

DiscapacitA Report

**High-risk AI and the Rights of Persons with Disabilities.
Impact assessment model based on the Convention
on the Rights of Persons with Disabilities**

Executive Summary



CONVENCIÓN
INTERNACIONAL
SOBRE LOS
DERECHOS DE
LAS PERSONAS
CON DISCAPACIDAD
(2006-2026)



GOBIERNO
DE ESPAÑA

MINISTERIO
DE DERECHOS SOCIALES, CONSUMO
Y AGENDA 2030



POR SOLIDARIDAD
OTROS FINES DE INTERÉS SOCIAL

Introduction

The year 2026 brings a significant regulatory convergence. It marks the twentieth anniversary of the adoption of the Convention on the Rights of Persons with Disabilities (CRPD) and, at the same time, Regulation (EU) 2024/1689 on Artificial Intelligence (hereinafter, the AI Act) is advancing towards effective application. This concurrence opens a strategic window for algorithmic governance to be built, from the outset, in accordance with the social and human rights model required by the UN Convention.

The DiscapaclA Report, High-risk Artificial Intelligence and the Rights of Persons with Disabilities. Impact assessment model based on the Convention on the Rights of Persons with Disabilities is CERMI's strategic contribution to this decisive moment. CERMI does so in its capacity as the Independent Monitoring Mechanism for the CRPD in Spain, an institutional position that determines both the purpose of the analysis and the criterion on which it is formulated: to assess the AI Act against the binding standard of the Convention, to identify the areas in which the Regulation is insufficient to protect the rights of persons with disabilities, and to formulate recommendations with an identified legal basis, addressee and level of urgency.

The report provides public decision-makers, supervisory authorities, legal operators, providers and deployers of AI systems, civil society organisations and the general public with the essential diagnosis, the methodological architecture and the catalogue of requirements that structure its analysis. It aims to enable any person with responsibilities or an interest in this field to identify precisely where the gaps in the ecosystem lie and which mandates are unavoidable from a human rights perspective.

The starting premise is clear: the CRPD forms part of the Spanish legal order with a rank higher than ordinary legislation and is also an international human rights treaty that binds the European Union itself as a subject of conventional obligations. This means that the mandate of the Convention must be applied without gaps in the implementation of the European Regulation.

Technology is not neutral. High-risk artificial intelligence is currently transforming the conditions under which persons with disabilities access the rights recognised to them by the CRPD.

CERMI, as a civil society organisation, claims a central position in the AI ecosystem, on the same level and on an equal footing with regulators, the technology industry, public administrations and other actors.

PART I. FRAMES OF REFERENCE

Part I establishes the conceptual and regulatory apparatus on which the subsequent sectoral assessment rests. It addresses the concept of a high-risk artificial intelligence system and explains why disability must be treated as a structural analytical category and not merely as another group that may be affected. It frames the CRPD as the binding standard through which the set of global, European and Spanish instruments is interpreted. It identifies the convergences, tensions and gaps in the AI regulatory ecosystem in relation to the Convention. It closes with the specific institutional architecture of the Spanish State, which combines significant regulatory progress with persistent operational deficits.

Chapter 1. Conceptual foundations

The scope of the analysis: high-risk AI

Artificial intelligence is not a homogeneous technological phenomenon; the analysis of its impact on fundamental rights therefore requires precise material delimitation. The report takes as its exclusive subject-matter the systems classified as high-risk by the AI Act, namely those deployed in access to employment, education and training, social services and public benefits, the administration of justice and law enforcement, health and social care, financial services, critical infrastructure, biometrics, migration and border control, and political and public participation.

This methodological choice responds to an unavoidable convergence: the areas in which high-risk AI operates are spaces in which the CRPD recognises specific rights of persons with disabilities and where discrimination produces the most irreversible effects on their full citizenship. From the perspective of the Convention, the AI Act's categorisation is a map of the fronts with the greatest potential for violation.

Disability as an analytical category

The report generally refutes the premise of technological neutrality. Artificial intelligence systems are trained on historical corpora that reflect ableist societies; consequently, algorithms not only reproduce past discrimination but systematise it, cloak it in technical opacity and project it into the future in automated form. Algorithmic exclusion affecting persons with disabilities operates through three structural mechanisms that must be communicated clearly:

1. **Techno-ableism:** a design premise which assumes that technology must restore the body to the metric of the machine, instead of conceiving software with universal flexibility so that it adapts to human diversity.
2. **The algorithmic black box:** opacity in the internal functioning of models, which prevents discrimination from being detected ex post and aggravates information asymmetry, obstructing access by the affected person to remedies and judicial protection mechanisms.
3. **The data shadow:** statistical invisibility arising from the absence of representative and disaggregated data on persons with disabilities in training datasets. Since the existing evidence comes mostly from the clinical field, the social participation and technological access needs of this group are invisible to AI systems, which operate with a structural medical-rehabilitation bias.

The imperative of intersectional analysis

The impact of high-risk AI on persons with disabilities is not uniform. The report elevates intersectionality to a central methodological principle, in strict observance of Articles 6 and 7 of the CRPD and General Comment No. 6 of the CRPD Committee (2018). It operationally distinguishes multiple discrimination, understood as the sum of independent biases, from intersectional discrimination, whose nature is inseparable: the grounds do not accumulate, but interact to produce qualitatively different harm that cannot be reduced to its components. The distinction is technically decisive: a system may pass segmented gender and disability audits while simultaneously producing an undetectable penalty for women with disabilities. Only intersectional analysis makes this harm visible.

General Comment No. 6 provides the typology applicable to algorithmic analysis, with five forms of discrimination - direct, indirect, by association, denial of reasonable accommodation, and structural or systemic discrimination - of which AI systems predominantly produce the latter two: apparently neutral parameters that reproduce, at automated scale, patterns of exclusion encoded in data, and the amplification of historical inequalities. Denial of reasonable accommodation operates, in turn, as discrimination by design: the absence of adaptation mechanisms from the conception of the system is not a neutral technical omission, but an actionable form of discrimination.

The intersectional perspective is structured around seven layers grouped into three blocks according to their conventional basis.

Block A. Layers with a complementary binding treaty and an explicit mandate in the CRPD

- ✓ Layer 1. General impact on persons with disabilities (CRPD)
- ✓ Layer 2. Women with disabilities (CEDAW)
- ✓ Layer 3. Children with disabilities (CRC)

Block B. Layer with selective activation under the principle of evolving capacities

- ✓ Layer 4. Young people in transitions towards autonomy, higher education, independent living and first entry into employment.

Block C. Layers with selective activation and a basis in international soft law

- ✓ Layer 5. Older persons with disabilities.
- ✓ Layer 6. LGBTI+ persons with disabilities.
- ✓ Layer 7. Families of persons with disabilities as a category of indirect and relational impact, especially relevant for identifying discrimination by association, care burdens and effects on independent living.

The normative articulation operates with the CRPD as the primary standard, and CEDAW and the CRC as complementary frameworks that are activated when the general analysis does not capture precisely the differentiated effects on the subgroups protected by each of them. The analysis does not operate on the category of 'vulnerability', which attributes intrinsic fragility to the subject, but on multiple and intersectional discrimination, which attributes responsibility to the system - social, regulatory and algorithmic - for the barriers that prevent the exercise of rights.

Chapter 2. Human rights regulatory framework

The CRPD as a binding standard and interpretative thread

The Convention on the Rights of Persons with Disabilities is the first international treaty of the twenty-first century and enshrines the social and human rights model in international law. In relation to the AI ecosystem, the CRPD is not a parallel source to be coordinated with others, but the standard of interpretative hierarchy through which all other regulatory and technical instruments are read, assessed and challenged. An algorithmic system that lacks a disability perspective is, by omission, a generator of structural exclusion.

The application of the CRPD to the algorithmic ecosystem activates specific non-negotiable mandates:

Article 2 (reasonable accommodation): the obligation acquires an anticipatory dimension. AI systems must be conceived by anticipating reasonable accommodation from the design stage, not by waiting for the person with a disability to request an adaptation after having been excluded.

Article 5 (equality and non-discrimination): a standard that prohibits all forms of discrimination and requires inclusive equality to be protected, directly challenging the alleged statistical neutrality of algorithms.

Article 9 (accessibility): establishes universal accessibility as the primary condition of technological design, not as a later corrective layer.

Article 12 (equal recognition before the law): any algorithmic decision that determines access to fundamental rights and is adopted without safeguards or respect for the will of the person amounts to a prohibited substitution of decision-making.

Article 13 (access to justice): requires effective remedies and procedural accommodations in response to harmful algorithmic decisions.

Article 31 (statistics and data collection): requires disaggregated statistical data that make it possible to correct bias in AI training and mitigate the data shadow.

Normative articulation: CRPD, CEDAW, CRC, ICESCR and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The three treaties - the CRPD, CEDAW and the CRC - share an architecture oriented towards substantive equality, understood as the elimination of distinctions that have the purpose or effect of impairing the enjoyment of rights. An algorithm that statistically produces unfavourable outcomes for persons with disabilities without providing for accommodation is discriminatory, irrespective of the provider's technical intention.

A combined reading of Articles 6 of the CRPD and 2 of CEDAW generates an intersectional standard of discrimination: algorithmic assessment cannot separate gender bias from ableist bias, and audit data must be disaggregated by intersection. In the interface with the CRC, Articles 7 of the CRPD and 3 of the CRC require the evolving capacities of children to be respected by any system that profiles them: algorithms tend to crystallise early diagnostic labels that undermine this dynamic autonomy and produce irreversible formative harm.

The articulation with the CRPD extends to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), with specific projection onto high-risk AI systems. The

ICESCR links algorithmic deployment to the standard of non-retrogression in the rights directly affected by these technologies - work, social security, an adequate standard of living, health and education - and General Comment No. 25 (2020) of the CESCR places the participation of persons with disabilities in the design and governance of technological applications as a material component of the right to enjoy the benefits of scientific progress, in direct articulation with Article 4.3 CRPD. The CAT, for its part, activates the protection standard of Article 16 against algorithmic uses that determine or condition involuntary placement, substitution of legal capacity or intrusive surveillance of persons with psychosocial or intellectual disabilities.

CERMI's institutional ethical framework

As a corollary of the human rights standard, CERMI structures its analysis of the algorithmic ecosystem around six ethical principles directly anchored in the CRPD: inclusion and non-discrimination, equality between women and men, transparency and explainability, universal accessibility, full participation and sustainability.

Chapter 3. The AI regulatory ecosystem: convergences and tensions with the CRPD

Chapter 3 subjects the global, European and international regulatory ecosystem of artificial intelligence to a systematic cross-analysis with the CRPD in order to determine precisely where that ecosystem converges with the Convention, where it is in tension with it, and where it omits it. Both the sectoral analysis in Part III and the catalogue of recommendations in Part V draw on this threefold diagnosis.

Methodology of the cross-analysis of sources

The analysis starts from a guiding principle: the CRPD operates as the normative and interpretative thread through which the other sources of the AI ecosystem are read, assessed and challenged. Any regulatory or technical standardisation framework that has not been formulated or read in the light of the Convention's social and human rights model is, by definition, incomplete for the analysis underpinning this report.

The cross-analysis method operates at three successive levels: first, the identification of explicit convergences between each source and the articles of the CRPD; second, the applied reinterpretation of the content of the source in the light of the Convention, in order to derive its specific implications; and third, the identification of gaps and tensions, understood not as descriptive absences but as omissions with regulatory and operational consequences.

A uniform seven-dimension structure is applied to each source examined: identification and legal characterisation; article-by-article articulation with the CRPD; cross-cutting gender and intersectionality analysis; specific contributions to the analysis of high-risk AI; gaps and limitations in relation to the Convention; implications for public action and regulatory compliance; and evaluative synthesis. This architecture guarantees comparability of results and directly supports Annex III of the report.

Two cross-cutting criteria govern the entire analysis. The first is terminology: the report uses the terminology of the social model throughout and explicitly notes when a source persists in the language or logic of the medical-rehabilitation model, because that persistence is not a matter of style but an indicator of the approach from which the source addresses disability. The second is

the use of the General Comments of the CRPD Committee as the authoritative interpretation of the Convention and the benchmark for examining each source.

The United Nations system

The assessment of instruments arising from the United Nations system reveals a primary structural tension: while the CRPD imposes legally binding obligations on States Parties, the global AI ecosystem rests overwhelmingly on soft-law instruments. This asymmetry creates a protection gap in which States are obliged by Article 4 CRPD to prevent technological discrimination, yet lack global coercive tools to impose accessible-design obligations on transnational corporate developers. Current global governance transfers the burden of compliance to States without equipping them with the international legal architecture needed to discipline private algorithmic development.

The report *Governing AI for Humanity* of the High-Level Advisory Body on AI (HLAB-AI, 2024) diagnoses this 'global governance deficit', and General Assembly Resolution 78/265 together with the Global Digital Compact (GDC, annexed to the Pact for the Future, 2024) represent the instruments of greatest political scope. However, the GDC expressly excludes the military sphere, leaving Article 11 CRPD in a cross-cutting analytical vacuum.

The report of the Special Rapporteur Gerard Quinn, A/HRC/49/52 (2021), articulates the central doctrinal thesis of the chapter: machine-learning systems learn from historical corpora that reflect ableist societies, and the result is discrimination that is not only reproduced but systematised and rendered opaque. Two decisive normative contributions emerge from this analysis: the anticipatory dimension of reasonable accommodation - it is not acceptable to wait for the person with a disability to request it when the effect of the system on that person can reasonably be foreseen - and public procurement of AI as a vector of direct obligation requiring States to apply purchase and technology-procurement criteria free from ableist discrimination.

The UNESCO Recommendation on the Ethics of AI (2021), adopted by 193 States, and the Readiness Assessment Methodology (RAM) deployed in more than fifty countries consolidate the principle of equity and prohibit social scoring and mass surveillance, but lack specific indicators of discrimination on grounds of disability. The UNESCO Recommendation on the Ethics of Neurotechnology (2025) adds a critical element: it enshrines the right to mental privacy and cognitive freedom and restricts the use of neurotechnology in persons under the age of eighteen to medical and therapeutic purposes, specifically protecting children with developmental disabilities against the pathologisation of their atypical brain patterns.

The data gap concerning persons with disabilities is a structural void of the first order: UNICEF's Disability Research Prioritisation Exercise (2025) confirms that 75% of existing evidence on disability comes from the clinical field. Without data disaggregated by disability, sex, age and geographical context in training datasets, algorithmic discrimination is structurally inevitable, and the mandate in Article 31 CRPD (to collect appropriate information in order to implement the Convention) is not translated into binding technical standards for high-risk AI systems.

In the field of childhood, General Comment No. 25 of the Committee on the Rights of the Child (2021) incorporates a prohibition of high normative density: the prohibition of commercial profiling and emotional analytics applied to minors, and introduces a specific tension for persons with disabilities: algorithmic parental control versus the progressive autonomy of adolescents with disabilities, which must be articulated in accordance with Article 3(h) CRPD (evolving capacities).

The intersectional dimension of the UN system is documented by Resolution A/RES/78/324 and the Global Report on Ageism (WHO/OHCHR, 2021) for older persons with disabilities; by the Yogyakarta Principles +10 for LGBTI+ persons with disabilities; and the family dimension of persons with disabilities is documented by the ILO Care at Work report (2022) and, at European level, by the European Care Strategy.

The application of Article 6 CRPD to the UN AI ecosystem reveals an intersectional dimension that the global framework has not addressed with the density required by the conventional mandate. UNESCO's study Bias against Women and Girls in Large Language Models (2024) documents the systematic reproduction of regressive gender stereotypes in language models; UN Women has identified the 'data shadow' in which the experiences, language and needs of women with disabilities are invisible to AI systems; and the ILO documents the algorithmic motherhood penalty in human-resources analytics systems, which affects women with disabilities with particular severity where they accumulate labour-market gaps arising simultaneously from motherhood and from health care related to their disability. The Care at Work report (ILO, 2022) also quantifies the position of women with disabilities who are also carers of family members with disabilities: they are subject to amplified algorithmic penalty that biometric screening systems do not detect and that constitutes an autonomous form of multiple discrimination which Article 6 CRPD requires to be addressed specifically.

European sources: the AI Act, the Council of Europe Framework Convention and other instruments

Regulation (EU) 2024/1689 (the AI Act) adopts a risk-based pyramidal approach and applies gradually: the prohibitions in Chapter II have applied since February 2025; a substantial part of the institutional and governance architecture has applied since August 2025; and the general regime of the Regulation applies, as a general rule, from August 2026. The prohibited practices in Article 5 - including the exploitation of vulnerabilities linked to disability, certain forms of social scoring, the inference of emotions in workplace and educational settings, sensitive biometric categorisation and remote biometric identification in publicly accessible spaces with strictly defined exceptions - partially converge with CRPD obligations because they disproportionately affect persons with disabilities whose facial features, behavioural patterns, communication or bodily expression do not correspond to the dominant statistical norm. However, the scope of the prohibitions remains insufficient from the perspective of the Convention: the exception for medical or safety reasons in emotion inference may give rise to expansive interpretations incompatible with equality and non-discrimination, and the prohibition of biometric categorisation does not expressly include disability among the listed sensitive attributes.

The consolidated doctrinal critique in 2026 holds that the AI Act instrumentalises fundamental rights: it turns non-discrimination into a problem of 'data quality' and justice into a problem of 'technical transparency'. The most serious defect is the omission of universal accessibility and design for all persons as imperative ex ante requirements (Article 9 CRPD): the text recognises in its recitals the need to address persons in situations of vulnerability, but does not transfer this statement into the binding articles.

Article 27 introduces the fundamental rights impact assessment (FRIA) as a preventive safeguard mechanism for certain high-risk systems and for certain deployers, which makes it the instrument of the Regulation closest to conventional logic, although not as a general guarantee applicable to every high-risk system. Read in the light of Articles 4, 5 and 31 CRPD, however, the impact assessment has five structural limitations: (1) it is not required of all deployers and does not cover

all high-risk systems, excluding, among others, critical-infrastructure systems under point 2 of Annex III; (2) it is a self-assessment by the deployer, without mandatory independent validation; (3) it may be diluted into the GDPR data protection impact assessment, thereby relegating rights not related to data, such as accessibility, independent living or denial of reasonable accommodation; (4) the Digital Omnibus proposal (COM(2025) 836, November 2025) seeks to lighten obligations for SMEs, reducing protection among proximity actors; and (5) the Regulation exceptionally opens the processing of special categories of data to detect bias, but does not require multiple-discrimination matrices or disaggregation by disability, sex or age. The gap between the potential of the instrument and its minimum mandatory content is precisely where States, supervisory authorities and representative organisations of persons with disabilities must intervene pursuant to Articles 4.3 and 33 CRPD.

The exemptions relating to national security also open up spaces removed from conventional scrutiny. Added to this is the withdrawal of the proposed AI Liability Directive, which creates a profound gap in judicial protection in the face of the 'black box': the person with a disability faces a *probatio diabolica* in ordinary civil jurisdiction, having to prove technically immaterial harm (intersectional discrimination, ableist bias) without access to the internal architecture of the algorithm.

The Council of Europe Framework Convention on AI (CETS No. 225), the first legally binding international treaty in this field, anchors AI governance in international human rights law. It contributes two elements of particular value: Article 15 enshrines the right to effective remedies against automated decisions with a high impact on fundamental rights, partially filling the gap generated by the withdrawal of the AILD; and Article 10 incorporates a substantive equality standard requiring active measures to overcome structural inequalities, in line with General Comment No. 6 of the CRPD Committee. It nevertheless has significant limitations: it uses the term 'vulnerabilities', contrary to the social model of the CRPD; it does not mention denial of reasonable accommodation as a form of discrimination; it is silent on universal design and compatibility with assistive technologies; and its national-security exemptions open spaces of impunity for conventional scrutiny.

The Fundamental Rights Agency (FRA) has documented in 2024-2026 the phenomenon of digital ableism: video-interview systems that penalise candidates with cerebral palsy, ASD, strabismus or atypical speech patterns; remote-exam proctoring software that interprets involuntary movements or the use of assistive technologies as indications of fraud. All of these are high-risk systems that pass the technical requirements of the AI Act and discriminate structurally.

The European ecosystem is completed by three instruments that articulate the gender-disability intersection with particular relevance to Layer 2. Directive (EU) 2024/1385 on violence against women and domestic violence criminalises the non-consensual sharing of intimate or manipulated material, including AI-generated images, the use of stalking software and Internet of Things devices for coercive control, and coordinated gender-based attacks, but does not incorporate accessibility obligations in reporting mechanisms, an omission that gravely affects women with disabilities. GREVIO General Recommendation No. 1 (2021) establishes the continuity between digital violence and offline violence, a continuity amplified when automatic moderation tools accumulate ableist and sexist biases that render invisible harassment specifically directed at women with disabilities. The European Care Strategy empirically documents the triple vulnerability of women with disabilities who are also carers, quantifying how algorithmic eligibility systems for benefits, designed around the normative pattern of the full-time

male worker, perpetuate multiple discrimination across their employment trajectories. These instruments are joined by the Charter of Digital Rights (2021), a national programmatic framework that projects Articles 9 and 13 CRPD onto administrative action using AI systems and establishes the requirement for algorithmic impact assessment with a gender perspective.

The international economic sphere

The OECD AI Principles, adopted in 2019 and revised in 2024, operate as the regulatory-interopability framework with the greatest reach in the international economic ecosystem. They present three critical gaps in relation to the CRPD: the absence of reasonable accommodation as a design obligation; the absence of structured participation mechanisms for organisations of persons with disabilities (Article 4.3 CRPD); and a fundamental tension between the market logic of the Principles and the logic of unconditional rights of the Convention.

The two OECD Employment Outlook reports (2024 and 2025) document a structural polarisation: AI adoption contributes to labour-market polarisation: highly skilled workers use AI to increase their productivity and wages, while medium-level routine cognitive jobs - administrative and clerical roles - face the greatest risk of displacement. Persons with disabilities, who have employment rates significantly below the average and are overrepresented in the mid-level positions most exposed to automation, are in a position of particular vulnerability in the face of this dynamic. The geographical gap documented by the OECD - exposure to generative AI is significantly higher in cities (32%) than in rural areas (21%) - aggravates this vulnerability for persons with disabilities in rural areas, who accumulate the amplified discrimination of disability, geographical context and the lower institutional capacity of their environments to implement adjustment measures. Algorithmic management in the workplace adds two specific risks: monitoring systems that do not provide for reasonable accommodation, and opaque metrics that prevent decisions from being challenged.

The cross-analysis also reveals the strategic complementarity between the OECD Principles and Convention CETS No. 225, which is relevant to Article 32 CRPD on inclusive international cooperation. Reports on pensions document an additional dimension: algorithms for calculating retirement benefits, trained on normative employment trajectories, systematically penalise contribution gaps arising from disability, simultaneously violating Article 28 CRPD and the principle of inclusive growth enshrined in the principles themselves.

Map of convergences, tensions and gaps in relation to the CRPD

The analysis identifies three doctrinal convergences of high argumentative value: shared recognition of algorithmic discrimination as a systemic risk that disproportionately affects structurally disadvantaged groups; the widespread adoption of a life-cycle approach, directly articulable with the anticipatory dimension of reasonable accommodation; and emerging recognition of the participation of persons with disabilities and their organisations as a requirement of legitimacy.

It detects three unresolved structural tensions: the asymmetry of binding force between the peremptory obligations of the CRPD and the dominant soft law of AI; the tension between universal accessibility and the need for disability data, which sets the imperative of correcting ableist bias against the protection of privacy and confidentiality of personal information recognised in Article 22 CRPD, in connection with the regime for special categories of data under Article 9 GDPR; and the instrumentalization of fundamental rights in the AI Act as against the Convention's model of substantive rights.

Finally, it documents eleven structural gaps in the ecosystem in relation to the CRPD: (1) binding force; (2) reasonable accommodation in design; (3) ex post judicial protection; (4) data disaggregated by disability; (5) effective participation; (6) a specific General Comment of the CRPD Committee on AI; (7) exclusion of the national-security sphere, which includes military and dual-use applications and creates a cross-cutting analytical gap in relation to Article 11 CRPD; (8) inaccessibility of procedural protection mechanisms; (9) absence of obligations of compatibility with assistive technologies; (10) absence of mandatory intersectional audit standards; and (11) absence of specific instruments for long-term care. These eleven gaps constitute the analytical basis on which Chapter 19 develops the nine regulatory gaps that underpin the report's recommendations.

Methodological implications for sectoral analysis

This analysis has direct consequences for Part III. The first is interpretative: the sources of the AI regulatory ecosystem cannot be read as autonomous frameworks, but in the light of the CRPD, which operates as the binding reference standard. Classification of a system as high-risk under the AI Act automatically activates the conventional obligations corresponding to the rights affected; gaps in the AI ecosystem do not neutralise the obligations of States Parties; and soft-law principles must be interpreted in conformity with the Convention.

The second consequence is operational: regulatory gaps function as parameters for the impact analysis in each sectoral chapter. The gap in reasonable accommodation in design, the data gap and the participation gap appear as axes of assessment.

The third consequence is methodological: the seven-layer intersectional architecture stands as an analytical imperative in the ten sectoral areas of Part III. The cross-analysis confirms that algorithmic discrimination against women with disabilities is not the mere sum of gender-based discrimination and disability-based discrimination, but a qualitatively different form produced by the interaction between biases that mutually reinforce one another in training data, algorithmic designs and deployment contexts. Layer 2 (women with disabilities), articulated on Article 6 CRPD and General Recommendations Nos. 39 and 40 of the CEDAW Committee, is mandatorily activated in all sectoral areas.

Chapter 4. The 2030 Agenda as a complementary public-policy framework

The 2030 Agenda operates as an ethical and programmatic public-policy framework. Its value lies in its capacity to reinforce a cross-cutting reading of rights, making it possible to articulate public policies - including technological or environmental policies - on the basis of the principle of interdependence between sustainability, equality and human rights.

AI acts in a dual manner in relation to the SDGs: as a catalyst for targets - accessibility, communication support, assisted diagnosis - and, simultaneously, as a multiplier of systemic inequalities, particularly in relation to SDGs 5 (gender equality) and 10 (reduced inequalities). The principle of 'leaving no one behind' becomes a specific technical requirement in algorithmic design: the inclusion of persons with disabilities in critical development phases, including Reinforcement Learning from Human Feedback (RLHF), precisely the point from which they are currently systematically absent.

Chapter 5. The Spanish ecosystem: regulatory progress and operational gaps

Spain presents itself as an anticipatory regulatory laboratory in Europe. The combination of the reform of Article 49 of the Constitution (2024), Law 15/2022, the comprehensive law on equal treatment and non-discrimination, Law 8/2021 on support for legal capacity and Royal Legislative Decree 1/2013 forms a disability regulatory ecosystem articulated with the CRPD and with reference points for algorithmic assessment.

The reform of Article 49 of the Constitution

The reform raises the social model of disability to constitutional rank and introduces, as an unavoidable legal consequence, a presumption of unconstitutionality of algorithmic ableism: a public system that produces exclusion on grounds of disability collides not only with the CRPD but with the reformed constitutional text itself.

Law 15/2022 and the proscription of algorithmic discrimination

Law 15/2022 is pioneering in its express proscription of intersectional algorithmic discrimination and in its requirement of transparency from the design stage. Article 23, which links the public use of algorithms to impact assessment and to the publication of the criteria used, offers a specific legal anchor for requiring Spanish administrations to meet a standard higher than that of the AI Act.

Supreme Court Judgment 1119/2025 (the BOSCO case)

Supreme Court Judgment 1119/2025 represents a milestone of particular relevance in algorithmic transparency applied to public benefits. By recognising the right of access to the source code of the BOSCO application, the Court reinforces the connection between administrative transparency, review of legality and the effective guarantee of social rights when public action is supported by automated systems. Its implication for the CRPD is of the first order: algorithmic opacity may constitute a structural obstacle to effective legal capacity (Article 12) and access to justice (Article 13) for persons with disabilities. The BOSCO doctrine does not, by itself, eliminate the algorithmic black box, but it opens a relevant jurisprudential route for arguing that technical secrecy, intellectual property or administrative confidentiality cannot be invoked abstractly to prevent all scrutiny when an automated system conditions access to rights or public benefits. Its logic has potential effects on regional social-services systems and provides the report with a solid basis for demanding reinforced guarantees of transparency, auditability and challenge in the European AI system.

Institutional architecture and persistence of critical points

The Spanish supervisory architecture rests on two independent authorities with complementary action: the Spanish Agency for the Supervision of Artificial Intelligence (AESIA), the first national AI supervisory authority created in Europe, and the Spanish Data Protection Agency (AEPD), whose doctrine on university remote proctoring protects students with neurodivergences against biometric false positives. The AESIA Statute establishes an explicit duty of institutional cooperation between both authorities, especially relevant where algorithmic systems process special-category data - health, biometrics, disability - a situation in which coordinated action strengthens the effectiveness of Articles 4 and 33 CRPD. The institutional map is completed by CERMI as the Independent Monitoring Mechanism for the CRPD (Article 33.2), the National Disability Council, the Royal Board on Disability and the regional authorities.

The Spanish ecosystem nevertheless illustrates the paradox of regulatory vanguardism: the densest formal architecture in Europe accumulates four critical points documented by the report. First, the absence of the implementing regulation that would standardise the algorithmic audit methodologies required by Law 15/2022. Second, the opacity of commercial software procured by the Administration, in direct collision with the Fundamental Rights Impact Assessment obligation under the AI Act. Third, the insufficiency of the TURING register as an accountability mechanism: absence of traceability of withdrawn algorithms, of indicators disaggregated by disability and of accessible formats, in tension with Articles 9, 13 and 31 CRPD. Fourth, the absence of a national protocol for the deployment of AI in educational centres.

Added to these are two areas where further work is needed: structured articulation between AESIA and the independent mechanism under Article 33.2 CRPD, and statistical disaggregation by disability in public algorithmic audits.

The Spanish model is a reference point for comparative analysis and, at the same time, an example that regulatory progress alone does not guarantee effective implementation.

Part II. Methodology of the intersectional analysis

Part II develops the methodological feature that substantially distinguishes this report: the intersectional approach as a requirement of validity, not as a formal add-on. As the CRPD Committee warns, any study that ignores differentiated impact - such as that experienced by women with disabilities - is invalid under the terms of the treaty itself. In the field of high-risk artificial intelligence, this requirement is translated into a layered assessment architecture and into a normative set of indicators that operationalises algorithmic audit from the perspective of international human rights law.

Chapter 6. Foundations and structure of intersectional analysis

The six intersectional indicators

The six indicators summarised below are intersectional indicators: normative criteria - not statistical metrics - that assess whether a high-risk AI system complies with the obligations imposed by the CRPD, CEDAW and the CRC with regard to the differentiated subgroups of its reference population: women with disabilities, girls and boys with disabilities, older persons with disabilities, LGBTI+ persons with disabilities and families of persons with disabilities. The methodological distinction is essential: statistical indicators measure phenomena; intersectional indicators assess whether the measured phenomena constitute rights violations affecting specific subgroups.

The six indicators must be satisfied concurrently. They define the methodological standard according to which the sectoral areas in Part III are assessed, the obligations of providers, deployers and authorities in Part IV are formulated, and the recommendations in Part V are supported. Simultaneous fulfilment of all six is the only route that certifies algorithmic compliance in accordance with international human rights law.

INDICATOR	LEGAL BASIS	ASSESSMENT DIMENSIONS
Representation in data	► Art. 31 CRPD, disaggregated data ► General Comment No. 3, §63(d), data on women with disabilities ► Global Digital Compact 2024, diverse repositories ► Art. 10 ICESCR: protection and assistance to the family as the basic social unit, in articulation with Art. 31 CRPD on disaggregated data applied to families of persons with disabilities	► Quantitative presence of the women × disability group ► Quality of representation (own perspective vs institutional perspective) ► Source of data (does it reproduce structural discrimination?)
Differentiated impact in outcomes	► General Comment No. 3, §17(b) - indirect discrimination ► Art. 1 CEDAW and Art. 2 CRPD - disproportionate effect ► CSW67 (2023) - targets by sex, disability and age	► Disaggregation of outcomes by intersections: gender × disability, age × disability, LGBTI+ identity × disability, family environment × disability ► Comparative rate of negative outcomes vs reference groups ► Detection of algorithmic amplification of pre-existing biases
System accessibility	► Art. 9 CRPD, access to ICT ► General Comment No. 3, §48, accessibility with a gender perspective ► General Comment No. 2 CRPD, technical accessibility standards	► Universal design from the system architecture ► Reasonable accommodation available for women with disabilities ► Accessibility in differentiated contexts
Participation in design and governance	► Art. 4.3 CRPD, consultation with persons with disabilities ► General Comment No. 3, §23, participation of women in public decisions ► CEDAW General Recommendation No. 40, parity representation in AI governance ► Council of Europe Recommendation CM/Rec(2026)1, paras. 8 and 32-36	► Real, not symbolic, participation of organisations of women with disabilities ► Verifiable influence on design decisions ► Inclusion of girls and boys with disabilities in governance phases
Transparency and effective remedies	► Art. 13 CRPD, access to justice ► General Comment No. 3, §52, specific barriers for women with disabilities ► CSW67, safety by design / preventive risk assessment ► OHCHR B-Tech Project 2025, taxonomy of AI harms ► Council of Europe Recommendation CM/Rec(2026)1, paras. 21-26	► Understandable information on algorithmic decisions ► Accessible challenge mechanisms (from design, not as an add-on) ► Reparation: removal of the effect + explanation + prevention + compensation
Substantive equality in systemic effects	► CEDAW, substantive equality (equality of outcomes) ► CEDAW General Recommendation No. 40, AI systems and obligation of results ► General Comment No. 3, §20, structural reform and affirmative action ► Art. 33 CRPD, national implementation and monitoring	► Contribution of the system to reducing (or widening) inequality gaps ► Time horizon: trends in sectoral inequality over time ► Periodic monitoring mechanisms (Art. 33 CRPD)

Each indicator operates concurrently with the others: a system that meets five and fails one is not a partially compliant system, but a non-compliant system. This strict concurrence derives from

the indivisible nature of the rights recognised in the CRPD and forms the basis on which the algorithmic audits proposed in Chapter 20 are structured.

The six intersectional indicators operate at the cross-cutting level of the report: they guide the sectoral analysis in Part III and frame the obligations developed in Part IV. Chapter 17 will develop a distinct and complementary set of indicators, specific to the fundamental rights impact assessment provided for in Article 27 of the AI Act, which operates at the procedural level of the concrete deployment of each high-risk AI system. Both sets are necessary and are not substitutes: the intersectional indicators in this chapter determine which subgroups must be analysed and under what conventional standard; the procedural indicators in Chapter 17 structure how compliance is documented and verified in each impact assessment.

Part III. Impact analysis by sectoral area

Part III contains the analytical core of the report. It examines ten sectoral areas built from Annex III of the AI Act and other high-risk systems connected with European sectoral legislation, applying to each the seven-layer methodological architecture and the six intersectional normative indicators. The argumentative pattern is common to all chapters: description of the area and the types of systems involved, CRPD rights affected, dynamics of exclusion, intersectional impact by layer, and regulatory gaps with the obligations enforceable against States and operators. This Executive Summary condenses the essential findings; the full report contains the detailed legal analysis of each right and each safeguard.

Nine structural patterns recur across the ten areas: automation of historical ableism; data underrepresentation; proxy variables that encode disability; amplified penalty through intersectionality; procedural opacity; absence of algorithmic reasonable accommodation; denial of effective protection; regulatory conflicts between the AI Act and sectoral legislation; and exclusion of representative organisations from technical governance.

Chapter 7. Employment

The deployment of AI systems across the employment life cycle - from recruitment to termination of contract - directly affects Article 27 of the CRPD and the guidelines of General Comment No. 8 of the Committee. Five technologies are critical: automated CV screening using language models, biometric assessments through video interviews, algorithmic performance monitoring, algorithmic task allocation and segmented distribution of offers on digital platforms.

Algorithmic discrimination in employment is the scaled reproduction of structural ableism. Algorithms are trained on historical data reflecting decades of systematically lower employment rates for persons with disabilities. Screening operates with the algorithmic stigma of specialised histories: supported-employment programmes, occupational training in specialised centres and transitions through special employment centres are read by the system as discard markers, automating the labour segregation that the legal order prohibits. Video interviews penalise atypical communication - stammering, facial paralysis, low vision, autistic-spectrum traits - by measuring the candidate's patterns against the hegemonic norm trained into the algorithm. Performance monitoring turns atypical work rhythms or the need for breaks into indicators of low

productivity, which amounts to an automated denial of reasonable accommodation (Articles 2 and 5.3 CRPD).

The layered assessment reveals inseparable impacts. Women with disabilities experience amplified penalty when employment gaps due to disability intersect with discontinuous trajectories arising from care burdens; intensive monitoring can be instrumentalised as a vector of harassment. For young people with disabilities, the absence of a record is read by the machine as lack of capacity, blocking first access. Algorithms penalise older persons with disabilities through encoded ageism and absence of adjustments for fatigue, and exclude families of persons with disabilities by interpreting absence for medical accompaniment as lack of commitment (violating Article 27 in connection with Article 23 CRPD).

There is an unbridgeable gap between the AI Act and the CRPD: whereas the Regulation requires statistical cleansing and data quality, the Convention requires the architectural capacity to provide individualised reasonable accommodation. Statistical correction is not equivalent to reasonable accommodation. States must expressly prohibit the use of discriminatory systems in labour legislation and ensure that supervisory authorities audit from the perspective of the CRPD. Providers and deployers are under an obligation to design accessible systems, guarantee alternatives of human assessment and ensure the participation of representative organisations in algorithmic audits (Article 4.3 CRPD).

Chapter 8. Education and training

The deployment of high-risk AI systems in education directly affects Article 24 of the CRPD and the guidelines of General Comment No. 4. Six critical vectors are identified: automated selection and admission systems, adaptive assessment platforms (EdTech), predictive analysis of performance and dropout detection, remote proctoring with biometric verification, algorithmic career guidance and algorithmic allocation of educational supports.

Educational algorithmic discrimination reproduces the segregation paradigm. Automated admission penalises absenteeism or gaps in records without considering that they arise from environmental barriers or lack of accommodation, constituting automated indirect exclusion. Adaptive assessment assimilates neurodivergence to anomaly or deficit, forcing the student to normalise rather than adapting the environment. Predictive dropout models operate as a self-fulfilling prophecy: by predicting failure on the basis of historical correlations, they preventively condition the allocation of resources and teacher expectations. Remote proctoring generates disproportionate false-alarm rates by interpreting atypical movements or eye patterns as irregular conduct. Delegating decisions on reasonable accommodation to algorithmic systems without individualised assessment denies an immediately enforceable right and constitutes direct discrimination. There is also a systemic second-order effect: comparative performance analysis models for educational centres that do not adequately incorporate the reality of students with disabilities and the supports they receive may penalise the most inclusive settings by recording lower statistical performance in standard metrics, treating compliance with Article 24 CRPD as statistical deviation.

Women and girls with disabilities accumulate historical underrepresentation with the gender gap in STEM disciplines, in an intersection that educational-recommendation algorithms amplify. Children and young people with disabilities experience early profiling through diagnostic labels

that reduce institutional expectations. Older persons with disabilities have their learning rhythms penalised in systems trained on young populations. Automated moderation renders invisible LGBTI-phobic and ableist harassment of LGBTI+ persons with disabilities. Families face inaccessible school platforms that impose additional barriers on mothers and fathers with disabilities.

The AI Act does not impose specific requirements of universal accessibility or design for all persons in high-risk educational systems. To ensure conformity with the CRPD, States must prohibit AI from determining or conditioning decisions relating to reasonable accommodation, ensure effective human alternatives, collect disaggregated data (Article 31), and include children and representative organisations in the design and audit of educational technology.

Chapter 9. Social services, public benefits and disability assessment

Automation in social services concentrates direct institutional power over the lives of persons with disabilities: it determines access to vital supports, benefits, services, administrative recognition of disability and positive-action measures. It engages Articles 28, 12, 19 and 13 of the CRPD. The report audits automated systems for scoring the degree of disability, algorithmic decision-support systems in assessment, including the system regulated by Royal Decree 888/2022 establishing the procedure for the recognition, declaration and classification of the degree of disability, predictive eligibility algorithms, digital-management platforms, AI systems as decision-support instruments in residential settings, assisted independent living and daily care, and surveillance systems in those same settings.

The migration of social protection to algorithmic environments configures what OHCHR has called the 'algorithmic welfare state': a governance model that generates systemic exclusions, often more effectively than its analogue counterpart. Algorithmic assessment systems may reintroduce, opaquely, the logic of the medical-rehabilitation deficit if trained on historical data that reflect it, contrary to the social and human rights model. Owing to their structural function as gateway to rights, benefits, supports and conditions of social participation, any incorporation of AI into assessment, guidance or prioritisation processes must be treated as a scenario of special preventive caution, subject to reinforced guarantees of traceability, meaningful human review, accessibility of information, effective challenge and sufficient public control.

Women with disabilities face amplified bias: their contribution histories, interrupted by unpaid care, are processed as indicators of lower eligibility. AI that prioritises efficiency over support in the family environment reproduces prohibited child institutionalisation. Older persons with disabilities have their trajectories of limited access to resources interpreted as lesser real need. Algorithmic surveillance in residential homes affects them disproportionately, undermining their privacy. LGBTI+ persons with disabilities are penalised for residential instability or the absence of normative family networks, and trans persons experience blocks in platforms owing to inconsistencies in identity records. Allocation systems presume the availability of family care - rendering invisible the burden borne mainly by women - in order to reduce the provision of formal supports.

There is a serious regulatory asymmetry: AI systems operating as decision support do not have the safeguards of Article 12.4 CRPD or the requirements of Law 8/2021 governing human supports, despite performing a materially analogous function. States must prohibit exclusively

automated decisions for access to benefits, ensure accessible analogue alternatives and guarantee challengeability with free advice, preventing regressive measures under the pretext of algorithmic efficiency.

Chapter 10. Administration of justice and law enforcement

In the administration of justice and in policing, AI exercises direct coercive power and compromises Articles 13, 14, 5, 12, 16 (protection against exploitation and violence) and 22 (privacy) of the CRPD. The technologies analysed include recidivism risk-assessment systems, predictive crime analysis, biometric identification, credibility-analysis systems, prison classification, and surveillance and analysis of digital communications.

Risk-assessment systems process mental-health histories, unemployment or residential instability as indicators of dangerousness, translating structural disadvantages into scores that ground deprivation of liberty. Predictive policing generates a feedback loop: by relying on historical data, it sends patrols to areas of greater institutional interaction - often involving persons with psychosocial disabilities in crisis - generating more data and criminalising disability. Systems that assess emotional stability or narrative coherence amplify the stigma attached to the testimony of persons with intellectual or psychosocial disabilities. Differential biometric errors - disproportionate failures in relation to atypical features - lead to wrongful arrests.

Women with disabilities who are victims of gender-based violence see their complaints scrutinised by systems that penalise fragmented accounts; as convicted persons, they experience classification based on variables that ignore the high prevalence of prior trauma. Youth tools (YLS/CMI and similar instruments) correlate learning difficulties or mental health with recidivism, seriously affecting children and young people with disabilities. Older persons with disabilities accumulate life variables that algorithms wrongly read as aggravated dangerousness. LGBTI+ persons with disabilities are penalised by the lower density of their conventional family network, and prison AI fails to detect specific incidents of LGBTI-phobic violence. Families experience algorithmic suspension of visiting rights through inaccessible platforms.

The CRPD framework dictates that disability can never justify deprivation of liberty. The AI Act, however, does not expressly prohibit the use of high-risk AI in decisions on deprivation of liberty, and the right to an explanation under Article 86 is inadequate, as it does not guarantee absolute procedural accommodations (Article 13 CRPD). States must impose moratoria on the use of biometrics and predictive surveillance with ableist bias, and prohibit the use of inscrutable risk scores to decide precautionary measures or sentences. No risk score, automated classification or behavioural inference may prevail over the individualised assessment required by Article 12.4 CRPD and Law 8/2021.

Chapter 11. Health and social care

The incorporation of AI into clinical and social-care decision-making has profound implications for the right to health (Article 25), independent living (Article 19), privacy (Article 22) and informed consent (Article 12). The technologies include triage and prioritisation systems, diagnostic support through imaging and pathology, AI applied to prenatal genetic diagnosis, clinical-risk

prediction and proactive resource management systems, AI in mental health, allocation of dependency supports, and neurotechnologies and assistive devices with embedded AI.

Algorithms that allocate vital resources in scarcity contexts and use disability - directly or through proxies such as quality-adjusted life years (QALY) or functionality - as a criterion for denying care directly violate Article 25(a) CRPD. Diagnostic overshadowing diverts attention from new pathologies in patients with pre-existing disabilities: models trained on neurotypical and non-disabled populations attribute emerging symptoms to the prior condition, producing undertreatment or late diagnosis. Tools for predicting crises or suicide risk in mental health may trigger involuntary placements or forced medication, substituting the patient's legal capacity without the safeguards of Article 12. AI applied to prenatal genetic diagnosis operates in an area of insufficient regulatory coverage that directly affects Articles 5, 8 and 10 of the CRPD: algorithmic coding of disability as a trait to be avoided may configure an automated mechanism of negative selection under the appearance of clinical neutrality, in the absence of specific safeguards ensuring non-directive reproductive counselling anchored in the social model. Neurotechnologies - brain-computer interfaces - and assistive devices with embedded AI - exoskeletons, prostheses, augmentative and alternative communication systems with generative AI, robots supporting activities of daily living - operate in a regulatory grey area between the AI Act and the European Medical Devices Regulation (MDR), evading human rights audits precisely in the technologies most closely linked to the everyday exercise of the rights recognised in Articles 12, 19, 20 and 26 CRPD.

Women with disabilities experience misdiagnosis because systems are trained predominantly on male data, and their consent is threatened in algorithmic sexual and reproductive health interventions. Early-diagnosis AI generates static labels that condition the future of children and young people with disabilities. Older persons with disabilities accumulate the amplified penalty of triage, where systems assess the intersection of age and disability in order to divert critical resources. AI in mental health may pathologise LGBTI+ identities on the basis of biased historical data, and trans persons face fragmentation of medical records owing to lack of identity reconciliation in systems. Health and social-care services presume family support work in order to reduce allocation of public resources.

The AI Act lacks any explicit mention of disability as a specially protected category against exclusion in triage criteria. States must issue an immediate prohibition on deprioritisation on grounds of disability in clinical AI systems and audit health and social-care algorithms to ensure that they promote independent living (Article 19) rather than cost efficiency. Intersectional validation of diagnostic performance and the integration of representative organisations throughout the technology design cycle in health are also mandatory.

Chapter 12. Financial services

Automation in financial services affects the right to an adequate standard of living (Article 28), equal recognition before the law (Article 12), independent living (Article 19) and privacy (Article 22). Critical tools include credit-scoring systems, actuarial assessment in life and health insurance, algorithmic fraud detection, automated financial advice and access platforms with biometric authentication.

Financial AI does not create exclusion, but automates, reproduces and stabilises it under the appearance of technical objectivity, making it practically impossible to challenge. Credit scoring learns from histories marked by informal employment, irregular income and dependence on benefits; the model infers that disability predicts a higher risk of insolvency, assimilating the historical consequences of labour exclusion as an intrinsic risk characteristic of the user. Actuarial discrimination calculates prohibitive premiums or total exclusions from cover on the basis of health and diagnostic data. Anti-fraud systems penalise shared-management patterns or the use of trusted third parties - common tools in the exercise of supported decision-making (Article 12 CRPD). Online-only banking platforms constitute a new barrier to autonomous asset management.

Women with disabilities experience amplified bias in credit scoring where the gender pay gap intersects with disability barriers; the inaccessibility of platforms and lack of protection in insurance perpetuate their economic dependence and facilitate forms of economic violence and coercive control. Young people with disabilities without a credit history are assessed through proxy variables such as receipt of benefits; past restrictions on their legal capacity - guardianship, legal representation - cannot justify current financial exclusion, in accordance with General Comment No. 1 of the CRPD Committee. Older persons with disabilities have income reduction read as future insolvency. LGBTI+ persons with disabilities are penalised for lack of conventional family networks or residential instability. Families experience blocks on shared-management accounts and penalty of the economic history of mothers who are carers.

Neither does the AI Act explicitly address actuarial discrimination in insurance from the perspective of disability, nor does the European Accessibility Act (2019/882) adequately cover financial AI. States must guarantee alternatives for access to purely digital channels, limit the use of health data in actuarial calculation to expressly consented purposes (Article 22), and require financial institutions to audit and remove disability proxy variables from their credit models.

Chapter 13. Critical infrastructure and essential services

Automated management of critical infrastructure - energy, water, emergencies, transport - engages Articles 9 (accessibility), 11 (situations of risk and emergencies) and 19 (independent living). The systems assessed include automated supply networks, algorithmic disconnection systems for non-payment, emergency and evacuation planning, and public-transport management.

For persons dependent on respirators, dialysis, augmentative communication systems or electric wheelchairs, interruption of supply is not a commercial inconvenience; it is a threat to life. Systems that execute automatic disconnections for non-payment or anomaly without verifying binding registers of critical users put human life at risk. Algorithmic models that size energy demand, evacuation routes or public transport do not include data on the specific needs of persons with disabilities, generating infrastructures incapable of protecting those who need them most. Emergency information systems lack accessible formats, violating Articles 21 and 11 of the Convention.

Women with disabilities are more exposed to energy poverty owing to the convergence of the pay gap and disability-related costs; automated disconnections ignore contexts of gender-based violence where the aggressor controls payment. Electro-dependent children suffer the

immediate impact of disconnections. Older persons with disabilities, with greater dependence on home medical equipment and telecare, are frequently left outside protection registers. Evacuation models do not consider the added vulnerability of LGBTI+ persons with disabilities arising from isolation or lack of support networks. Families bear the burden of interacting with inaccessible platforms, and energy poverty penalises the family unit without the algorithm considering care as a vulnerability factor.

Neither the AI Act nor the Critical Entities Resilience Directive (EU 2022/2557) establishes specific accessibility obligations for infrastructure management linked to disability. States have an imperative and immediately enforceable obligation to establish binding registers of supply-dependent users and to prohibit automatic disconnections for this group. Universal accessibility must be a mandatory algorithmic optimisation parameter in transport and in all alert systems (Article 21).

Chapter 14.

Biometrics: identification, categorisation and emotion recognition

The deployment of biometric systems has a sharp impact on Articles 22 (privacy), 14 (liberty), 5 (non-discrimination) and 12 (equal recognition). The analysis covers facial recognition, biometric categorisation systems, emotion recognition, surveillance in public spaces and the generative production of deepfakes.

Facial recognition fails disproportionately for persons with atypical features, scarring or paralysis. This is not a technical failure but structural discrimination: inability to access services because of that failure amounts to denial of reasonable accommodation (Article 5.3). Involuntary biometric categorisation infers disability by analysing gait or facial features: by extracting sensitive health data without consent, it violates the GDPR and Article 22 CRPD. Emotion recognition, whose scientific basis is questionable and which is structurally invalid when applied to disability, interprets facial paralysis, stammering or autistic-spectrum traits as indicators of low competence, deception or lack of suitability, translating behavioural difference into a sign of abnormality. Biometric discrimination against persons with disabilities is structurally difficult to detect with conventional audit tools, as it may appear as a technical incident or fall in statistical performance when in fact it expresses a systematic penalty of non-normative corporeality, expression or behaviour.

Women with disabilities experience amplified exposure to gender-based violence through non-consensual deepfakes, added to the inaccessibility of reporting channels. School biometrics penalise atypical facial expressions in childhood. Older persons with disabilities experience facial or fingerprint error rates that worsen with age. Binary gender models fail in relation to trans or non-binary identities; the intersection with disability multiplies the error, and biometric categorisation unlawfully infers both gender identity and disability status. Biometric systems are not designed to recognise supported decision-making or legal family representation.

The AI Act suffers from a critical gap: Article 5(1)(g) prohibits biometric categorisation by sensitive attributes (race, opinions) but does not expressly include disability, and the prohibition on emotion recognition in Article 5(1)(f) - currently limited to workplace and educational settings - is insufficient and susceptible to abuse in the contexts of disability assessment, career guidance and asylum procedures. States must require non-biometric authentication alternatives as

reasonable accommodation, prohibit emotion recognition in contexts of assessment of persons with disabilities, and explicitly incorporate disability as a prohibited category in biometric categorisation.

Chapter 15. Migration, asylum and border control

In border contexts, the use of AI affects the rights to protection against violence (Article 16), freedom of movement (Article 18), non-discrimination (Article 5), due process (Article 13), liberty and security of person (Article 14), privacy (Article 22), protection in situations of risk and humanitarian emergencies (Article 11), accessibility (Article 9) and equal recognition before the law (Article 12). Critical systems include pre-screening and asylum-credibility assessment, behavioural risk profiling, biometric verification, algorithmic age assessment and algorithmic surveillance in detention centres.

The migration sphere shows the greatest gap between CRPD obligations and AI-system practice, without a single consolidated good practice documented. Credibility-assessment algorithms process atypical communication patterns - non-linear or fragmented accounts characteristic of cognitive or psychosocial disabilities - as indicators of deception or inconsistency, generating automated denial of international protection. A fragmented account is a symptom, not a lie. Behavioural risk-profiling systems detect neurodivergent behaviours or tics as anomalies, turning them into markers of suspicion and causing unjustified detention and questioning. The invisibility of disability in asylum training data makes the system structurally unable to recognise and protect their needs.

Women with disabilities accumulate intersectional grounds of persecution - gender and disability - that credibility systems do not process adequately; they face a high risk of violence in detention and insurmountable barriers on inaccessible platforms. AI for biometric age assessment produces false adults among minors with atypical physical development, expelling them from CRC guarantees. Older persons with disabilities have slow accounts or memory difficulties assessed as lack of credibility, with an additional rate of biometric border failures. The differentiated persecution of LGBTI+ persons with disabilities - LGBTI-phobia and ableism - is not recognised by the algorithm, and trans persons experience blocks due to documentary inconsistencies. High-risk AI in child protection may wrongly interpret the disability of a migrant mother as a risk factor, causing unjustified family separations.

There is a glaring lack of assessment of human rights impact in European instruments such as the Eurodac Regulation or Frontex systems in relation to persons with disabilities, a deficit not resolved by the AI Act. States must prohibit the use of credibility-assessment AI that analyses non-verbal language or narrative coherence without specific disability validation, establish the primacy of the benefit of the doubt in age assessment, and mandatorily incorporate specialised human oversight.

Chapter 16. Participation in political and public life

Automation of citizen participation affects political rights (Article 29), legal capacity (Article 12), accessibility (Article 9) and the participation mandate (Article 4.3). The report examines census

and eligibility management systems, political microtargeting algorithms, automated speech moderation and digital platforms for electoral participation.

Exclusion from suffrage no longer operates only through legal incapacitation, but through technological architectures. Systems may continue to encode or infer former restrictions linked to 'mental capacity' that violate Article 12. Microtargeting profiles persons with disabilities exclusively as objects of assistance or beneficiaries of social policies, not as political actors with agendas of their own, perpetuating symbolic participation. Automated moderation wrongly classifies discourse and activism on disability - or the reclamatory use of stigmatising terms - as hate speech, blocking freedom of political expression (Article 29(b)). Digital infrastructure for voting or civic information that lacks universal design de facto excludes people from informed participation.

Women with disabilities are assigned subordinate roles by microtargeting; automated moderation fails to detect intersectional political violence - misogyny and ableism - and deters their candidacies. Gender quotas alone do not benefit women with disabilities without specific mechanisms that operationalise intersectionality, in accordance with CEDAW Committee General Recommendation No. 40 (paragraphs 25 and 26). Recommendation AI shapes the civic preferences of children and young people by amplifying ableist discourse, and the inaccessibility of civic tech prevents their development as future leaders. Older persons with disabilities are micro-segmented with messages about pensions or dependency, denying their agency over the rest of the agenda. LGBTI+ persons with disabilities experience political harassment that moderation algorithms fail to address. Families see their demands for co-responsibility made invisible by reductionist profiling.

The AI Act has an extremely limited approach in the electoral field: Annex III, point 8(b), classifies as high-risk only systems that seek to influence voter behaviour, leaving out algorithms for administration, eligibility verification and moderation. Pursuant to the reform of Article 49 of the Spanish Constitution, Organic Law 2/2018 and Instruction 5/2019 of the Central Electoral Commission, democratic accessibility is a substantive right. Article 4.3 CRPD imposes on public authorities a reinforced obligation of close consultation with and active involvement of representative organisations of persons with disabilities in the design, validation and audit of electoral technology, adopting WCAG 2.1 AA as the minimum standard.

Part IV. Impact assessment and regulatory compliance

Part IV addresses the central procedural instrument that must articulate compliance with the AI Act in accordance with the CRPD: the fundamental rights impact assessment, and the architecture of obligations incumbent on providers, deployers and public authorities. This Part answers a strategic question: what does the Convention require of operators so that their algorithmic activity, beyond strict formal compliance with the Regulation, does not discriminate on grounds of disability?

Chapter 17. Fundamental rights impact assessment under the AI Act

Legal nature of the impact assessment

Article 27 of the AI Act enshrines the fundamental rights impact assessment as an ex ante procedural mechanism for detecting and mitigating algorithmic risks before deployment. From the perspective of the CRPD, it is not a technical formality: it is the operational specification of Article 4.1(e) of the Convention - the prohibition that any person, organisation or private enterprise discriminate on grounds of disability - in the field of high-risk systems. It operates as a bridge between regulation of product safety in the single market and the fundamental rights acquis of the Charter, international treaties and, primarily, the CRPD, and transfers onto deployers a burden of anticipatory vigilance that pre-market obligations, concentrated on providers, did not cover.

The articulation with the data protection impact assessment (DPIA) under Article 35 GDPR operates under a logic of complementarity (Article 27(4) AI Act): a system may comply scrupulously with the GDPR by processing anonymised data and, at the same time, discriminate indirectly by inferring disability through proxy variables. The impact assessment is the instrument specifically designed to assess rights that fall outside the sphere of privacy - non-discrimination, dignity, autonomy, accessibility and inclusion - recognised in Articles 5, 9, 19 and 27 CRPD. The FRA (2025) has also warned of a relevant application risk: the filters in Article 6(3) AI Act may be interpreted laxly in order to avoid high-risk classification by alleging preparatory tasks or non-material influence.

Integration of the CRPD, CEDAW and the CRC into the impact-assessment methodology

The impact assessment requires a methodology that articulates the procedural requirements of Article 27 AI Act with the interpretative framework of human rights treaties binding on the Union. Article 9 CRPD imposes a prospective hermeneutic: the assessment cannot be limited to verifying that the system works for the general population, but must anticipate how algorithmic design will specifically affect persons with disabilities in their diversity; Article 5 requires detection of indirect discrimination operated through apparently neutral variables - postcode, contribution gaps, vocabulary in a job application, vocal cadence or eye contact in biometric systems - that act as concealed disability markers.

General Comment No. 1 of the CRPD Committee (2014) provides a directly applicable procedural standard: where an algorithm adopts or decisively influences a decision concerning a person with a disability, the procedural system must satisfy, as a minimum, the safeguards of Article 12(4) of the Convention. CEDAW General Recommendation No. 40 (2024) adds the obligation to assess the continuous impact of AI at each stage of development and to correct biases present in training data, algorithms and cognitive systems.

Criteria for differentiated impact on persons with disabilities

The assessment cannot be limited to certifying the elimination of disability discrimination from the data: systems infer status through behavioural, medical or socio-demographic proxy variables. Empirical analysis of the documented cases reveals the structural pattern.

In asynchronous interview systems using natural language processing and biometric-emotional analysis, the statistical model of normality excludes neurodivergence, speech disabilities,

physical asymmetries and motor disabilities by design (AI Now Institute, 2019): a person with autism spectrum disorder who does not maintain normative eye contact, or a person with cerebral palsy whose vocal cadence is irregular, will receive a poor score not because of lack of professional aptitude but because the algorithm penalises divergence from historically hegemonic and neurotypical profiles.

The case of the AMS algorithm deployed by the Austrian public employment agency, documented by AlgorithmWatch, illustrates the intersectional dimension: the system automatically assigned negative weights to women with disabilities and to women supporting persons with disabilities in the family environment, relegating them to the low-employability cluster. An assessment compliant with the AI Act and the CRPD is required to identify these groups as a population of extreme risk and to determine that the system's optimisation of bureaucratic efficiency produces a direct violation of Article 6 CRPD and Article 5 CEDAW.

In the field of biometrics and essential public services, the Institute for Human Rights and Technology calls discriminatory bidirectional failure the pattern by which biometric models fail disproportionately when authenticating persons with disabilities - materially excluding them from digitised services and violating Article 9 CRPD - while, simultaneously, in algorithmic surveillance and fraud-prevention systems, mobility or behavioural divergences characteristic of certain disabilities are classified as anomalies that trigger automated suspensions of benefits (IDHTE, 2024).

The participation of representative organisations of persons with disabilities in the assessment process itself, deriving from Article 4(3) CRPD in articulation with General Comment No. 7 of the Committee, requires early, substantive and documented consultation, with specific intensity in sectors falling within regional competence - social services, dependency, inclusive education, healthcare - where participation articulated exclusively at State level does not adequately capture impacts. The absence of territorial participation undermines the material legitimacy of the assessment.

Specific assessment indicators

The assessment complies with CRPD obligations only if it incorporates six indicators that operate both as assessment criteria and as minimum compliance standards. A system that fails the assessment because it lacks data to measure its ableist bias becomes, in the light of the new Article 49 of the Spanish Constitution, unconstitutional and incompatible with the Convention.

1. **INDICATOR 1.** Analysis of differentiated impact on persons with disabilities: specific audit of structural exclusion based on ableist inference heuristics.
2. **INDICATOR 2.** Assessment of system accessibility: verification of universal design from the conception of the system, as well as of its explanations and interfaces.
3. **INDICATOR 3.** Assessment of accessible explainability: compliance with the BOSCO doctrine (Supreme Court Judgment 1119/2025), with explanations in accessible formats required by each person in order to safeguard effective judicial protection.
4. **INDICATOR 4.** Assessment of reasonable accommodation built into the system: architectural capacity of the system to provide individualised adaptations understood as an obligation of result and not as a design option.
5. **INDICATOR 5.** Assessment of impact on the right to independent living: assessment of risk in dependency-assessment systems and access to essential services, where automated denial may compromise the very continuity of independent living.

6. **INDICATOR 6.** Assessment of the processing of disaggregated data: verification of adequate representation of persons with disabilities in training data, monitoring of system outcomes disaggregated by disability and sex, and resolution of the tension between the GDPR minimisation principle and the unavoidable mandate of Article 31 CRPD.

The principle of algorithmic non-retrogression

The impact assessment must be applied in the light of a cross-cutting interpretative criterion whose substantive content is developed in Chapter 2: the principle of algorithmic non-retrogression. Where an artificial intelligence system replaces, complements or intensifies a pre-existing procedure affecting the rights, supports or benefits of persons with disabilities, the introduction of the technological tool cannot operate as an indirect route to deterioration of the standard of guarantee applicable to the effective exercise of the right prior to deployment. It is not a seventh indicator, but a lens running through the application of all six when the system operates over an existing procedural regime, with particularly intense incidence on accessible explainability, reasonable accommodation and impact on independent living. Its operationalisation requires identifying the standard of guarantee of the previous regime - Article 12 CRPD supports, remedies, human review - verifying that the system maintains or improves it and, where deterioration is detected, justifying it in accordance with CESC standards and adopting verifiable compensatory measures. An assessment that formally satisfies the six indicators but documents unjustified deterioration in relation to the previous regime is not compliant with the Convention.

The intersectional gender perspective

The intersectional gender perspective is a methodological requirement deriving directly from Article 6 CRPD in articulation with CEDAW, as developed in Chapter 1.3. Translated into impact assessment, the mandate imposes three requirements of substantive conformity with the CRPD that operate as guarantees of quality, legitimacy and effectiveness of the process and that no self-assessment may evade: collection of data disaggregated by sex and disability in the deployment of the system; substantive consultation with organisations of women with disabilities before and during the assessment; and provision of specifically accessible remedies for this group in challenge mechanisms. Current algorithmic fairness audit metrics, which measure gender bias and disability bias by comparing discrete and isolated groups, do not capture the amplified penalty suffered by a compound profile and therefore do not satisfy the standard of Article 6 CRPD.

Structural gaps and procedural requirements

The effectiveness of the impact assessment is compromised by three structural deficits whose projection onto the instrument must be made explicit. First, the restricted personal scope: by limiting the assessment duty to public bodies and a closed set of private actors, the AI Act collides with Article 4.1(e) CRPD and leaves outside the immense majority of private operators whose algorithmic decisions directly affect persons with disabilities. Second, the methodological deficit: the assessment presents a deficit of substantive conformity with the CRPD if it does not integrate, from the design stage, close consultation with representative organisations of persons with disabilities (Article 4.3 CRPD), a requirement that cannot be reduced to a procedural formality and that operates as a guarantee of quality, legitimacy and effectiveness of the process. Third, the evidential asymmetry: even where the assessment recognises ex ante a substantiated

risk affecting persons with disabilities, the victim still faces the burden of proving causation in ex post litigation, perpetuating structural defencelessness. Procedural reform establishing reversal of the burden of proof where the assessment has previously recognised that risk is an indispensable condition for making Article 13 CRPD effective. These three deficits are articulated with the systematic catalogue in Chapter 19: the first and third correspond to Gaps 1 and 4 respectively, and the second projects onto the transversal root cause - non-compliance with Article 4.3 CRPD - which the chapter identifies as underlying the ecosystem as a whole.

Chapter 18.

Obligations of providers, deployers and authorities

Architecture of distributed responsibility

The AI Act articulates responsibility along the value chain, distinguishing centrally between providers (who develop or market the system) and deployers (who use it in a specific context), without prejudice to the obligations of importers, distributors and authorised representatives. Article 4(1) CRPD configures the framework of enforceability through a tripartite mandate binding States in relation to public authorities and private entities. The AI Act should be a sectoral specification of those obligations, but a system may formally comply with all its requirements and still breach Articles 5, 9 or 27 CRPD if its design or deployment produces discriminatory effects: conformity with the AI Act does not exhaust legal conformity where a binding conventional framework imposes higher standards of substantive equality.

Obligations of providers

The AI Act concentrates on providers the most demanding obligations of design, documentation and quality control (Articles 9, 10, 13, 14 and 15). From the perspective of the CRPD, these obligations acquire substantive content that the AI Act does not develop: Article 21 requires transparency to materialise in information in universally accessible formats, with specific documentation of error rates by type of disability; Article 2 converts reasonable accommodation into capacity built into the system design, not a later correction mechanism, so that a system that cannot be adjusted constitutes discrimination by design; and Directive (EU) 2019/882, incorporated into Spanish law by Law 11/2023, confirms that universal design and accessibility are material conditions of conformity. Article 4(1)(f) CRPD raises universal design to a condition of material lawfulness, and Article 4(3) requires representative organisations to be incorporated into the design, development, testing and audit phases as a verifiable criterion of the AI Act conformity assessment.

The obligation of adequate representation in training data (Article 10 AI Act read in conformity with Article 31 CRPD) is not being fulfilled: systems are trained on data reflecting decades of structural exclusion and reproduce pre-existing discrimination, with disproportionate error rates for non-normative profiles. Older persons with disabilities are systematically underrepresented in datasets built on economically active and digitally competent profiles; LGBTI+ persons with disabilities face a deficit arising from the structural selection bias generated in historical data by strategic concealment of identity in discriminatory environments.

Assistive devices with embedded AI - exoskeletons, smart prostheses, autonomous wheelchairs with computer vision, augmentative and alternative communication systems with generative AI, among others - require qualified attention: they directly condition mobility, communication, autonomy and independent living as recognised in the CRPD, and their failure is not deficient

technical performance but a compromise of the very exercise of rights. The gap in articulation between the AI Act and Regulation (EU) 2017/745 on medical devices (Gap 9 of Chapter 19) does not exempt providers from evidencing representativeness of training, absence of disproportionate errors, accessible information on the limits of the system and post-market surveillance specific to the algorithmic component.

Obligations of deployers: the central position of public administrations

Deployers in public administrations occupy the central position in the compliance architecture. Article 4(1)(d) CRPD requires States to ensure that public authorities and institutions act in conformity with the Convention: an administration deploying an algorithmic system for disability assessment, allocation of benefits or access to services has an autonomous and directly enforceable legal obligation to guarantee that the system does not discriminate or violate Articles 12, 19, 28 and related provisions.

Three specific obligations derive from the articulation of the AI Act with the CRPD and the Spanish constitutional order. The first is constitutional conformity: the reform of Article 49 of the Constitution binds the whole Administration to guarantee that the AI systems deployed comply with the mandates of universal accessibility, universal design and full autonomy of persons with disabilities, regardless of whether they have obtained conformity certification under the Regulation. The second is the obligation of review under the BOSCO doctrine (Supreme Court Judgment 1119/2025): the Administration cannot use AI systems whose decisions are incomprehensible to affected citizens, which requires review of systems deployed in allocation of social benefits, dependency assessment, recognition of the degree of disability, scoring of educational services or access to social housing, verifying - beyond the technical plane - that explanations are accessible to the persons with disabilities affected. The third is coordination between the fundamental rights impact assessment under Article 27 AI Act and the data protection impact assessment under Article 35 GDPR: biometric systems that simultaneously process biometric data and disability-status data (both special categories under Article 9 GDPR) require an integrated analysis that neither instrument separately guarantees in the current state of supervision.

The obligation of effective human oversight (Articles 14 and 26 AI Act) acquires a qualified dimension when the algorithmic decision affects persons with disabilities. General Comment No. 1 of the CRPD Committee states that functional criteria assessing decision-making aptitude are incorrect and discriminatory, and that statistical inference about capacity cannot replace recognition of the person's will and preferences: when a system assesses 'functional independence' to allocate supports or deny a benefit, it operates as a substitute decision-making mechanism prohibited by the Convention. The Administration must guarantee a human review instance that adopts the final decision respecting the will and preferences of the affected person in the terms of Article 12(3) and (4) CRPD. This obligation is intensified when AI acts as a support tool in everyday decisions (prediction of preferences, filtering of options, structuring of routines) concerning older persons with disabilities with cognitive or neurodegenerative impairment, a field in which Law 8/2021 projects direct requirements and where the normative articulation is developed as Gap 8 in Chapter 19.

The obligation of reasonable accommodation (Articles 2 and 5(3) CRPD) projects specific duties onto deployers (manual review of the result, accessible avenues for challenge and provision of information in alternative formats), reinforced by Article 23 of Law 15/2022 and its regime reversing the burden of proof: the deployer cannot invoke trade secrets or the provider's

responsibility in order to be exempt. Public procurement is the central operational instrument: in application of Articles 4.1(c) and 4.1(d) CRPD, administrations must include mandatory clauses that neutralise the trade secrecy of private software, incorporate universal design and prior audit of ableist bias as unavoidable requirements before acquisition, and impose impact assessment as a condition for performance of the contract.

The role of supervisory authorities

National supervisory authorities under the AI Act are not neutral actors: they are part of the State apparatus on which the obligations of the CRPD fall, binding all public authorities including independent regulatory agencies. AESIA, as the competent national authority, must conduct its activity in accordance with the mandate of the Convention and incorporate the disability perspective into its technical corpus: its guidance on risk management, conformity assessment, transparency and human oversight must integrate inaccessibility and disability-based bias as mandatory risk factors, universal design as a conformity criterion, accessibility of algorithmic explanations, and CRPD standards on legal capacity and autonomy. General Comments Nos. 1 (legal capacity), 3 (women and girls with disabilities), 6 (equality and non-discrimination) and 8 (right to work and employment) are the most directly applicable interpretative standards, and articulation with CERMI, as the Independent Monitoring Mechanism under Article 33.2 CRPD, is a requirement of the conventional system itself.

Transparency and accountability project two differentiated functions onto the supervisory authority. The first is to ensure that the interpretability obligation in Article 13 AI Act is translated into explanations that are understandable and accessible to affected persons in the format each person requires (Articles 2, 12 and 21 CRPD; Article 22 GDPR; BOSCO doctrine), a dimension developed as Gap 3 in Chapter 19. The second is to guarantee the right to an effective remedy: algorithmic opacity makes it practically impossible to demonstrate the causation required by anti-discrimination litigation and requires reversal of the burden of proof where the FRIA has previously recognised the risk, pursuant to Article 13 CRPD and Article 47 of the Charter of Fundamental Rights of the European Union (Gap 4 of Chapter 19).

Transparency also requires the creation of a public, updated and accessible register of high-risk AI systems deployed by administrations and affecting the rights of persons with disabilities, whose own accessibility is a material condition of its validity. The obligation to register in the Union database (Article 71 AI Act) and to notify serious incidents (Article 73) requires, to be effective, the active participation of representative organisations, which Article 33(3) CRPD legitimises to access registers and lodge complaints with AESIA.

Coordination between AESIA, AEPD, the Ombudsman, equality bodies and Article 33 CRPD mechanisms - with common criteria for minimum publicity, accessibility of information and cross-communication of incidents - is the operational condition that makes this system possible.

The intersectional dimension of the obligations

Obligations acquire a qualified dimension when systems interact with persons who concentrate multiple discrimination factors. General Comment No. 6 of the CRPD Committee articulates this dimension through a tripartite scheme: providers are subject to the obligation not to design systems that discriminate directly or indirectly; deployers must ensure that deployment does not produce intersectional discrimination, including structural discrimination encoded in data; and supervisory authorities must require audits with intersectional metrics and specific measures for the systems with the greatest impact.

On this structure, four requirements operate concurrently. Article 6 CRPD, read with CEDAW General Recommendation No. 40 (2024), requires deployers to assess the continuous impact of AI on women with disabilities at each stage, with specific attention to algorithmic gender-based violence from the perspective of the GREVIO Recommendation on the digital dimension. Older persons with disabilities require an express prohibition on triage, dependency-assessment and benefit-allocation systems using advanced age as an implicit criterion for non-prioritisation (Article 25(a) CRPD). LGBTI+ persons with disabilities activate the prohibition of algorithmic outing - an autonomous violation of Article 22 CRPD and Principle 36 of the Yogyakarta Principles +10 - where systems infer sexual orientation, gender identity or gender expression through health data, geolocation, digital behaviour or biometric recognition. Families of persons with disabilities (Article 23 CRPD) operate as a category of indirect affected persons, with differentiated impact on women who overwhelmingly assume unpaid care, and the reinforced protection of girls and boys with disabilities (Article 7(2) CRPD) requires educational assessment, detection and support-allocation systems not to reproduce or algorithmically amplify historical patterns of exclusion.

Full compliance with obligations relating to high-risk AI can be considered satisfied, from the perspective of the CRPD, only where deployed systems guarantee not merely the absence of direct discrimination, but substantive equality, universal accessibility, reasonable accommodation in the individual case, effective human oversight and access to accessible challenge mechanisms. This is the standard required by the Convention, constitutionalised by the reformed Article 49 of the Spanish Constitution, and which operators must internalise and supervisory authorities must enforce.

Part V. Gaps, recommendations and conclusions

Part V closes the report with three sequential operations. First, a diagnosis of the structural gaps in the AI regulatory and supervisory ecosystem in relation to the CRPD standard. Second, an articulated catalogue of recommendations by institutional addressee and level of urgency, conceived not as a repertoire of voluntary good practices but as legally enforceable mandates. Third, strategic conclusions that synthesise the work as a whole from the perspective of the Independent Mechanism under Article 33.2 of the Convention.

Chapter 19. Regulatory gaps and implementation deficits

The cross-analysis in Parts I to IV of the report makes it possible to identify a set of structural gaps that simultaneously traverse international human rights law, artificial-intelligence regulatory frameworks, technical instruments of supervision and the institutional architecture of competent authorities, none of which has yet incorporated the disability perspective from the social and human rights model required by the CRPD. Their common denominator is that the system for regulating and supervising artificial intelligence was designed without the human rights foundations of disability that the Convention imposes with binding force on all States Parties and on the European Union.

The gaps are organised into three analytical categories. Content gaps indicate that legislation or regulatory frameworks do not incorporate the disability perspective as an autonomous

dimension of requirement, so that existing instruments are incapable of producing effective protection even when correctly applied. Technical implementation gaps indicate that supervisory instruments do not make effective the obligations that do exist in current law, turning legal prohibitions into inapplicable precepts for lack of development. Institutional gaps indicate that the supervisory architecture lacks the coordinated mechanisms necessary to guarantee the protection of persons with disabilities. Many of the identified gaps belong to more than one category at the same time.

Summary table: structural gaps, category and main legal basis

Gap	Name	Category	Main legal basis
B1	The fundamental rights impact assessment does not include the disability perspective or intersectional analysis	Regulatory-content and technical-implementation gap	Art. 27 AI Act; Arts. 5, 6, 7, 9 and 31 CRPD
B2	Algorithmic discrimination on grounds of disability lacks technical detection instruments	Technical-implementation gap	Arts. 5 and 31 CRPD; General Comment No. 8 CRPD Committee; Art. 9 AI Act
B3	Universal accessibility of algorithmic systems and their explanations does not exist in current technical frameworks	Regulatory-content and technical-implementation gap	Arts. 2, 9, 21 and 4.1(f) CRPD; Arts. 13 and 14 AI Act; General Comment No. 6 CRPD Committee
B4	Remedy and effective-protection mechanisms against algorithmic decisions are structurally inaccessible to persons with disabilities	Regulatory-content and technical-implementation gap	Arts. 12 and 13 CRPD, General Comment No. 1 CRPD Committee, Art. 47 Charter of Fundamental Rights of the EU, Arts. 14 and 86 AI Act
B5	Biometric and remote-proctoring systems produce differentiated discrimination against persons with disabilities without a specific regulatory response	Regulatory-content and technical-implementation gap	Arts. 5, 9, 24 and 27 CRPD; Art. 9 GDPR; Arts. 6 and 10 AI Act
B6	Data gap: absence of disaggregation by disability in AI supervision	Regulatory-content, technical-implementation and institutional gap	Art. 31 CRPD; General Comment No. 6 CRPD Committee; Arts. 9 and 27 AI Act
B7	Intersectional algorithmic discrimination against women with disabilities without autonomous normative protection	Regulatory-content and technical-implementation gap	Arts. 6, 13 and 16 CRPD; General Comment No. 3 CRPD Committee; CEDAW General Recommendations Nos. 39 and 40
B8	AI systems as decision-making support and circumvention of the safeguards of Article 12 CRPD	Regulatory-content gap and safeguards asymmetry	Articles 12 and 19 CRPD; General Comment No. 1 of the CRPD Committee (2014); Law 8/2021
B9	Regulatory conflict between the AI Act and medical devices in assistive technologies	Structural and competence-delimitation gap	Articles 17, 19, 20, 21, 22 and 26 CRPD; AI Regulation (AI Act); Regulation (EU) 2017/745 (MDR)

Synthesis: a supervisory system built without human rights foundations

The nine gaps form a coherent pattern with a single cause. Added to them are two cross-cutting deficits that do not have their own gap and run through the entire ecosystem. The first is the normative absence of algorithmic reasonable accommodation: refusal to modify, adapt or complement a standardised system when it generates a particular disadvantage for a person with a disability may constitute, under Articles 2 and 5 CRPD, denial of reasonable accommodation and therefore an autonomous form of discrimination on grounds of disability. However, the implementation frameworks of the AI Act do not yet articulate what constitutes algorithmic reasonable accommodation or establish an accessible procedure to request it, obtain it or challenge its denial. The second deficit is the need to articulate, in a stable manner, the supervisory architecture of the AI Act with the independent mechanisms under Article 33 CRPD.

In the Spanish case, this articulation offers an especially valuable opportunity to build channels of cooperation between the Spanish Agency for the Supervision of Artificial Intelligence, AESIA, the Spanish Data Protection Agency, the independent monitoring mechanism for the CRPD and representative organisations of persons with disabilities, incorporating into the supervisory system expert knowledge based on lived experience.

The whole presents two cross-cutting analytical gaps that currently lack specific detection methodologies: intersectional algorithmic discrimination against LGBTI+ persons with disabilities, invisible to current audit frameworks owing to the convergence of heteronormative bias and ableist bias; and the institutional linguistic ableism of generative AI models, trained on stigmatising corpora that amplify historical symbolic violence at scale.

The gaps also acquire specific gravity in relation to children and adolescents with disabilities (Article 7 CRPD). Gaps B1, B2 and B5 in particular operate with qualified urgency in childhood settings because of the irreversibility of their effects: they crystallise permanent exclusions during formative phases before supervisory mechanisms can detect them.

Underlying the ecosystem is a root cause that precedes and conditions all the documented gaps: insufficient participation by persons with disabilities and their representative organisations in the spaces where AI is designed, standardised and supervised. Article 4.3 of the CRPD establishes an obligation of close consultation and active involvement that cannot be reduced to a good governance practice, but constitutes a requirement of substantive conformity with the Convention. The implementation of the AI Act offers an opportunity to correct this gap through stable channels of cooperation between supervisory authorities, including AESIA, standardisation bodies, deployers, the independent monitoring mechanism for the CRPD and representative organisations of persons with disabilities. Without material and procedural participation, the AI governance cycle loses legitimacy, institutional quality and empirical capacity to detect and prevent violations affecting the fundamental rights of persons with disabilities.

Chapter 20. Recommendations for public action

The catalogue below contains forty recommendations organised by institutional addressee, with an indication of the level of urgency and the legal basis in the CRPD and, where applicable, the AI Act and complementary instruments. The recommendations respond point by point to the gaps identified in Chapter 19 and the deficits documented in the sectoral analysis in Part III, and must be read as legally enforceable mandates within the sphere of competence of each actor, in accordance with the binding character that the Convention imposes on States Parties and on the European Union.

No.	Recommendation	Addressee	Urg.	Legal basis
20.1. European Union institutions and the European legislator				
1	Reform Annex III of the AI Act to include disability assessment, assistive devices with embedded AI, prenatal genetic diagnosis and social scoring by disability	EU / European legislator	High	Arts. 5, 9, 12, 19, 25 and 31 CRPD; Annex III AI Act

No.	Recommendation	Addressee	Urg.	Legal basis
2	Expressly include disability as a prohibited sensitive attribute in biometric categorisation	EU / European legislator	High	Art. 5 CRPD; Art. 5(1)(g) AI Act
3	Reform the FRIA in Article 27: disability as a validity requirement and mandatory independent validation	EU / European legislator	High	Arts. 4.3, 5, 6 and 7 CRPD; Art. 27 AI Act
4	Accessible algorithmic explainability (reform of Arts. 13 and 14 AI Act)	EU / European legislator	High	Arts. 9 and 21 CRPD; Arts. 13 and 14 AI Act
5	Extend the prohibition on emotion recognition to disability assessment, career guidance and asylum/border contexts	EU / European legislator	High	Art. 5 CRPD; Art. 5(1)(f) AI Act
6	Prohibit credibility-assessment systems that penalise disability; biometric safeguards in asylum	EU / European legislator	High	Arts. 5, 7 and 18 CRPD; Eurodac Regulation
7	Representation with voting power of OPDs in AI Act standardisation bodies (CEN-CENELEC, ISO)	EU / European legislator	High	Art. 4.3 CRPD; AI Act
20.2. States Parties to the CRPD				
8	Express prohibition of algorithmic discrimination on grounds of disability and reversal of the burden of proof	States Parties to the CRPD	High	Arts. 2, 5 and 13 CRPD; AI Act
9	Immediate obligation to use data disaggregated by disability and by the gender-disability intersection	States Parties to the CRPD	High	Art. 31 CRPD; Global Digital Compact
10	AI Act supervisory authorities with a CRPD mandate, technical capacity and coordination	States Parties to the CRPD	High	Arts. 33 and 4.3 CRPD; AI Act
11	Prohibit the medical-rehabilitation model in public assessment systems; universal design as a prerequisite for deployment	States Parties to the CRPD	High	Arts. 2, 12, 19 and 28 CRPD; AI Act
12	Require interpretability by design and audit of ableist biases as a prerequisite for public procurement of AI systems	States Parties to the CRPD	High	Art. 4 CRPD
13	Accessible, free judicial and extrajudicial protection, with legal assistance, against algorithmic decisions	States Parties to the CRPD	High	Arts. 12 and 13 CRPD; AI Act Art. 86
14	Moratorium or express prohibition on recidivism risk-assessment and predictive crime-analysis systems without a specific disability impact audit	States Parties to the CRPD	High	Arts. 5, 13 and 14 CRPD
15	Binding registers of users dependent on continuity of supply in critical infrastructure; obligation concerning interruption-management models	States Parties to the CRPD	High	Arts. 10 and 11 CRPD
16	Obligation to ensure continuity of supports in all transitions between protection systems	States Parties to the CRPD	High	Arts. 7, 19 and 28 CRPD; Art. 3 CRC
17	Ensure that the Autonomous Communities apply CRPD standards to high-risk AI through impact assessments, disaggregated data, interoperability, State-Autonomous Community coordination and effective participation by regional CERMI bodies and territorial disability organisations.	States Parties to the CRPD	High	Art. 4.5 CRPD; Arts. 4.3 and 33 CRPD

No.	Recommendation	Addressee	Urg.	Legal basis
18	Spanish position in negotiation of the Digital Omnibus with a disability and intersectionality approach; safeguard of the FRIA in proximity services; and guarantees of privacy, confidentiality and reinforced protection in the processing of personal data relating to disability, in accordance with Art. 22 CRPD and the GDPR special-categories regime.	States Parties to the CRPD	High	Art. 4(5) CRPD; Arts. 4.3 and 33 CRPD
20.3. Providers and deployers				
19	Pre-market intersectional bias audit (gender-disability); publication of differential error rates	Providers	High	Arts. 5, 6 and 31 CRPD; AI Act Art. 9
20	Universal design from the conception phase as a condition of system lawfulness	Providers	High	Arts. 2 and 9 CRPD; AI Act
21	Inclusion of persons with disabilities in design, testing and audit teams	Providers	High	Art. 4.3 CRPD
22	Fundamental rights impact assessment with explicit intersectional analysis, effective consultation and documented traceability of the participation of representative organisations of persons with disabilities, including regional CERMI bodies where appropriate	Deployers	High	Arts. 4.3, 5, 6 and 7 CRPD; AI Act Art. 27
23	Configurable, negotiated and documented reasonable accommodation; meaningful human oversight by staff trained in CRPD rights and with effective capacity to modify the algorithmic decision	Deployers	High	Arts. 2 and 5.3 CRPD; AI Act Art. 14
24	Universally accessible algorithmic challenge mechanisms	Deployers	High	Arts. 12 and 13 CRPD; AI Act Art. 86
25	Publication of differential biometric error rates, accessible authentication alternatives and sovereignty over biometric data	Providers/deployers	High	Arts. 22 and 5 CRPD; AI Act
26	Mandatory training in sexual and gender diversity with an intersectional approach (including disability) for development, audit and supervision teams	Providers/deployers	High	Yogyakarta Principles +10; Law 4/2023; Arts. 5 and 6 CRPD
27	Terminological alignment (RLHF) with the social model in foundation models and exclusionary technical clause in public procurement	Providers/deployers	High	Arts. 5 and 8 CRPD
20.4. Supervisory, equality and rights-defence bodies				
28	Specific methodologies for auditing algorithmic bias on grounds of disability and the gender-disability intersection, enforceable against providers and deployers	AI Act supervisory authorities	High	Arts. 5 and 31 CRPD; AI Act
29	Coordination protocols between AI Act supervisory authorities, equality bodies and OPDs; articulation with privacy regulations for bias auditing	AI Act supervisory authorities; equality bodies	High	Arts. 4.3 and 33 CRPD; AI Act
30	Algorithmic discrimination on grounds of disability as an autonomous category in equality-supervision frameworks	Equality bodies	High	Arts. 2, 5 and 6 CRPD

No.	Recommendation	Addressee	Urg.	Legal basis
31	High-risk AI as a priority area in the independent monitoring mechanisms under Art. 33.2 CRPD	CRPD Art. 33.2 mechanisms	High	Arts. 33 and 4.3 CRPD
32	Harmonised criteria for disaggregation by disability in AI Act transparency reports	AI Act supervisory authorities; equality bodies	High	Art. 31 CRPD; AI Act
33	Public, updated, accessible and interoperable register of high-risk AI systems deployed by public administrations with impact on persons with disabilities, with minimum information on system, provider, responsible administration, purpose, affected population, impact assessment, accessibility, human oversight, avenues of remedy and audit status	Supervisory, equality and rights-defence bodies	High	Arts. 9 and 33 CRPD; AI Act Art. 71
20.5. International human rights bodies				
34	CRPD Committee General Comment specific to AI and disability, including emerging areas such as neurotechnology, health technologies, smart assistive devices, algorithmic decision-making supports and generative AI	CRPD Committee	High	Arts. 2, 4.3, 5, 12 and 31 CRPD
35	Systematic dialogue between the CRPD Committee and the special rapporteurs system and global AI governance bodies (UN High-Level Advisory Body on AI, UNESCO, Council of Europe, EU)	CRPD Committee; UN Special Rapporteurs	High	Arts. 4 and 33 CRPD
36	Periodic monitoring mechanisms for the impact of AI on persons with disabilities, articulated with the reporting cycle under Art. 35 CRPD	UN system; Council of Europe	Medium	Arts. 33, 35 and 36 CRPD
20.6. Civil society organizations in the disability sector				
37	Development of technical capacity in organisations of persons with disabilities to participate in AI governance (standardisation, conformity, audit)	Civil society	High	Arts. 4.3 and 33.3 CRPD
38	Strategic litigation on algorithmic discrimination on grounds of disability with CRPD-based argumentation	Civil society	High	Arts. 5, 12 and 13 CRPD
39	Systematic and accessible documentation of situations of algorithmic discrimination; empirical basis for alternative reports and strategic litigation	Civil society	High	Arts. 31 and 33.3 CRPD
40	Stable programme of specialised training, participatory territorial audit tools, internal algorithmic surveillance network of the CERMI Movement and structural funding for regional CERMI bodies	Civil society (regional CERMI bodies)	High	Arts. 4.3 and 33.3 CRPD

Indicators for monitoring and accountability

The implementation of a system of indicators responds to the mandate in Article 31 CRPD. In order for the assessment framework not to collapse into purely formal compliance, its application must be subject to three unavoidable methodological requirements. First, all indicators must be applied in accordance with the six criteria of intersectional validity established in Chapter 6 of the report, without which no indicator can be considered valid. Second, wherever

indicators assess the performance of audits or impact assessments, the independence and technical soundness of the processes are presupposed: lax self-assessments carried out by providers themselves do not satisfy the required standard; validation by qualified independent third parties is imperative. Third, given the dynamic nature of high-risk AI systems - whose behaviour evolves through continuous learning and data drift after deployment - the collection of indicators must be subject to a predefined periodicity, at least annually, in order to guarantee detection of emerging biases.

On this basis, the indicators are grouped into three dimensions: general indicators of algorithmic impact on disability; indicators disaggregated by sex and disability to capture the amplified penalty affecting women with disabilities; and intersectional indicators by layer (children, adolescents and young people, older persons, LGBTI+ persons with disabilities, families). Their full articulation appears in section 20.7 of Chapter 20 and, in tabular development, in Annex VI of the report.

Chapter 21. Conclusions

The exhaustive analysis of the normative, technical and institutional ecosystem of artificial intelligence reveals an unavoidable conclusion: current systems of supervision and regulation were designed omitting the human rights foundations that the CRPD imposes with binding force. This foundational omission generates a framework of structural gaps across all levels of governance and turns the AI Act into an instrument insufficient to guarantee the material protection of this social group.

Balance of CRPD compliance in high-risk AI systems

The balance is unequivocal: the system for regulating and supervising artificial intelligence was designed without the human rights foundations of disability that the Convention imposes with binding force on all States Parties. The AI Act operates under a logic of technical market risks structurally different from the logic of substantive equality and individually enforceable rights articulated by the CRPD. An AI system may pass all the conformity requirements of the AI Act and still discriminate against a person with a disability if the reference standard for those requirements has not incorporated the disability perspective from the conception phase; the statistical correction of bias required by the Regulation is not equivalent to the obligation of individualised reasonable accommodation that Article 2 of the CRPD defines as a necessary condition of non-discrimination, and the technical transparency guaranteed by the Regulation is not equivalent to the accessible explainability required by Articles 9 and 21 of the Convention for the exercise of the right to challenge. The nine structural gaps documented in Chapter 19 confirm and systematise this diagnosis.

The recommendation by Special Rapporteur Gerard Quinn that the CRPD Committee prepare a specific General Comment on artificial intelligence, formulated in report A/HRC/49/52 of 2021 and still not implemented at the date of this report, points precisely to the most urgent interpretative gap in the ecosystem: institutional inaction which is not merely bureaucratic delay but a structural omission allowing the irreversible consolidation of discriminatory algorithmic infrastructures.

Ignored intersectional and cross-cutting dimensions

The most significant contribution of the intersectional analysis developed in this report is not documentary but methodological: it demonstrates that discrimination against women with disabilities produced by high-risk AI systems cannot be detected using audit methodologies that analyse gender and disability as separate categories. General Comment No. 3 of the CRPD Committee establishes the basis for this conclusion precisely: Article 6 of the Convention is a cross-cutting article requiring that any analysis which does not consider differentiated impact on women with disabilities be regarded as methodologically invalid - not merely incomplete.

Translated into algorithmic supervision, this mandate requires that impact assessments under Article 27 of the AI Act, bias audits by supervisory authorities and the harmonised standards to be developed incorporate intersectional gender-disability analysis as a validity requirement, not as a methodological option. Across all the sectoral areas analysed, the pattern is consistent: the amplified penalty resulting from the concurrence of ableist bias and gender bias is not the sum of two parallel discriminations but a qualitatively different form of exclusion, invisible to current supervisory frameworks for the same reason in all cases: the absence of data disaggregated by the gender-disability intersection, which Article 31 CRPD requires immediately and positively. The analysis also documents an emerging pattern that transcends discrimination in individual decisions: the use of AI systems as instruments of algorithmic gender-based violence. Workplace monitoring systems may be instrumentalised as vectors of harassment and coercive control; inaccessible biometric authentication creates financial dependence on the aggressor; inaccessible emergency-alert systems leave women with disabilities who are victims of violence without access to protection resources at the most critical moment. Without a normative mandate of independent validation with the participation of organisations of women with disabilities, developers will not detect these dynamics enabled by their own systems.

The extension of the analysis to the other intersectional layers confirms the pattern: the most serious forms of algorithmic discrimination are invariably those invisible to frameworks that analyse disability as an isolated category. In relation to children and adolescents, the irreversibility of effects - Articles 7 CRPD and 3 CRC - imposes a specific assessment standard that no AI governance framework satisfies. For young persons with disabilities transitioning to adulthood, the algorithmic stigma of a specialised history - supported-employment programmes, occupational training in specialised centres, guardianship history - operates as an automated rejection marker at the point of greatest accumulated normative vulnerability. For older persons with disabilities, algorithmic ageism combined with ableism produces a specific penalty, aggravated by the procedural paradox that those most exposed to adverse algorithmic decisions are also those with the greatest difficulty in challenging them and accessing protection mechanisms. For LGBTI+ persons with disabilities, no regulatory, technical or institutional framework recognises the intersection as an autonomous risk category: algorithmic outing in health and employment, the cisheteronormative and ableist passing filter in employment screening and the amplification of the procedural deficit in credibility-assessment systems operate without specific detection devices. For families of persons with disabilities, where 90% of care staff are women in precarious working conditions (European Care Strategy), algorithmic performance-management systems penalise the emotional and relational work that constitutes the core of the provision, turning discrimination against families into an amplified gender impact.

Future research agenda

The analysis developed in this report identifies a set of lines of research whose development is a condition for the reforms proposed in Chapter 20 to be applied with a sufficient empirical and normative basis.

The first is empirical research on the real impact of high-risk AI systems in the sectoral areas analysed: the analysis operates on data available as of February 2026, but the evidence gap regarding persons with disabilities - and especially women and girls with disabilities - in impact records is one of its main findings, and representative organisations acting as independent monitoring mechanisms under Article 33.3 of the Convention have an irreplaceable role in designing the data-collection protocols that would make such research possible.

The second is the development of specific methodologies for participatory-by-design intersectional auditing of algorithmic bias on grounds of disability: persons with disabilities themselves and their organisations must participate in defining indicators, identifying impacts and validating results, in coherence with Article 4.3 CRPD.

The third is legal analysis of strategic litigation as an instrument for implementing the CRPD in the algorithmic space, with a methodology for identifying, documenting and selecting paradigmatic cases that makes it possible to build judicial doctrine and enforceability standards on transparency, reasonable accommodation, bias and effective protection against high-impact automated systems; each case that reaches the courts with technically sound argumentation based on the CRPD helps build the body of case law made urgent by the gaps in Chapter 19.

The fourth is comparative analysis of national frameworks for implementation of the AI Act from the perspective of the CRPD, which will make it possible to identify best practices and the most urgent deficits in the exercise of the margin of configuration that the Regulation leaves to Member States.

The fifth is the development of technical standards for compatibility between high-risk AI systems and assistive technologies - screen readers, augmentative and alternative communication systems, sign-language recognition, real-time captioning with human oversight, remote video interpreting, non-normative speech recognition - in implementation of Article 4.1(f) CRPD.

The sixth, cross-cutting in nature, is research into models of effective participation by persons with disabilities in AI governance processes, which requires sovereign or institutional funding mechanisms to overcome the asymmetry of power vis-a-vis the major technology lobbies in standardisation bodies such as CEN-CENELEC or ISO, where the future of their rights is currently decided behind closed doors.

The seventh, oriented towards the emerging frontiers of algorithmic bioethics, must address the impact of AI applied to prenatal genetic diagnosis and institutional reproductive counselling, a technology operating in an area of insufficient regulatory coverage - between the laxity of algorithmic scrutiny under the MDR and its exclusion from Annex III of the AI Act - with the capacity to produce one of the most harmful impacts on Articles 5, 8 and 10 of the Convention: the legal agenda for the next cycle must articulate a robust response to this risk of predictive eugenics, urging the CRPD Committee and international bioethics bodies to establish specific guidelines ensuring that AI-mediated genomic information is communicated under parameters of non-directive, objective reproductive counselling grounded strictly in the social human rights model.

CERMI's function as the Independent Mechanism under Article 33.2 CRPD in relation to AI governance

Article 33.2 of the Convention requires States Parties to designate an independent mechanism responsible for promoting, protecting and monitoring implementation of the CRPD. In Spain, that function falls to CERMI, and its projection onto the high-risk artificial-intelligence ecosystem goes beyond the classic model of the independent mechanism, conceived for monitoring stable regulations and identifiable administrative actions. Algorithmic governance requires a qualified exercise of the conventional function: early detection of deployments with impact on persons with disabilities, stable articulation with the technical supervisory authorities - AESIA, AEPD, the Ombudsman and regional bodies -, effective presence in standardisation processes and capacity for ex ante action in relation to automated administrative decisions before their effects consolidate into irreversible trajectories.

The material condition for this function is the existence of a permanent operational mechanism: a specialised observatory on algorithmic discrimination on grounds of disability, equipped with an updated map of high-risk AI systems deployed in Spain with impact on persons with disabilities, a stable system for receiving, documenting and systematising complaints, and periodic production of reports feeding both conventional supervision and political and regulatory advocacy with its own evidence. The articulation of this mechanism with the mechanisms under Article 33.3 of the Convention - representative civil society organisations - is intrinsic to its legitimacy: the independent mechanism does not operate as an isolated technical instance, but as a space for integrating the lived experience of persons with disabilities into supervision of the algorithmic ecosystem.

Without stable structural resources and without interinstitutional coordination protocols that make cooperation between the Article 33.2 mechanism and the technical authorities under the AI Act binding, the conventional function cannot deploy its effectiveness over AI governance. This is a requirement that States Parties must guarantee with regard to their own independent mechanism, and which the report elevates to a condition of compliance with Article 33 of the Convention in the algorithmic space.

5. By way of closing remarks

The report concludes with a central determination: the regulatory moment Europe is experiencing constitutes a historic window of opportunity requiring immediate intervention from the binding standard of the CRPD. We are at the exact inflection point where technological governance and human rights must converge in binding form. Algorithmic discrimination against persons with disabilities is institutionalised exclusion that is happening today in all the documented sectors. Every training cycle and every deployment of a high-risk system that omits the CRPD perspective consolidates and amplifies this discrimination, encoding ableism into the digital infrastructure of our societies. The cost of inaction is verifiable and structurally regressive for the effective exercise of the rights recognised by the CRPD. The evidence and normative requirements set out in this report directly challenge the European legislator, States Parties, technical developers and supervisory bodies. Artificial intelligence cannot operate outside international law. Acting with the urgency required by the Convention is no longer a public-policy option: it is an unavoidable legal imperative.

ANNEXES

ANNEX I. Table of normative correspondence: CRPD, AI Act, CEDAW, CRC, ICESCR, CAT

Presents a table that synthesises the normative relationships between the articles of the CRPD and the AI Act, identifying the type of relationship and correspondences with the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment through the General Comments and Recommendations of their respective Committees.

ANNEX II. Map of CRPD rights affected by sectoral area and intersectional layer

Presents a map identifying, for each of the ten sectoral areas analysed in Part III of the report (Chapters 7 to 16), the articles of the CRPD activated by the deployment of high-risk artificial intelligence systems and the intersectional layers in which differentiated impact is detected.

ANNEX III. Cross-analysis sheets for primary sources

Contains the individual cross-analysis sheets for the twenty-six primary sources underpinning the report's regulatory framework, organised into four thematic blocks according to the systematic index preceding this text. Each sheet analyses the source from the perspective of the CRPD, within the methodological approach established in Chapter 3, including the following sections: (1) identification of the source; (2) articulation with the CRPD, article by article, with identification of the type of relationship, the main contribution and the conflicts or tensions detected; (3) cross-cutting gender and intersectionality analysis; (4) gaps and limitations in relation to the CRPD; (5) evaluative synthesis; and (6) summary table of normative articulation.

ANNEX IV. Analysis sheets by sectoral area

Presents an executive sheet for each of the ten sectoral areas, allowing at-a-glance access to the analysis and to the specific recommendations for that sector.

ANNEX V. List of high-risk AI systems with greatest impact on persons with disabilities

Identifies and characterises the high-risk artificial intelligence systems regulated by the AI Act that have the greatest impact on the rights of persons with disabilities recognised by the CRPD. It also includes systems subject to express prohibition under Article 5 of the AI Act, whose relevance for rights analysis is direct.

ANNEX VI. Indicators for monitoring compliance with the report's recommendations

Develops the indicator framework applied to monitoring compliance with the recommendations formulated in Chapter 20 and with the CRPD obligations arising from them in the algorithmic space.

DiscapacIA Report. High-risk Artificial Intelligence and the Rights of Persons with Disabilities. Impact assessment model based on the Convention on the Rights of Persons with Disabilities. © CERMI ESTATAL

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