

To: COSP19 Secretariat / UNDESA Programme on Disability; COSP19 Bureau

CC: SR Heba Hagrass, Disability Rights; CRPD Committee Secretariat; COSP19 President (Permanent Mission of Sri Lanka, New York)

From: Institute for the Advancement of Justice & Human Rights (IAJ)

Date: June 10, 2026 — submitted during COSP19 session

Subject: Urgent civil society written submission — CRPD Article 13 General Comment request

The IAJ respectfully submits this statement as an independent investigative and analytical institution operating on National Human Rights Institution (NHRI) principles, without claiming formal NHRI accreditation, for consideration during COSP19. The IAJ requests that this submission be shared with the COSP19 Bureau, the CRPD Committee Secretariat, and the Office of the Special Rapporteur on Disability, and that receipt be acknowledged.

Central request. The IAJ asks that the CRPD Committee initiate work toward a General Comment on Article 13 (access to justice in legal proceedings), which after twenty years of the CRPD and eight General Comments on other articles remains without dedicated authoritative guidance.

Why it matters. States can maintain formal accommodation systems on paper while systematically denying meaningful access to justice in practice. The IAJ's investigative record documents four recurring failure patterns that existing guidance does not address:

— Accommodation granted in form and stripped in function: a court issues a written accommodation and then, on the record, bars the only interaction the accommodation existed to provide. — Oscillating dispositions: the same judicial officer grants and denies materially indistinguishable requests on an unchanged medical record across a single proceeding. — Non-concurrent accommodation: at no point across a multi-forum litigation record do all active forums simultaneously assure access. — Complete merits foreclosure: every available forum is exhausted; not one produces a merits adjudication of the accommodation claim.

A General Comment is the appropriate next instrument for establishing the standard against which Article 13 implementation should be measured.

Supporting requests. The IAJ additionally asks that COSP19 note: (1) that procedural accommodation failure in civil litigation proceedings is a live implementation gap under CRPD Articles 5, 9, and 13, including when accommodation is formally granted but functionally denied; and (2) that the IAJ record be made available to the CRPD Committee and SR Hagrass for follow-up dialogue after COSP19 as Article 13 jurisprudence develops.

COSP19 Sub-Theme 1 (exploitation, violence and abuse). Courts acting in their guardianship and conservatorship capacity — authorizing electroconvulsive therapy over the objection of an incapacitated ward — are the most severe documented instance of courts as disability-causing actors. The UN Special Rapporteur on Torture (Méndez, 2012) characterized ECT as capable of constituting torture; the CAT Committee has stated that involuntary ECT can constitute torture. The IAJ is engaged in a cooperative investigation on this dimension with the Citizens Commission on Human Rights (CCHR) using independently verified primary sources; results will be the subject of a separate forthcoming publication.

U.S. position. The United States has not ratified the CRPD, relying on a premise that existing domestic law provides equivalence. The IAJ's documented record directly contradicts that premise in the judicial-setting context. As 185 of 193 UN Member States have ratified the Convention and the EU has translated CRPD obligations into hard enforcement law (European Accessibility Act, June 28, 2025), the U.S. non-ratification position is an increasingly untenable outlier. The IAJ supports U.S. ratification of the CRPD.

CRPD at 20. The IAJ's analytical publication — *Harmonizing the Architecture of Disability Rights* (Third Edition, May 2026, published in the Twentieth Year of the CRPD) — documents this record in full and is available on request. In December 2024, formal communications regarding the five-victim case record were submitted to SR Quinn (disability rights), SR Edwards (torture/CIDT), and SR Satterthwaite (judicial independence), and remain on file with the OHCHR. The IAJ, established August 4, 2025, has adopted those submissions as part of its institutional record and continues the engagements they initiated. The IAJ welcomes engagement with SR Hagrass, who holds the current disability rights mandate.

The IAJ respectfully requests acknowledgment of receipt and looks forward to contributing to Article 13 jurisprudence development in the CRPD's next phase. A short background summary is available immediately by return email.

Institute for the Advancement of Justice & Human Rights

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