

**Statement concerning persons with disabilities in the asylum system  
Delivered at OSCE ODIHR Human Dimension Implementation Meeting  
Warsaw 19 September 2018**

Based on research informed by a human rights-based approach and grounded in the Convention on the Rights of Persons with Disabilities, the Raoul Wallenberg Institute of Human Rights and Humanitarian Law makes the following recommendations concerning how States may address the particular needs of persons with disabilities in the asylum system:

1. Operate a functioning system to identify asylum seekers with disabilities at the very outset of the process, including asylum seekers with **invisible impairments**. The experience of most persons with disabilities, is that disclosure of impairment leads to discrimination rather than accommodations. Hence, it must be made clear that impairment functions as a ground for accommodation. If such assurance is not given, impairment is unlikely to be disclosed. Identification as a person with disabilities remains crucial for accessing needed accommodation and support.
2. Develop expertise amongst professionals working in the RSD process. Training must be provided which cover the entire range of impairments. Persons with mental impairments such as PTSD are often the most at risk of having their substantive right to seek asylum infringed through lack of competence by officials and adjudicators. This happens when decision makers do not understand how mental impairment negatively affects the recollection and presentation of facts by the asylum seeker.
3. Develop mechanisms to address the needs of persons with disabilities in the asylum process, with the aim of ensuring equal access to and throughout the RSD process. **Physical accessibility and communication needs** of persons with visual and hearing impairments must be met in order for persons with disabilities to have an equal chance to apply for protection and to get a fair evaluation, based on all relevant facts. In relation to **mental and intellectual impairments**, legal and other support exceeding that provided to asylum-seekers in general must be provided when this is necessary to create a level playing field in accessing international protection.

Importantly, the measures recommended are obligations of all States Parties to the UN Convention on the Rights of Persons with Disabilities. Its Article 13 on Access to Justice demands that all legal and administrative procedures accommodate the requirements of persons with disabilities, including the RSD process.