with an assistant, a guide or guide dog.

This can enable blind and partially sighted people to be able to carry out everyday activities such as going on a journey, attend an appointment, and access services, with some level of independence.

Services such as the provision of an assistance, a guide or guide dog should be available at the same cost as to the blind or partially sighted person. They should not be disadvantaged financially when they are accessing this service.

3.2.8 Some blind and partially sighted people have trained and make use of a guide dog or other type of service animal. The dog enables many people with a visual loss live independently in their home, participate in the work environment and to make journeys that might otherwise be difficult or impossible.

3.2.9 Products, as well as facilities and services available to the public, hat are fully accessible and usable to blind and partially sighted people are essential to achieve equality of opportunity and full inclusion in society.

3.2.10 As persons get older, it is common that their sight is reduced.

They may have other health issues which can result in mobility impairments, strength limitations, dexterity, hearing and other physical abilities.

The needs, capabilities and characteristics of blind persons and partiallysighted persons at all stages of their life should be taken into account when designing and providing products, services, and facilities in the built environment.

3.2.11 Products that can result in barriers and restrict independent living or the ability to be independent for blind and partially sighted people problems are household appliances. Examples of these are washing machines, microwaves, ovens and cookers.

The information provided by the manufacturer should be accessible, understandable and be able to be used by blind and partially sighted people. This information should be provided in multiple formats that are accessible for the users. The design of these products should take into account the needs of persons who are blind or partially sighted.

3.2.12 Public places and spaces provided by service providers must ensure that information and communication is provided in multiple

formats so that it is accessible and usable by blind and partially sighted persons in order that they can lead independent lives on an equal basis with the rest of the population.

3.3 UNCRPD and aspects for children who are blind or partially sighted

States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.

States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realise that right.

- **3.3.1** In order to ensure that children can express their views freely, blind and partially sighted children need:
 - to access, understand and use of information that is part of their everyday living whether that is at home or at school;
 - the provision of information on alternative formats;
 - access to assistive technologies that are personalised to meet their needs;
 - training and personal support necessary to obtain information and to communicate effectively in formats of their choice;
 - to receive personal and financial assistance necessary to function optimally in every aspect of their daily lives;

- to be provided with the opportunity to interact with their blind, partially sighted and sighted peers.
- **3.3.2** Blind and partially sighted children and their parents or guardians also require information about the services and support that is available to address issues arising from visual disability, including those related to physical, educational, social and emotional development. This information is needed at early stages of children's development to be beneficial.
- **3.3.3** Blind and partially sighted children must be accorded all the rights set out in this Convention except those which are age related, e.g. those in Article 27 Work and Employment and 29 Participation in Political and Public Life.
- **3.3.4** Blind and partially sighted children must receive the personal and financial assistance required to function optimally in every aspect of their daily lives. This may require interventions such as personal assistants, and assistive technologies to support the children in accessing transport, education and other activities.

3.4. Themes for consideration for the Alternative Report

Other themes that can be explored as areas that you wish to include in your submission in the Alternative Report are accessibility, education and employment and rehabilitation.

3.4.1 Accessibility

Aspects of accessibility need to be considered all applicable Articles of the UNCRPD. For example, is information is not provided in multiple formats, to blind and partially sighted persons they will be unable to participate in education, in employment, access health, justice, and participate in cultural, recreation and sport.

Another aspect of accessibility is access to the build environment, such as public places, social and health facilities, and education. Again, multiple means of communication of how to access this information is critical so that blind and partially sighted persons can participate on an equal basis with others.

The following could be considered as points for inclusion in the Alternative Report with your submission:

- information and communication to be provided in alternative format for all services such as transport, education, cultural, work environment, health and justice. It may be necessary to have a priority plan to improve year on year.
- provision of accessible and usable buildings for education, health and social services, and the work environment.
- subsidies for employers to provide adaptive work environments and equipment to facilitate blind and partially blind persons to gain access to employment.

3.4.2. Education

Children with visual disabilities are among the most excluded group from the education system. The UNCRPD recognizes the right of all children with disabilities both to be included in the general education systems and to receive the individual support they need. Systemic change to remove barriers and provide reasonable accommodation and support services is required to ensure that children with disabilities are not excluded from mainstream educational opportunities. Article 24 of the CRPD stresses the need for governments to ensure equal access to an "inclusive education system at all levels" and to provide reasonable accommodation and individual support services to persons with disabilities to facilitate their education. Article 24 3 (c) also focuses on the education of children with sensory disabilities such as blind, blind and partially sighted, deaf blind, and stresses the need for specific support required for individuals on a case by case basis. The Article reads as follows: "(c) Ensuring that the education of persons, and in particular children, who are blind, deaf and deafblind, is delivered in the most appropriate languages and modes and means of communication for the individual, and in environments which maximize academic and social development".

The following could be considered as points for inclusion in the Alternative Report as part of your submission:

- facilitating effective inclusive education by preparation of general classroom teachers to adopt strategies to teach children with disabilities in general classes.
- improvement in and developing of the existing or non-existent systems for early identification and intervention programs

- effective systems for the planning, development, production and distribution of support materials for facilitating inclusion on a local, regional and national level
- provision of textbooks and learning material in accessible formats such as braille, large print, audio, electronic and other appropriate formats in regular schools;
- lack of capacity and efficiency of teachers to deal with the unique and specific educational needs and issues such as orientation and mobility skills, braille, use of assistive devices and technology of children with visual disabilities in regular schools;
- the elimination of education systems that separate children with disabilities from mainstream schools with early integration.

3.4.3. Employment and rehabilitation

The right to work is a fundamental human right. It is essential for realizing other human rights and forms an inseparable and inherent part of human dignity. The Convention on the Rights of Persons with Disabilities, in article 27, sets out the right to work for persons with disabilities and establishes the legal framework for state obligations in relation to work and employment of people with disabilities. States Parties to the Convention recognize this right and should take appropriate steps to safeguard and promote its realization

The average unemployment rate of blind and partially sighted persons of working age is over 75 percent, and more women are unemployed than men⁴.

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⁴ EBU web: http://www.euroblind.org.

Regarding the situation in all the European countries involved in the study, discrimination in employment on the grounds of disability is prohibited by national legislation. However, this situation has not effectively been implemented as there are still many obstacles to the employment of people with visual disability, such as the persistence of stereotypes and prejudices in the world of work. Anti-discrimination legislation covers direct and indirect discrimination as well as the denial of reasonable accommodation, although this concept in practice is not always clear.

The following could be considered as points for inclusion in the Alternative Report as part of your submission;

- the provision of individual funding for workplace adaption and equipment
- provision of support to assist with training and education to prepare persons for the employment.
- provision of readers for blind workers.
- provision of technologies such as screen readers and software packages
- financial support with regard to transport and accommodation costs.

3.5 Resources

3.5.1 European Blind Union (EBU)

EBU aims to protect and promote the interests of all blind and partially sighted people in Europe.

EBU provide a range of resources and support to assist you in preparing and submitting the Alternative Report.

The resources include:

- Accessibility Clear print guidelines
- Education
- Elderly
- Employment and Rehabilitation
- Transport and the built environment
- Women

The publications can be found at this link:

http://www.euroblind.org/publications-and-resources/guidelines

The EBU have developed information on the UNCRPD available in the EBU UNCRPD Legislative Database, which aims to:

- help ensure an effective implementation of the United Nations
 Convention on the Rights of People with Disabilities;
- provide up-to-date information on specific legislation relevant to blind and partially sighted people in Europe;
- enable EBU member organisations to record the extent to which their country's legislation provides the rights contained in the Convention.

3.5.2 European Disability Forum (EDF)

The EDF is the umbrella organisation for persons with disabilities, whose role is to defend the interests of all persons with disabilities in Europe.

EDF provide a range of resources and support to assist you in preparing and submitting the Alternative Report.

- How to engage with the UNCRPD Committee on the Rights of Persons with Disabilities – A guide for organisations of persons with disabilities: http://edf-feph.org/newsroom/news/guide-how-engage-un-committee-rights-persons-disabilities
- What is the EDF Alternative Report: http://www.edf-feph.org/what-does-edf-do-what-edf-alternative-report
- EDF Alternative Report in Accessible PDF format
- Easy to Read version of the EDF Alternative Report

3.5.3 United Nations Human Rights

The United Nations provides information and resources such as Guidelines on submission of Reports to the UNCRPD Committee.

- Convention on the Rights of Persons with Disabilities:
 https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html
- UNCRPD Documents in plain language and Easy Read versions:
 https://www.ohchr.org/EN/HRBodies/CRPD/Pages/PlainAndERV.a
 spx
- Committee on the Rights of Persons with Disabilities :
 https://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.as
 px
- Participation in the work of the Committee guidelines on the participation of disabled person's organisations and civil society organisations in the work of the Committee : https://www.ohchr.org/EN/HRBodies/CRPD/Pages/Participation Guidelines.aspx

and

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/11/2&Lang=en

- Reporting guidelines on the treaty-specific document to be submitted by States Parties under article 35 of the Convention on the Rights of Persons with Disabilities: https://www.ohchr.org/Documents/HRBodies/CRPD/CRPD-C-2-3.pdf
- Calendar of Review Dates by Treaty Bodies for State Bodies :
 https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Master

 Calendar.aspx?Type=Session&Lang=En
- Deadlines for the Submission of Documents :
 https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Master
 Calendar.aspx
- State parties Reports and Alternative Reports :
 https://www.ohchr.org/EN/HRBodies/CRPD/Pages/SPReports.asp
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- State Parties Reports to UNCRPD:
 https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSear
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SECTION 4 - ALTERNATIVE REPORTING

4.1 Introduction

NGOs and DPOs have a monitoring role within the UNCRPD as stated in Article 33.3 of the UNCRPD.

"Alternative Reports" are sometimes referred to as "Parallel" or "Shadow Reports."

It is important that the Alternative Report should not repeat the information contained in the State Party Report but compliment it by underlining obstacles, priorities and highlighting specific, objective information on the concrete implementation of the UNCRPD as well as realistic recommendations.

The Alternative Report should inform the UNCRPD Committee of the progress of implementation at the national level through analysis of national legislation, providing complementary information and concerns of the persons with disabilities and that includes your perspective, to ensure that the Committee has all the information at its disposal for the Constructive Dialogue.

In agreement with your National Association, you can prepare your own report and submit to them for consideration.

If you are the National Association, it is recommended that you consult with civil society and other important stakeholders in the preparation of the Alternative Report.

It is recommended that you familiarise yourself with the <u>Reporting</u>

Guidance document which includes guidance on Alternative reports.

Another document that provides guidance on developing an Alternative Report is the Disability Council International (DisabCouncil):

The Alternative Report should be sent to the Office of the United Nations High Commissioner for Human Rights, secretariat of the Committee on the Rights of Persons with Disabilities, at crpd@ohchr.org.

4.1 Deadlines for submitting reports during the Reporting Cycle

In <u>section 2.2</u> the reporting cycle was outlined in detail.

Here below is a summary of the reporting cycle:

- Ratification to the UNCRPD by the State (Government);
- Submission of the Initial State Report (Government) to the UNCRPD Committee;
- Adoption of the UNCRPD Committee's List of Issues;
- State Party's (Government's) written responses;
- Constructive dialogue between the State Party (government) and the UNCRPD Committee;
- Concluding observations (Recommendations) written by the UN CRPD Committee;

Implementation of the recommendations by the State party, and thereafter every 4 years the cycle continues as outlined below:

- Submission of the State Party report for the Committee;
- Adoption of the Committee's List of Issues;
- State Party's (government) written responses;

- Constructive dialogue between the State Party (government) and the UNCRPD Committee;
- Concluding observations (Recommendations) written by the UNCRPD Committee;
- Implementation of the Recommendations by the State party.

There are 2 key dates that you should be aware of and they refer to <u>Deadlines for the submission of documents</u> and the <u>Calendar of review</u> <u>dates by Treaty Bodies for State Bodies</u>. Check for these as soon as possible before you start your work on the Alternative Report.

If you are already engaged with your focal point, or the National Association you may already be aware of the dates. This will assist you in the planning of your report and what engagement you can undertake with persons who are blind and partially sighted such as surveys, focus groups and interviews.

4.2 Preparation work for the Alternative Report

DPO's, NGO's and advocacy organisations are encouraged to consult with people with disability in their community to assist in the preparation of the Alternative Report.

Some of the preparation work will require the collection of information from legislation in your district to support your submission to the UNCRPD, legal cases on disability issues that have highlighted specific issues, policies, and the National Disability Strategy.

Section 3 of this document provides information in relation to the needs and characteristics of blind and partially sighted persons including children. It also gives information in relation to issues related to accessing services, products and the built environment, education and employment.

Further information can be obtained by direct engagement with persons who are blind or partially sighted. It can also enable you be informed of how persons with disabilities understand how their government are implementing the UNCRPD.

- 1. Carry out a survey of persons with disabilities to enable you to identify common themes amongst the surveyed group.
- 2. Focus groups, interviews
- Published reports on specific issues or themes & Review of previous Alternative Reports/Review of previous State Reports

1. Survey

The survey can be developed as an online survey with the option for alternative formats if printed out such as large font or braille. The survey should be completed by persons who are blind and partially sighted.

When developing the content of the survey, the following should be considered:

If you provide sections, ensure they are clearly titled. Consider linking them to themes (see section 3 for examples).

Sections can have a number of questions relevant to the theme.

The option to complete the full survey or partial survey should be given so that the most important for the person completing the survey is selected.

The survey should be anonymous.

Questions on demographics such as age, region, is useful.

Each question should have a YES, NO, UNSURE TICK BOX, and A FREE TEXT BOX so that people can share more about their experiences.

Distribution to persons who are blind and partially sighted can be done through your organisation's network (social media for example).

2. Focus groups, interviews

Interviews on a one to one is a useful tool to get a better understanding of specific issues persons who are blind and partially sighted are experiencing in everyday life. It is important to adhere to strict rules on confidentiality, have the relevant training course on conducting interviews with persons with disabilities, and comply with relevant Codes of Conduct when conducting the interviews and holding focus groups meetings.

There is value to having a script – person taking notes during the interview process. You should get the agreement of the interviewee before you engage a note taker.

Focus groups are a very good way to get information around issues, and opinions on themes/specific topics from persons who are blind and partially sighted and also to give them information around the process of the Alternative Report. Select a venue that will be accessible and usable by those that you invite and ensure that the place is comfortable to meet their needs.

Ensure that the person(s) facilitating the focus group is suitably trained and experienced facilitators. The following is recommended;

- A minimum of 4 and maximum of 10 participants.
- Invite a broad mix of persons across an age, with different experiences.
- Allocate approximately 2 hours for the focus group meeting time.
- Ensure that you have equipment such as whiteboard, flip chart,
 presentations and information in accessible format.
- Tools for recording or have an assigned note taker
- Provide refreshments.
- Provide follow up information on the outcome of the focus group meeting.
- Allocate sufficient time for breaks

You may decide to have a number of focus group meetings, and if you do, you should try to cover the following:

- Welcome and introduction
- Overview of the UNCRPD & participation in Alternative Reporting by persons with disabilities,
- Discussion/open session
- Wrap up

3. Published reports on specific issues or themes & previous Alternative Reports/ State Reports

Other valuable sources of information that can inform civil society are reports from reports and previous Alternative Reports and State Party Reports.

The review should capture the following information:

- Name of the Report, year and author(s).
- Link to the Report (URL).
- A summary of the List of Issues / the relevant UNCRPD article.
- An indicator of whether the issue has been addressed by the State Party.

4.3 Guidance on structure and content of the Alternative Report

There is no set structure for drafting an Alternative Report. Here below you will find recommendations that you can consider in drafting your Alternative Report.

The Alternative Report should be approximately 5000 words in content and have the following recommended content.

- Executive summary (principal concerns, advances and recommendations)
- 2. Table of contents
- 3. Introduction & general background to help with understanding the context of your submission. Role that people with disabilities play in the organisation as well as their rate of inclusion and participation in the process.
- 4. Key issues (articles in numerical order)
- Recommendations

1. Executive Summary

- a) Should include a short concise summary of the Alternative Report, outlining the advances made in your country, principal concerns, and recommendations.
- b) Who assisted in the preparation of the Alternative Report.

3. Introduction & general background

It will help with understanding the context of your submission including methodology used to prepare the report.

Examples of content can include:

- a) Has the State adequately and meaningfully involved representative organizations of persons with disabilities in all stages of the UNCRPD implementation process?
- b) How were Disability Organisations involved and the extent of their involvement including if the views of representative organizations of persons with disabilities been taken into account in the steps taken to implement the UNCRPD?
- c) Background on disabilities in the country reporting (% of population)
- d) Report the % of the population that are blind and partially sighted persons.
- e) Ethnicity, unemployment and literacy rate of blind and partially sighted persons.
- f) The role of your organisation

4. Key issues to be included in the Alternative Report

The UNCRPD focuses on many areas including access to public services, health care, education, civil justice, political life and sport,

culture, recreation and justice. See section 5 in this report to assist you with identifying key issues relevant to blind and partially sighted persons.

Examples of content can include:

- 1. Analysis of the State Report which was submitted in this cycle and previous cycles.
- 2. Has the situation improved from one cycle to the next cycle.
- Statements on key issues that are important to blind and partially sighted persons

5. Recommendations

Your report should give clear recommendations based on the key issues identified in section 5 of your Report (key issues);

Consider using language outlined below as you prepare this section; Summarised recommendations for change:

➤ We therefore call on the Committee on the Rights of Persons with Disabilities to insist on action from the (insert here your Government/State party) to:........

4.4 Checklist for completion of the alternative Report

1. Reports should be submitted in one of the official working languages⁵ of the UNCRPD Committee. Whenever possible, documents should be translated into English. The United Nations will not translate any documents submitted by civil society. If it is not

⁵ English, French, Spanish, Arabic, Russian and Chinese

- possible to translate the entire document, then the executive summary or abstract should be submitted in English.
- Reports should be submitted in accessible formats whenever possible.
- 3. Reports should be submitted in electronic format⁶ and 25 copies should be sent by post to the Secretariat of the Committee.
- 4. The title page should include the name of your organization or coalition or network submitting the report, the State Party and the Convention to which the report refers.
- 5. It should clearly state if the report is confidential as reports that are not marked as such may be shared with the State Party and will be made available on the website of the Committee.
- 6. Pages of the report should be numbered, and a table of contents should be included .The report should include information on the methodology used to prepare the report and a list of those who contributed to the preparation of the report
- 7. The report should contain an abstract or executive summary which highlights the key issues, points out the principal preoccupations related to the implementation of the CRPD and lists the main recommendations
- 8. The report should not make reference to page or paragraph numbers in the draft State Party report as these will change once the report is published by the United Nations. In addition, page and paragraph numbers differ in the various language editions.

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⁶ crpd@ohchr.org

9. The Committee aims to consider reports one year after submission so parallel reports should be submitted at least two months prior to consideration in plenary session.

SECTION 5 - ABBREVIATIONS

5.1 Abbreviations

COHOM Council's working group on human rights

CTO Community treatment order

DPO Disabled People's Organisation

ECHR European Convention on Human Rights

EDF European Disability Forum

EAA European Accessibility Act

EPSO European Personnel Selection Office

EURES European job mobility panel

ICT Information and communications technology

IDA International Disability Alliance

JSIS EU Joint sickness and insurance scheme

LGBTI Lesbian, gay, bisexual, transgender and intersex

MDGs Millennium Development Goals

NGO Non-Governmental Organisatons

SEN Special educational needs

SSGI Social services of general interest

TEU Treaty on European Union

TFEU Treaty on the Functioning of the European Union

UNCRPD United Nations Convention on the Rights of Persons with

Disabilities

5.2 Definitions: Blind and partially sighted community

The definitions of blindness and partially sighted, as well as the registration criteria vary from one European country to another.

EBU⁷ adopts in principle the definitions used by the World Health Organisation (WHO) for blindness and partial sight. At the same time EBU advocates the importance of using the so called 'functional sight' parameters in addition to the WHO definitions when determining the support a blind or partially sighted person needs.

The term 'visual impaired' is used to indicate blind plus partially sighted people together.

Partially sighted and low vision are used as equal indication of limited sight.

See also the statement on the need to use the right definitions and terminology in standardisation work.

Other criteria generally used by ophthalmologists:

 A person can register as blind if they can only read the top letter of the optician's eye chart from three metres or less.

⁷ http://www.euroblind.org/about-blindness-and-partial-sight/facts-and-figures

 A person can register as partially sighted if they can only read the top letter of the chart from six metres or less.

Deafblindness is a condition that combines in varying degrees both hearing and sight loss. Two sensory impairments multiply and intensify the impact of each, creating a severe disability with a high risk of isolation and exclusion. Deafblindness is different and therefore requires specific actions and solutions.

5.2 Abbreviations and Definitions in the context of UNCRPD

Alternative Report – also called a Parallel or Shadow Report. It is carried out by an organisation within the State Party to highlight the latter's shortcomings and to focus on a particular situation. It is a way of informing the UN CRPD Committee on the progress of implementation at the national level through an analysis of national legislation, providing complementary information and the concerns of the persons with disabilities. Organisations preparing an alternative report often represent the interests of people with disabilities.

Civil Society Organisations (CSOs) – Groupings of people which operates in the community, in a way that is distinct from both government and business.

Concluding Observations – The observations and recommendations issued by a UN CRPD Committee after consideration of a State party's report. These are the considerations of the UN CRPD Committee on how a State Party has implemented the Convention and

recommendations for advancements to be made after the Constructive Dialogue.

Committee on the Rights of Persons with Disabilities (UN CRPD Committee or the Committee) - The UN CRPD establishes, in Article 34, a Committee on the Rights of Persons with Disabilities. The role of the Committee is to monitor the implementation of the UN CRPD at the international level, by receiving and examining reports from States Parties and reports from civil society organisations. To give itself the resources necessary to fulfil its role, the Committee on the Rights of Persons with Disabilities has a membership of 18 experts. The members of the Committee serve in their capacity and are of high moral standing and recognised competence and experience in the field addressed by the Convention. The members of the Committee are elected by secret ballot from a list of persons nominated by the States Parties from among their nationals at meetings of the Committee, which convenes in Geneva twice a year: in March/April and September. A session consists of a meeting during which the UN CRPD Committee holds its Constructive Dialogue with a State Party to the UN CRPD.

Constructive Dialogue – Dialogue between the representatives of the State Party and the UN CRPD Committee in which the latter questions the State Party on how they are implementing the Convention.

Constructive Dialogue happens twice a year: in March/April and September in Geneva.

Coordination mechanism – within government, a coordination mechanism facilitates related action in different sectors and at different levels. Usually it consists of a permanent structure, ensures coordination at the local, regional and national levels; and ensures the participation of persons with disabilities, organisations of disabled persons and NGOs by establishing a permanent forum for discussions with civil society. The Coordination mechanism has the role of supporting the implementation of the Convention in all government sectors and levels and coordinating the various focal points if there is more than one focal point.

Disabled Persons' Organisations (DPOs) – Organisations that represent the interests and defend the human rights of people with disabilities.

General Comments – Publication format for the interpretation of the provisions of human rights treaties such as UNCRPD.

List of Issues – List of questions that States Parties receive from the UNCRPD Committee requesting clarification of certain points in the State Party's report.

National Human Rights Institution (NHRI) – An independent institution which has the responsibility to protect, monitor and promote human rights at the national level.

Optional Protocol to the UN CRPD – Side-legal instrument that gives the possibility for individuals or groups of individuals to complain to the UN CRPD Committee about situations that violate their rights under the UN CRPD.

United Nations Convention on the Rights of Persons with

Disabilities (UNCRPD) – International human rights treaty which
objective is to protect the rights and dignity of people with disabilities.

UN CRPD Committee or the Committee – Body of independent experts nominated by the countries that have ratified the UN CRPD.

United Nations High Commissioner for Human Rights (OHCHR) – department of the Secretariat of the United Nations that works to promote and protect the human rights that are guaranteed under international law and stipulated in the Universal Declaration of Human Rights of 1948.

Ratification – Start of the obligation to respect, protect and fulfil the content of the Articles of the Convention. The countries who have ratified it must adapt their entire legislation to conform to the Convention.

State Parties to the UN CRPD or State Parties – Countries that have signed and ratified the UN CRPD.

SECTION 6 - BIBLIOGRAPHY

6.1 List of International Human Rights Treaties

- 1. International Covenant on Civil and Political Rights (1966)
- 2. International Covenant on Economic, Social and Cultural Rights (1966)
- 3. International Convention on the Elimination of all Forms of Racial
- 4. Discrimination (1965)
- 5. Convention on the Elimination of all Forms of Discrimination against Women (1979)
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- 7. Convention on the Rights of the Child (1989)
- International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families (1990)
- 10. Convention on the Rights of Persons with Disabilities (2006)

6.1 List of useful published documents

- European Union of the Deaf (EUD) UNCRPD Toolkit for NADs https://www.eud.eu/news/training/euds-crpd-toolkit-nads/
- EU Disability Strategy 2016- 2020
 http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52010DC0636

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