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IDA Guidance document on reporting to UN human rights mechanisms

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Purpose: Why Organisations of Persons with Disabilities should read this document and what it contains“

"All human beings are born free and equal in dignity and rights."

Who will argue with this well-known article of the Universal Declaration of Human Rights (UDHR)? It embodies the fundamental value of humankind. Since the UDHR was proclaimed in 1948, several core human rights treaties added interpretation and elaboration to this provision, culminating in the adoption of the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2006.

But the road to freedom, equality and rights for everyone is long and non-linear. Progress is incremental and many human rights activists have become discouraged with the slow pace of change. How do we know when equality has been achieved? When is every person free of discrimination? And, finally, what are we doing to bring forward the day when we can say: "Yes, all human beings today are indeed born free and equal in dignity and rights"?

Understanding and actively using UN human rights mechanisms empowers us as agents of change. These mechanisms arm us with strategies and tools to measure progress, maximise limited resources and hold perpetrators of human rights violations to account.

UN human rights mechanisms don't exist in a vacuum, separate from other national and international contexts. They are a piece of the indivisible "puzzle" that also comprises economic development, environment, culture and security issues. Actively using authoritative human rights recommendations helps us advance economic development, and advancing economic development improves the state of human rights.

This document provides **human rights activists** with essential information for engaging and influencing the review of your home State by UN Human Rights mechanisms. This includes the Committee on the Rights of Persons with Disabilities. The purpose of this document is to help you achieve recommendations that reflect your concerns and priorities and contribute to improving the human rights situation in your country.

Why should Organisations of Persons with Disabilities (OPDs) and activists with disabilities use this document?

- This document makes it easier for you to contribute to the “puzzle” in a concrete, tangible and traceable way. But also, because:
- by participating in an external human rights review of your country, you increase impartial oversight over the human rights situation;
- by committing to improving your country’s human rights record, the state has a better chance of attracting the investment necessary for its human and economic development;
- by engaging with the global human rights community, you raise the profile, reputation and credibility of your organisation in the eyes of human rights actors and donors.

How to use this document

You could begin by familiarizing yourself with the general structure of the document and getting an introduction to the UN human rights mechanisms. Then, it is suggested that you consult specific sections of relevance to your project, for example, preparation of the alternative report, submitting alternative questions for the List of Issues or analysing specific thematic issues under the Convention.

This IDA Guidance document:

- breaks the complexity of the UN human rights machinery down into bite-size chunks and provides step-by-step guidance on the process of interest;
- provides you with comprehensive support, from preparing your first-ever report to the UN to advocating for the UN recommendations to your country;
- helps you develop human rights monitoring skills that you can apply to your work at the national and local levels.

We recommend that you use this Guidance document in conjunction with the **IDA online course on UN human rights mechanisms**. The online course will help you to navigate the content of the Guidance document and focus on the specific issues that you would like to explore in depth.

In the Guidance document, you will find:

- a general overview of UN human rights mechanisms, allowing you to situate the more relevant for the monitoring of rights of persons with disabilities (Section I);
- a basic recap on the UN Convention on the Rights of Persons with Disabilities (Section II.1);

- ✔ a detailed explanation of the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) (Section II.2);
- ✔ information on how the International Disability Alliance (IDA) can support your engagement (and contact information to get in contact with us!) (Section III.4);
- ✔ a detailed explanation of the State review process through which the CRPD Committee reviews the implementation of the CRPD by States Parties (Section III), including testimonies and advice by colleagues from other OPDs who already participated;
- ✔ information on opportunities and ways for OPDs and NGOs to influence the CRPD Committee's evaluation of your State (throughout Section III);
- ✔ advice and detailed information on timelines and formal requirements for the drafting of alternative reports (throughout Section III);
- ✔ useful guidance on the content of rights and obligations enshrined in the Convention on the Rights of Persons with Disabilities, for you to consider when undertaking research and developing alternative reports (Section IV);
- ✔ a sample of interesting practices that colleagues from OPDs around the world have undertaken and that could be replicated at the national level based on the recommendations of the CRPD Committee and other mechanisms (Section V).

An overview and useful guidance on how to engage with the Universal Periodic Review of your State, led by the United Nations Human Rights Council (Section VI).

You can also maximise the impact of your work by engaging with other UN Treaty Bodies. While the procedures before other Committees are not entirely distinct from the CRPD Committee, there are differences. To support your work, consult IDA Guidance documents on:

- ➔ **the Human Rights Committee;**
- ➔ **the Committee on Economic, Social and Cultural Rights;**
- ➔ **the Committee on the Elimination of all forms of Discrimination against Women;**
- ➔ **the Committee on the Rights of the Child; and**
- ➔ **the Committee Against Torture.**



Section I

Snapshot of the Universal Human Rights System: Key Mechanisms for the Rights of Persons with Disabilities



What will you find here?

Overview on UN human rights mechanisms.



Why should you read this?

The UN is not easy to navigate. Benefit from a very basic overview of the UN Human Rights System.

The Universal Human Rights system: key mechanisms for the human rights of persons with disabilities

The United Nations' institutional environment can be overwhelming. It is a highly complex international organisation formed by sovereign States. Understanding the full complexity is beyond the scope of this document. However, this document focuses on the [Universal Human Rights System](#), which is comprised **exclusively of human rights mechanisms**, mainly the United Nations Treaty Bodies and the Human Rights Council with its Universal Periodic Review and Special Procedures.

When engaging with those mechanisms, OPDs may find themselves interacting with **staff** at the Geneva-based **Office of the High Commissioner for Human Rights (OHCHR)** which provides **secretariat support** to the different UN human rights mechanisms. Formally it is part of the UN Secretariat and depends on the United Nations Secretary-General.

It is important to be clear on the distinction between the origins and mandates of **UN Chartered-based bodies** and **UN Treaty-based bodies**.

1. The UN Charter-based bodies

UN Charter-based bodies are created by UN Organs following competencies that stem from the Charter of the United Nations.¹

UN Charter-based bodies concern all United Nations Member States.

If your country has not ratified the CRPD, it is still possible to benefit from and seek to influence the work and recommendations emerging from the **UN Charter-based bodies, such as:**

- ➔ the [Human Rights Council](#) which is the main intergovernmental body of the United Nations system devoted to human rights;
- ➔ the [Universal Periodic Review](#); and
- ➔ the [Special Procedures](#) (including special rapporteurs and independent experts).

For more detailed information on these bodies and mechanisms, please go directly to **section VI**.

1. United Nations, [Charter of the United Nations](#), 26 June 1945.

2. The UN Treaty Bodies

The [UN Treaty Bodies](#) stem from human rights treaties, in terms of creation, mandate, and thematic scope, in other words from specific pacts or conventions ratified by States.

The obvious example is the UN CRPD, which has been ratified by almost 190 States. It established the UN Committee on the Rights of Persons with Disabilities.

Other human rights treaty bodies and one subcommittee are as follows (listed in chronological order of creation):

- ✔ the [Committee on the Elimination of Racial Discrimination \(CERD\)](#) monitors the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination (1965);
- ✔ the [Human Rights Committee \(CCPR\)](#) monitors the implementation of the International Covenant on Civil and Political Rights (1966) and its optional protocols;
- ✔ the [Committee on Economic, Social and Cultural Rights \(CESCR\)](#) monitors the implementation of the International Covenant on Economic, Social and Cultural Rights (1966);
- ✔ the [Committee on the Elimination of Discrimination Against Women \(CEDAW\)](#) monitors the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (1979) and its optional protocol (1999);
- ✔ the [Committee Against Torture \(CAT\)](#) monitors the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment (1984);
- ✔ the [Committee on the Rights of the Child \(CRC\)](#) monitors the implementation of the Convention on the Rights of the Child (1989) and its optional protocols (2000);
- ✔ the [Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families \(CMWF\)](#) monitors implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990).
- ✔ the [Committee on the Rights of Persons with Disabilities \(CRPD\)](#) monitors the implementation of the International Convention on the Rights of Persons with Disabilities (2006).
- ✔ the [Committee on Enforced Disappearance \(CED\)](#) monitors the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance (2006).
- ✔ the [Subcommittee on Prevention of Torture \(SPT\)](#) monitors the prevention of torture regarding persons deprived of liberty.

The primary questions national level OPDs should ask are:

Has my country ratified the Pact or Convention monitored by a given Treaty Body?

- ➔ **If not**, your State did not commit to it and does not have any obligations under it. Consequently, the corresponding treaty body does not monitor your State. **OPDs could therefore focus advocacy efforts on pushing for ratification of the Pact or Convention at stake.**

For example, as of 2023, the **United States of America** has not ratified the CRPD. The UN Committee on the Rights of Persons with Disabilities cannot and has never assessed the situation of the rights of persons with disabilities in USA.²

- ➔ **If yes**, your State committed to it assuming obligations based on it and has been or will be reviewed by the corresponding UN Treaty Body.

For example, **Hungary** was among the first countries to ratify the CRPD, and consequently was among the first countries to be reviewed by the CRPD Committee.

2. See https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CRC&Lang=en



Convention on the
Rights of
Persons with
Disabilities



Section II

A Basic Overview of the Convention on the Rights of Persons with Disabilities (CRPD) and the CRPD Committee



What will you find here?

This section provides you with a basic recap on the Convention on the Rights of Persons with Disabilities (CRPD) and on the CRPD Committee.



Why should you read this?

To refresh your understanding of the CRPD and the Committee's working methods.

1. A quick overview on the Convention on the Rights of Persons with Disabilities

The UN Convention on the Rights of Persons with Disabilities (CRPD) adopted in 2006³ is the first **legally binding** international instrument which comprehensively specifies the human rights of persons with disabilities. It entered into force on 3 May 2008 and has to date been **ratified by 185 State Parties**.⁴

The CRPD signifies a significant change in how disability is perceived. It departs from the notions of charity and medical-based models that view individuals with disabilities as either objects of sympathy or recipients of care and medical intervention. Instead, it embraces the **human rights model of disability**, which recognizes persons with disabilities primarily as individuals entitled to fundamental rights and freedoms.

Human rights model of disability:

CRPD useful interpretation and definition of terms

Preamble, paragraph e

"Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others"

Article 1 CRPD:

"The purpose of the present Convention is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

Persons with disabilities **include** those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers **may hinder** their full and effective participation in society on an equal basis with others."

3. [Convention on the Rights of Persons with Disabilities and its Optional Protocol](#), A/RES/61/106, 13 December 2006.

4. As at July 2023.

The Convention was adopted to promote, protect and ensure the enjoyment of human rights by all persons with disabilities, on an equal basis with others. States Parties must comply with the CRPD obligations and focus on removing barriers and providing support for the exercise of their human rights.

Once a State ratifies the Convention, it becomes a mandatory reference and base for your advocacy on the rights of persons with disabilities, complemented by other regional and national instruments, all of which should be aligned with the CRPD.

The Convention includes:

- ➔ an extensive catalogue of human rights, including both civil and political rights (e.g. rights to life, to liberty, to political participation) and economic, social and cultural rights (rights to work and employment, education, health);
- ➔ States obligations on crosscutting issues such as awareness raising (article 8) and accessibility (article 9);
- ➔ States obligations regarding data collection, international cooperation and national implementation and monitoring (articles 31, 32 and 33).

You find more detail information on the content of rights in **section IV**.

Your participation as OPDs is at the core of CRPD implementation: “Nothing about us without us”

The CRPD puts **the participation of persons with disabilities and representative organisations** at the center of implementation and monitoring.

Article 4 CRPD - General Obligations

“3. In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations.”

Article 33 CRPD - National implementation and monitoring

“3. Civil society, in particular persons with disabilities and their representative organisations, shall be involved and participate fully in the monitoring process.”

The CRPD Committee has elaborated further on these two articles in its [General Comment no.7](#) (2018).

2. The UN Committee on the Rights of Persons with Disabilities

Prior to initial interaction with the UN Committee on the CRPD, we may hold certain preconceived notions about it. We might perceive it as distant from our national and local context, seemingly disconnected from everyday realities. Additionally, we may envision the institutional setting as highly formal, rigid, and structured in a hierarchical manner. However, a more nuanced perspective can be found on the CRPD Committee, which we'll explore before delving into the State review process.

Established by Article 34 of the CRPD, the CRPD Committee started its work in 2011. Since then, it has succeeded in raising awareness and visibility of the rights of persons with disabilities at the global, regional, and national levels. No debate on the rights of persons with disabilities can avoid references to the CRPD and the CRPD Committee. Let's look at it more closely.

2.1. Who are the CRPD members?

The Committee is composed of **18 members**. It is important to know that they:

- ✓ serve in their **personal capacity** as "independent experts;"
- ✓ should be persons of high moral character and recognized competence on human rights;
- ✓ are elected by States Parties at the Conference of States Parties to the CRPD (by half -9 members-, every 2 years);
- ✓ are mandated for a **four-year period of service**, with the possibility of **one reelection**.

Committee members are "independent experts"

Despite being nominated and elected by State Parties to the CRPD, the experts serve in a **personal capacity**. **They do not represent any State or integrate the UN personnel.**

Bear in mind that Committee members perform **on a voluntary basis**. Only travel costs and daily expenses during the Committee's sessions are covered.



Figure 1: Members of the CRPD Committee and its Secretariat by March 2023

Bear in mind when engaging with the Committee

The members of the CRPD Committee typically consist of distinguished activists in their respective countries, university professors, and professionals working in the civil society sector, including disability-focused development organizations or OPDs. As a result, they possess a certain understanding of the context you come from and the issues you bring to their attention. In practice, they have demonstrated a willingness to listen to voices from civil society, such as yours.

However, it is important to remember that these Committee members do not work for the Committee on a full-time basis. Similar to you, they have their own commitments, occupations, and familial responsibilities back in their home countries. Therefore, their availability to work for the Committee may be limited. Additionally, while they may be knowledgeable about human rights situations in their own country and region, they may not be well-versed in the realities of other State Parties, particularly those from different regions and with different languages.

Therefore, it is essential for OPDs to consistently provide clear, concise, easily understandable, and reliable information regarding the state of disability rights in your country. This will aid the Committee members in effectively comprehending and addressing the issues at hand.

Committee members are elected by States Parties at the COSP

National OPDs can have a key role to play in connection to the elections of CRPD Committee members, which IDA promotes through its IDA's Guidance Material for elections (See [IDA Guidance material for 2024 elections](#)).

It is possible to seek to influence your State during the two phases of the process:

- ➔ **National level nomination:** States Parties to the CRPD can nominate a candidate of their nationality.
- ➔ **Election at the Conference of States Parties (COSP) to the CRPD:** every two years, for the renewal of 9 seats,⁵ for a **four-year term**, with the possibility of one reelection (if nominated again).

States Parties should uphold the criteria for membership of the CRPD Committee:⁶

- ➔ Elected members should be of "high moral standing and recognized competence and experience in the field covered by the present Convention."
- ➔ Membership should reflect diverse geographical distribution, representation of different forms of civilization and legal systems, balanced gender representation and the participation of experts with disabilities.

CRPD Committee elections at the COSP

Elections are a political process. In practice, States Parties, through their missions to the UN, negotiate votes for Treaty Body (TB) elections and other UN electoral processes, not necessarily following closely the CRPD criteria nor carefully assessing candidates.

IDA, as part of [TB-Net](#), a network of eight international NGOs, has been calling for and promoting quality electoral processes attentive to CRPD criteria, including posting relevant information on the website www.untbelections.org.

Civil society engagement at the national and international levels is essential to strive for quality electoral processes and respect for the CRPD criteria.

For more information, see [IDA Guidance material for 2024 elections](#).

5. See [CRPD Provisional Rules, CRPD/CSP/2008/3](#)

6. See Article 34 paras. 3 and 4, CRPD.

2.2. What are the main functions of the CRPD Committee?

The focus of this section is on the functions of CRPD Committee members.

The Committee performs four main tasks set out in the CRPD and its Optional Protocol.⁷

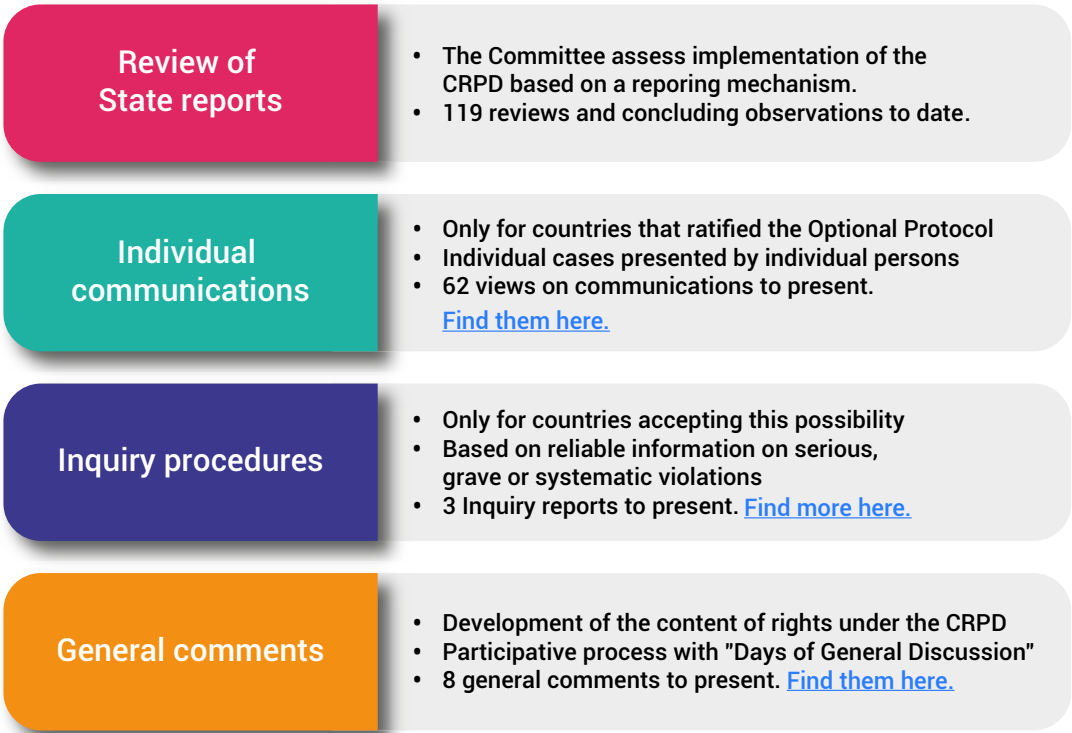


Figure 2: Graphic explaining the main functions of the CRPD Committee (Review of state reports, individual communications, inquiry procedures and general comments)

7. CRPD Committee, [Rules of Procedure \(Plain English Version\)](#).

2.3. When and where does the Committee meet?

The Committee holds two types of meetings:

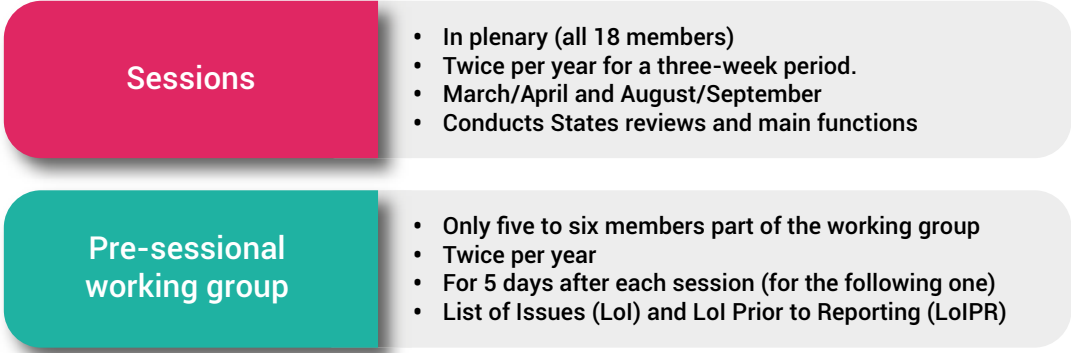


Figure 3: Graphic explaining two type of meetings CRPD Committee do (Sessions and pre-sessional working group)

The Committee meets twice each year at the UN in Geneva, Switzerland. The exact location and instructions for accessing the meeting are available on the webpage of the specific session on the [Committee website](#).

The Committee meets for a period of three/four weeks for each session, followed by one week for the Pre-Sessional Working Group. The two sessions usually take place in March and August, immediately followed by the PSWG in April and September, respectively:

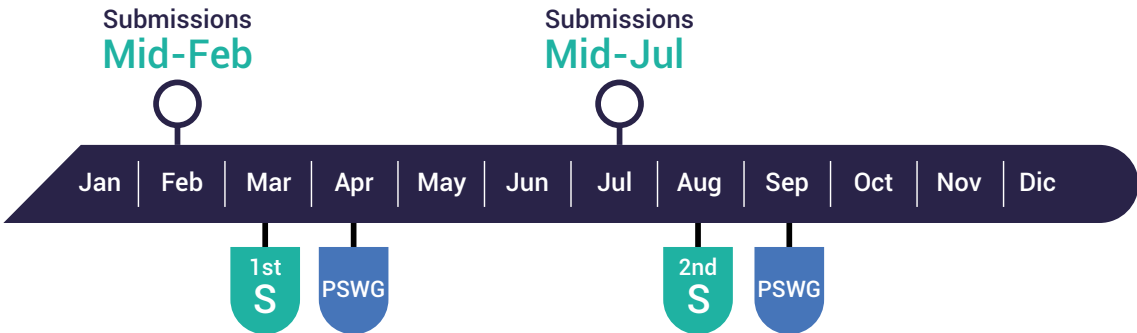


Figure 4: Monthly timeline of CRPD meetings. OPDs and CSOs submissions for the first session and pre-session are due in mid-February. The first session usually starts in early-March. The first pre-session usually starts in late-March. OPDs and CSOs submissions for the second session and pre-session are due in mid or late July. The second session usually starts in mid-August. The second pre-session usually starts in early September.

While the CRPD Committee does not operate permanently, its Secretariat hosted by the OHCHR which does operate throughout the year.

2.4. How can one follow the Committee sessions?

CRPD Committee's **public meetings**, including the interactive dialogues with States Parties, are webcasted live on [UN Web TV](#).



Section III

The CRPD Committee's State Review Process: Step by Step and Opportunities for OPDs



What will you find here?

This section explains States' review process by the CRPD Committee, including opportunities for OPDs to engage



Why should you read this?

To get answers to questions prior to and during engagement with the CRPD Committee.

The State Review Process: step by step and opportunities for OPDs

1. What is the State review process?

The State review process is based on written and oral exchanges between a State Party and the CRPD Committee that allow the Committee to assess the situation of the rights of persons with disabilities in the country and make recommendations for improvements.

When ratifying the Convention, States commit to submit a **State Initial Report** within two years of the entry into force of the Convention⁸. After an exhaustive procedure, the CRPD Committee adopts **Concluding Observations**, which are recommendations to the State Party. The process is repeated a few years later to evaluate the State's progress in implementing the recommendations.

2. What is the role of OPDs and why is the process important?

The key role of OPDs is to provide the CRPD Committee with information that it may not receive otherwise. Your information will help the Committee get a fair picture of the situation of human rights of persons with disabilities and elaborate useful recommendations.⁹

You may know that **States' reports** tend to:

- ➔ present actions and achievements in an overly positive light;
- ➔ focus on legal and policy frameworks without information on their impact on persons with disabilities;
- ➔ omit information about human rights violations; and
- ➔ reflect a lack of understanding of CRPD provisions.

The CRPD Committee members may not have reliable information about the rights of persons with disabilities in your country, nor the time and capacity to do research. OPD engagement supports the Committee in the process.

Well-prepared engagement with the CRPD Committee will significantly increase OPD visibility and credibility in the eyes of the international community and national partners.

8. Article 35 CRPD.

9. Conscious of your key role of OPDs, the CRPD Committee has adopted and published in 2014 its [Guidelines on the participation of disabled persons' organisations and civil society organisations in the work of the Committee](#).

Safety and protection from reprisals for engaging in alternative reporting

You may have doubts about engaging with the UN, particularly if you operate in a space of democratic deficit or are dependent on the State for funding.

The safety of persons participating in the alternative reporting comes first. You can discuss your concerns with IDA to find a suitable solution.

Firstly, the CRPD Committee can keep your **report confidential** and not refer to it in exchanges with the State. You need to request this from the Committee's Secretariat.

Private briefings with the Committee are not open to State representatives. However, in practice, there might not always be rigorous checks at the entrance to the meeting room to verify the identity and allegiance of all attendees of private briefings.

Should you have specific concerns on confidentiality, communicate them to the CRPD Committee Secretariat in advance, for it to try to accommodate requests.



Figure 5. Participants following the 28th session of the Committee on the Rights of Persons with Disabilities

3. Linking the CRPD Committee's review of your country with your advocacy efforts at the national and regional levels

Do not consider the CRPD Committee's review as a periodic exercise at the international level, isolated from your other work at the national level.

On the contrary, the periodicity of reviews, the stakeholders involved, and its outcome recommendations make the review process an opportunity to enhance advocacy, build capacity and increase the leverage of OPDs at the national level.

Examples of maximising the impact of Concluding Observations at the national level are given in **section V** on "**Taking CRPD committee's concluding observations at the national level**". Use them to inspire your national work.

3.1. Uniting the disability movement

The unity and coordination of OPDs' efforts are key to success. The CRPD Committee review can contribute to uniting national OPDs around a common goal: **making your government listen to the CRPD Committee recommendations!**

National OPDs can witness the convening power of the CRPD review process: both the [Uruguay Alliance of Organisations for the Rights of Persons with Disabilities](#) (see box below) and the [Armenian Coalition for Inclusive Legal Reforms](#), created respectively in 2016 and 2017 to follow up on the CRPD Committee Concluding Observations, remained active following the reviews.

In addition, **constituencies of persons with disabilities or disability activists not formally organised and registered in an organisation of persons with disabilities**, e.g. persons with psychosocial disabilities, persons with intellectual disabilities, deaf-blind persons, hard-of-hearing people and/or other underrepresented groups, can also find an opportunity to make their voices heard, ideally joining forces with existing OPDs.

3.2. Uniting the national civil society around disability issues

The review process is an opportunity to create partnerships with national civil society actors. **OPD-led coalitions** that include generalist NGOs, universities, think tanks and other organisations are best placed to provide a complete and representative picture of the national situation. Invite cooperation organisations and even individual activists of under-represented groups, organisations from rural and remote areas and entities working on specific niche issues.

Uruguay. The CRPD Committee review process as an opportunity to join efforts and build stable DPO partnerships

Uruguay's review took place in 2016. In February, OPDs and organisations held a workshop, with the support of the International Disability Alliance, to coordinate for developing an alternative report.

This was the kick-off for the establishment of the **Alianza de Organizaciones por los Derechos de las Personas con Discapacidad del Uruguay**, which led the advocacy work before the CRPD Committee and sent delegations to Geneva on two occasions. This Alliance continued its work after the Committee's review, including at the international level through its [participation in the review of Uruguay by the Committee on Economic, Social and Cultural Rights in 2017](#).

According to Natalia Farias, a former member of the Alliance, *"the CRPD Committee process in 2016 encouraged us to coordinate, allowed us to learn from each other and enabled us to position ourselves more strongly and effectively vis-à-vis the Uruguayan authorities. 2016 and the following years saw a lot of enthusiasm and activism on the part of the Alliance, and this was undoubtedly due to the Committee review. Time, funding issues, and above all the Covid-19 pandemic, posed great challenges to the Alliance, and to the disability movement in general. Looking back, I think it is very important to work tenaciously, and from the very beginning, for the structuring and sustainability of the collective organisation"*.



Figure 6: Uruguayan OPDs following the CESCR session in Uruguay, with Sign Interpretation provided at the offices of the Spanish Cooperation Agency - Year 2017.

3.3. An entry point to the UN Human Rights mechanisms

UN Human Rights mechanisms are interconnected. Efforts in preparing an alternative report and advocating before the CRPD Committee will not only empower you in that specific context but also facilitate your engagement with other Treaty Bodies and the Universal Periodic Review.

Furthermore, it can be advantageous to actively participate in other mechanisms, such as the High-Level Political Forum on Sustainable Development. By doing so, you can broaden your reach and impact, contributing to a comprehensive human rights agenda and sustainable development goals.

For example, OPDs from Peru engaged with all UN human rights mechanisms available to them, building momentum towards the first legal capacity reform in line with Article 12 CRPD in 2018 by the [Legislative Decree 1384](#). You can find a summary of this national achievement in section IV on **“Taking CRPD committee’s concluding observations at the national level.”**

3.4. Alternative reports and the review process as an awareness raising tool

Engagement with the CRPD Committee is an excellent tool to raise awareness of disability issues among the general public and media at the national level.¹⁰

Many OPDs have seized the momentum created by the process and organized press conferences, webinars and in-person seminars following the review or the publication by the Committee of the Concluding Observations. Such events have gathered national stakeholders, including OPDs public officials, universities, national human rights institutions.

You can find examples in section V on **“Taking CRPD committee’s concluding observations at the national level”**. And for sure there are many more!

10. For the case of contexts of restricted freedom of expression and shrinkage of the civil society space, please check Box Safety and protection from reprisals for engaging in alternative reporting, page 18.

4. Contact IDA! Always ready to support national OPDs!

The [International Disability Alliance](#) offers support to OPDs to engage with the UN Human Rights mechanisms.

IDA's focus is to ensure national OPDs engagement with the CRPD Committee. IDA strives to ensure that OPDs can actively engage with other Treaty Bodies and tailor concerns and messages to them.

4.1. What support does IDA provide to OPDs?



Technical support: IDA provides information and advice on how to make best use of review processes. IDA can also provide comments and suggestions to draft reports and advice ahead of formal briefings with the different committees.



Financial support: Depending on available resources, IDA might be able to financially support the attendance of OPDs, especially from low-income countries to Treaty Bodies sessions in Geneva, mainly the CRPD Committee.

In addition, **IDA can support your funding request to other bilateral donors** from whom OPDs might seek financial support, among other things by providing detailed information on the review process and related advice.



Logistical support: IDA supports the logistics for the attendance of OPDs at Geneva, for instance, by sharing invitation letters for visa purposes and sharing information on subsidies available to civil society representatives for accommodation by the [Centre d'Accueil de la Genève Internationale](#),

4.2. When to contact IDA?

At any point in time in connection with Treaty Bodies reviews and the Universal Period Review to consult on **procedural matters** (e.g., what comes next in a process?) or **substantive matters** (e.g., can a topic be raised before Committee X?).

Please be patient! IDA prioritises OPDs from countries facing imminent processes.

4.3. Where to find information on countries to be reviewed? Is your country coming soon?

You can check for yourself.

Nowadays (2023), the most reliable UN websites to check are UN Treaty Bodies **Session Database**. You can access these databases through the homepage of each UN Treaty Body with links to the Sessions Database.

The **CRPD Committee Sessions database** is accessible [here](#).

In addition, in **June 2023**, the CRPD Committee published a document entitled "[When will the Committee consider my country?](#)" You can find information by country to plan your report in advance. Eventually, the inclusion of your country for consideration will be confirmed for the specific session in the Sessions database.

4.4. Contact details at IDA-Secretariat

General IDA's Secretariat email address: info@ida-secretariat.org

Your email will be forwarded to the relevant IDA's staff.

5. How does the State review process take place?

You may know that **State review process follows several typical steps**, which delineate the sequence of written and oral exchanges between the CRPD Committee and each State,¹¹ and between the CRPD Committee and OPDs and other NGOs. Details are in subsection 6 below.

Practice is constantly evolving. A consolidated change has been the trend towards **simplifying the review process** to reduce the States' "reporting burden," in a context of significant backlogs and delays in States reviews and chronic resource constraints at the Office of the High Commissioner for Human Rights (Secretariat of UN Treaty Bodies).

The Covid-19 pandemic disrupted the functioning of UN Treaty Bodies, preventing in-person sessions, increasing delays and accumulating pending reviews. At the same time, the pandemic period led to technological innovation through remote participation (both of States and **of civil society stakeholders**), via Zoom, offering alternatives for OPDs participants for whom travelling is not feasible. Unfortunately, as of June 2023, this practice is at risk, as there are ongoing discussions around budgetary resources for UN interpretation services in case of online participation.

IDA can be consulted for clarifications and updates, as soon as they become available (see above, section 4: [Contact IDA! Always ready to support national OPDs!](#))

From the beginning, the CRPD Committee has followed the **Standard Reporting Procedure** for the **initial review of each State**, on which the section below bases the explanation of the process and the opportunities available to OPDs.

For the second cycle of review and onwards, **States can opt in for a Simplified Reporting Procedure**, which skips one stage compared to the standard procedure, namely the production of a State report as the very first step.

6. The Standard Reporting Procedure – Step by Step

Following the State ratification of the CRPD, States must submit their **Initial State Report**, initiating the **Standard Reporting Procedure**.

States should submit reports and be assessed every four years (article 35(2) CRPD). This is simply not the case in practice, for two main reasons:

- ➔ CRPD received 185 ratifications in only 16 years, and the CRPD Committee's capacity and session time is limited;
- ➔ the Covid-19 pandemic disruption increased pending States reviews.

11. Based on Articles 35 and 36 of the CRPD and on the Working Methods of the CRPD Committee.

Ongoing discussions are taking place at the UN level regarding the strengthening of Treaty Bodies, including the implementation of a predictable calendar for States' reviews. Such a calendar would contribute to greater predictability and foresight in the review process.

In the meantime, OPDs need to:

- check the CRPD Committee's document "[When will the Committee consider my country?](#)" (June 2023);
- be attentive to the **CRPD Committee Sessions database** accessible [here](#), to check if your country is scheduled for consideration soon and at what exact stage of the procedure.

The **Standard Reporting Procedure** follows these steps:

- 1 State initial/periodic report:**
The State writes a report with information on the implementation of the Convention. "Initial" the first time, "periodic" the following times.
- 2 Pre-Sessional Working Group - Adoption of List of Issues:**
A Committee's Pre-Sessional Working Group (5 to 6 of its members) adopts a List of Issues, with questions to the State.
- 3 State's Replies to the List of Issues:**
The State provides in written and within two months its replies to the List of Issues.
- 4 Session - Constructive dialogue:**
At its session, the CRPD Committee holds two three hours meetings, which are public and webcasted, to discuss with a State delegation.
- 5 Session - Concluding Observations:**
In private, the Committee adopts its Concluding Observations, including acknowledgement of progress, concerns, and recommendations.
- 6 Implementation of Concluding Observations:**
deally, States should welcome the Concluding Observations and guide their legal and policy decisions consequently.
- 7 Short-term follow-up:**
In its Concluding Observations, the Committee requires information on 2 or 3 recommendations, within 12 months, assesses and reports later on.

Standard Reporting Procedure

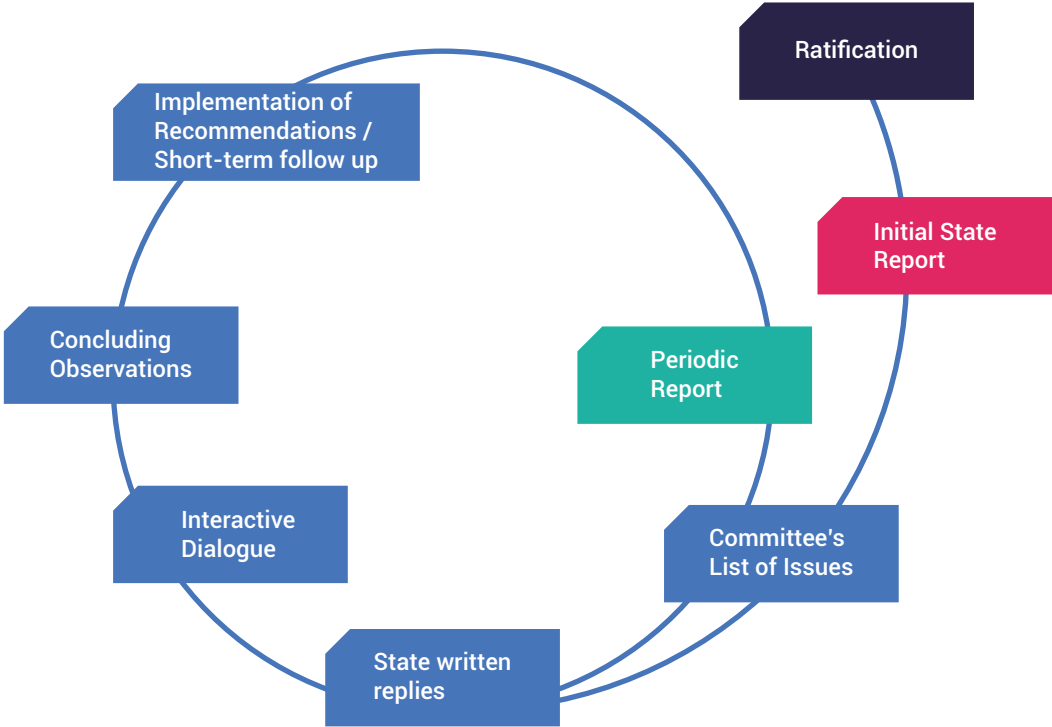


Figure 6: Graphic chart with an overview of the key steps of the standard reporting procedure as outlined in the previous paragraphs.

6.1 Initial/periodic State report

Once your State ratifies the CRPD, it has **2 years to draft and submit its Initial State Report** to the CRPD Committee.¹² This report should contain relevant information on measures taken to implement the CRPD.

Instead of repeating information, State reports for the following reviews should provide relevant updates and new information pertaining to State's obligations under the CRPD.¹³

The CRPD Committee has developed guidance for States to develop their reports, which should follow the order of the Articles of the Convention.

- ➔ [Guidelines on treaty-specific document to be submitted by States parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities](#)
- ➔ [Guidelines on periodic reporting to the CRPD, including under the simplified reporting procedures adopted by the Committee at its 16th session \(2016\)](#)

12. Article 35(1) and (2) CRPD.

13. Article 35(4) CRPD.

The quality and content of reports vary among countries. Frequently, States tend to emphasize their measures and accomplishments most favourably, primarily highlighting their normative, regulatory, and policy frameworks. However, in various areas, there is a lack of statistical and administrative data regarding the situation of persons with disabilities, making it challenging to obtain a comprehensive understanding of reality.

Find your country's initial report [here](#), where all States reports submitted are published.

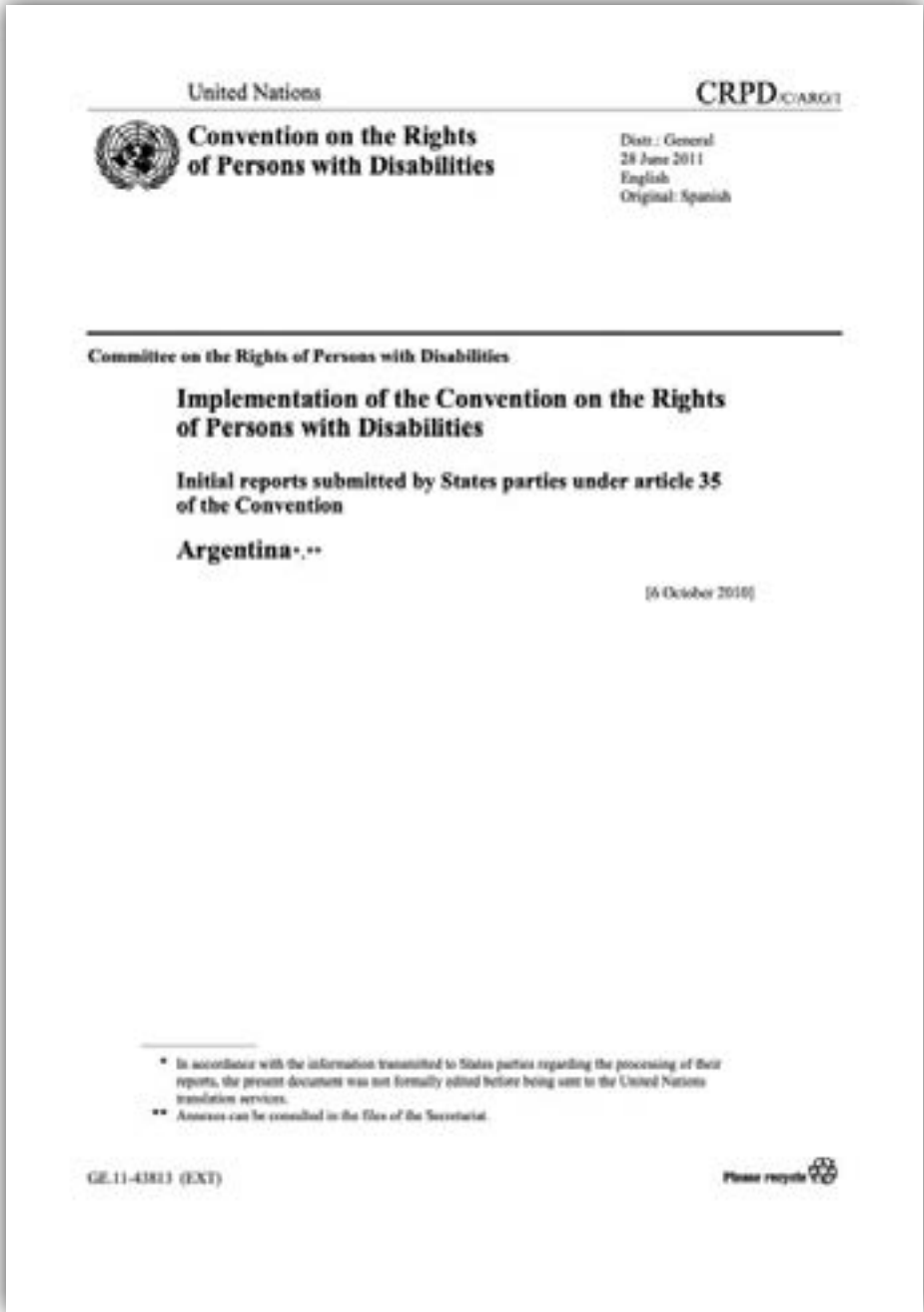


Figure 7: Cover of a State report published with UN format

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Figure 8: Table of contents of a State report published with UN format. Following an Introduction, the order of the Articles of the Convention is followed, each article being a subtitle.

How can OPDs engage regarding the State Initial / Periodic report?

Public authorities should invite OPDs to influence the State Initial/periodic report.

Check out Article 35(4) of the CRPD:

"4. ... When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in **article 4, paragraph 3, of the present Convention.**"

Article 4(3) CRPD requires States to "actively involve and closely consult with persons with disabilities, through their representative organisations, in matters that concern them."

Based on this CRPD provision,

- ➔ You should request your public authorities to involve OPDs and demand that broad OPDs participation is ensured.
- ➔ There should not be political considerations to choose certain OPDs, more favourable to the government, over others more critical and confrontative.
- ➔ You could raise awareness on the process to increase participation. Nepal. First steps in the reporting process by the National Federation of the Disabled – Nepal (NFD-N)

Nepal. First steps in the reporting process by the National Federation of the Disabled – Nepal (NFD-N)

Shudarson Subedi, President of the NFD-N until 2019

*“Around 2015, The government did invite the NFD-N to share comments and perspectives in the context of the preparation of the **State Initial report**. As Chairperson, I participated in the representation of the NFD-N sharing views and comments. However, the government just incorporated some points, unfortunately, missing some major ones.”*



Figure 9: Shudarson Subedi, President of the NFD-N until 2019

The CRPD Committee included Nepal for its work in 2017 and 2018: “Then it was our turn. Drafting the alternative report was a hard kick, in terms of ensuring funding for the process and related activities, and in terms of coordination among the diversity of OPDs in the country. Thus, at the Federation, we undertook a plan to have different levels of conversations and inputs, including at the community, provincial and national levels, always seeking to ensure that the diversity of persons with disabilities had the chance to raise their voices and express their claims.”

In July 2017, the NFD-N held a workshop on alternative reporting jointly with IDA, in the lead-up to a final version of its report, prior to the adoption of the List of Issues by the CRPD Committee in September 2017. “Looking backwards, I believe that such a workshop would have had even more impactful on the quality of our work if held earlier in time.”



Figure 10: Nepalese OPDs members at a table discussing.

Mr Subedi concluded that “[t]he alternative reporting and the State review process was a great opportunity to build capacities of our members and staff, including on the use of innovative tools to collect data. Many of the people who were part of the process progressed professionally into interesting positions related to the promotion and implementation of the CRPD.”

How can OPDs react to the State Initial/Periodic report?

OPDs should develop a comprehensive alternative report (addressing most CRPD articles, if possible)

When should you develop this report? Before or after the State report?

- If **before**, publicizing your report can press the government to advance with its own one, if it has delayed it for long.
- If **after**, OPDs can react to and contrast what the State has reported.

What should be the content of your report?

- ✓ Identification of the organisation (description of activities, mission/vision statement and role of persons with disabilities in it, etc.).
- ✓ Executive summary: maximum one page.
- ✓ **Concrete and concise** relevant information, framed under the specific articles of the Convention, mirroring the structure (by article) and contrasting and supplementing the information of the State report.
- ✓ **See below:** [Your sources of information for your alternative reports and submissions!](#)

Are there any formal requirements OPDs should follow?

- **Length:** Maximum of 10,700 words (not including a description of organisation/s and executive summary)

- **Language:** official languages of the Committee¹⁴

- **Format:** accessible electronic formats (e.g., MS Word or text)

You can find previous OPDs reports in the [CRPD Committee Sessions Database](#) under each session and each country.



Important tips!

- The information should focus on the gaps in CRPD implementation, and on the problematic issues on which OPDs demand action from the State. **Advancements can be acknowledged but briefly** (The State will highlight them!)
- No need to elaborate at length on your actions as OPDs. You should retain the focus on actions and omissions of the State. It is the State's implementation of the CRPD which is under review.
- You don't need to explain the content of the CRPD or include long citations of the articles. The Committee knows it already. References to article numbers should suffice.
- As part of IDA's support to OPDs, IDA is glad to provide feedback and inputs on draft reports or submissions.
- **Don't forget! Contact IDA! Always ready to support national OPDs!**

14. CRPD Committee, [Rules of Procedure](#), Rule 26.

Your sources of information for your alternative reports and submissions!

OPDs need to provide reliable information and clear explanations on your issues of concern. This helps the Committee to address relevant questions and recommendations to the State. You can explore a great variety of sources of information and ways to produce it:

a) Legislation, regulations, policies, and other official normative documents

Assessing CRPD implementation requires analysing legal and policy frameworks which reflect the legal criteria in force nationally, how it is put into practice and the State's plans around it. They are usually found online on official websites.

When requesting modifying laws or legal provisions, it is useful to identify them and cite the content contrary to the CRPD.

b) Official Statistical data

The State cannot deny the official statistical data it produces. While it requires research and analysis, statistical data disaggregated by disability can be very impactful and clear when comparing persons with disabilities to others:

You can consider the literacy rate, completion of education, unemployment rate, average income, etc., of persons with disabilities compared with others.

If there is no official statistical data disaggregated by disability, this is in itself a very important gap in CRPD implementation (see Article 31 CRPD).

c) Official administrative data

Sometimes published, sometimes not, administrative data in the control of the State provides insights on the persons reached by public programs.

Ex: number of children with disabilities in mainstream education compared to those in special education; persons with disabilities accessing social protection schemes, etc.

d) Court decisions (especially from higher courts)

High Court decisions on the rights of persons with disabilities reflect how the rights are interpreted by the justice system and it can be assessed whether it is done in line with the CRPD.

In addition, it can be reported if a government does not comply with a court decision favourable to the rights of persons with disabilities under the CRPD, as it may reflect State reluctance to comply with the Convention.

e) Academic research

While technical, academic research related to the rights of persons with disabilities can provide usable analysis of quantitative information and qualitative insights on the rights of persons with disabilities.

f) Reports from National Human Rights Institutions and independent organisations on the rights of persons with disabilities

Policy and data analysis provided in reports and briefings of OPDs, CSOs, UN agencies and others, on the specific country, can be useful sources, provided that the information remains valid and updated.

You can always trace back the original source as well!

g) Gathering evidence from OPDs networks and persons with disabilities

Nowadays, digital tools allow OPDs to produce your own information by running surveys, collecting testimonies of rights violations, views on diverse issues, holding discussion groups, etc., among your members and other persons

with disabilities connected to your networks. See the above experience from Nepali OPDs (see above, page XX).

1. Surveys and questionnaires are to be replied to by persons with disabilities and OPDs representatives (in-person or online).¹⁵
2. Interviews with representatives from underrepresented groups (e.g., deafblind persons), or persons in vulnerable situations (e.g. detained persons with disabilities).
3. Organising in-person or online meetings and discussions gathering associations, informal groups, human rights defenders and others to discuss the rights of persons with disabilities: outcomes of such meetings can provide valuable evidence.

h) Media articles

Articles from newspapers, magazines, websites, social media posts, and others, which can provide valuable information. But you should carefully assess their reliability. They can be indicative of current concerns and negative trends impacting the rights of persons with disabilities.

Beyond the content, media interest and approach can be a topic in connection to Article 8 of the CRPD (Awareness raising).

i) Previous recommendations from the UN human rights mechanisms:

Recommendations from other UN Treaty Bodies and the Universal Periodic Review, UN press releases, etc., are very useful sources of information, as they benefit from previous validation by another UN mechanism.

For instance, if in your report to the CRPD Committee, you show that the Committee on Economic, Social and Cultural Rights recently

criticised the segregation of children with disabilities in education and recommended inclusive education, the CRPD Committee will probably ask the State on any progress made and include a reference in its own recommendations.

Additional resource:

OHCHR, SDG-CRPD Resource Package, Data sources guidance, available [here](#).

Examples of previous reports/submissions by OPDs

The reports below are clear, detailed and make use of a variety of sources to demonstrate the lack of compliance and implementation of CRPD. Such quality suggests a great level of research, drafting work and coordination.

→ [Inclusion Handicap \(Swiss Umbrella Organisation\)](#), 2022, in English. Also in French [here](#).

→ [Ghana Federation of Disability Organisations](#) 2022, in English

→ [Japan Disability Forum](#) 2021, in English

→ [Federation Nigerienne des Personnes Handicapees](#) 2018, in French

→ [Colombian Coalition for the Implementation of the Convention on the Rights of Persons with Disabilities](#) 2016, in Spanish

You can find more submissions by OPDs, and the rest of documents related to the CRPD Committee review process at the CRPD Committee's Sessions Database [here](#).

15. See an example regarding children's rights in: Child Rights Connect, [Together with children for children](#), p. 62.

A First for Rwanda: An extensive consultation process in the development of the alternative report

The CRPD Committee reviewed and adopted concluding observations on Rwanda during its 21st session in 2019. Organisations of persons with disabilities engaged meaningfully throughout the review process.



Figure 11: Rwanda OPDs representatives prepared to brief the CRPD Committee in conference room XVII of Palais des Nations.

Jean Baptiste Murema shared his account of the journey: *"Between 2016 and 2017, the National Union of Disability Organisations of Rwanda (NUDOR) engaged in the process of developing an Alternative report. The process began with understanding the DRPI tools, then after that the nomination of a team of 12 individuals with diverse disabilities who were responsible for data collection and data entry. A smaller team of two individuals with the support of a consultant later collated the data and prepared an alternative report. At the same time, we held meetings with*

the country rapporteur and responded to key questions that also shaped our report. We also received technical support from IDA to draft and finalize the report. The report was later subjected to a stakeholders review and validation forum that involved NUDOR Membership on 6th July 2018."

Mr Murema also shared NUDOR's experience on the steps to come in this guidance:

"NUDOR also participated in the private briefing held in September 2018, where eight individuals with diverse types of disabilities presented a summary of key issues and priorities as identified in the report. Following the private session, a List of Issues was adopted and shared with the government for a response. NUDOR also prepared another report responding to the List of Issues -an updated version of the previous report for the list of issues. In 2019, before the CRPD Committee's constructive dialogue with the State delegation, NUDOR participated in another private briefing.

In the end, this rigorous process impacted the disability movement in Rwanda in positive ways. For the first time, we received substantive concluding observations on the CRPD which would guide the government in implementing the rights of persons with disabilities. On capacity building and relationship building, we learned more from the CRPD committee. It was an opportunity to connect with other CSOs and other development partners, and our government high officials opening opportunities to easily consult on issues affecting persons with disabilities."

6.2 Pre-session and adoption of List of Issues (Lols)

After each Committee session, a **Pre-sessional Working Group (PSWG)** composed of 5 to 6 members of the CRPD Committee meets for a week in Geneva, Switzerland. The PSWG is tasked with adopting the **List of Issues** on several countries. Its members are the Committee members appointed as **Country Rapporteurs** for each country who will be later leading the review.

In a private meeting, the PSWG discusses and adopts a "List of Issues", drafted by the Country Rapporteur(s) for that country. The List of Issues contains questions and requests for additional information based on the documents received, including by OPDs and CSOs.

All the List of Issues adopted by the CRPD Committee can be found in the [CRPD Committee Sessions Database!](#)

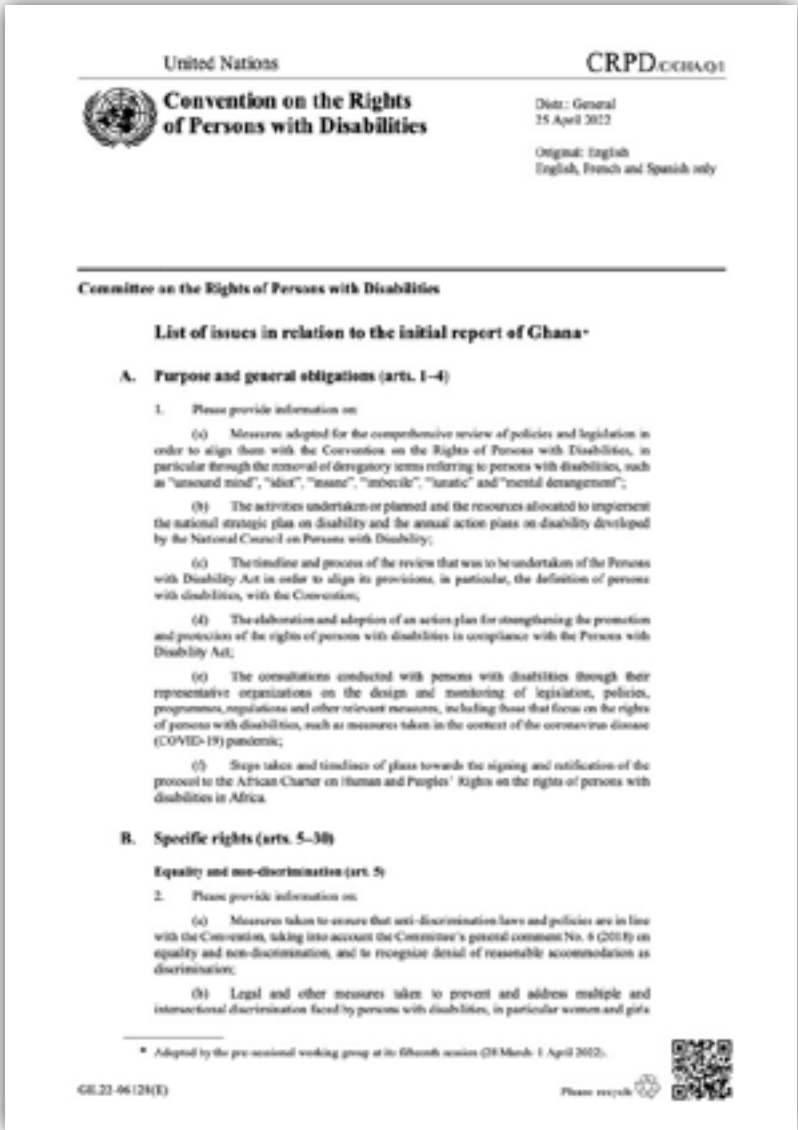


Figure 12: First page of an example of List of Issues, projecting questions on Articles 1 to 4 and Article 5. The List of Issues is to the initial report of Ghana

How can OPDs influence the List of Issues?

OPDs can develop a **“Written submission for the List of Issues”** (or finalize a **comprehensive alternative report**)

Whenever the CRPD Committee announces the countries for adoption of List of Issues at a PSWG, OPDs may develop:

- An additional **“Written submission for the List of Issues”** (which could complement and update a previously submitted alternative report).
- If not done yet, you can develop and finalise your comprehensive alternative report (See above), considering the inclusion of **“Proposed questions for the List of Issues”**.

Previous comments and tips done for the comprehensive alternative report and sources of information apply.

Specific ones include:

- Word limit for a **“Written submission for the List of Issues”**: **5350 words**.
- At this point in time, it is suggested to include **“Proposed questions for the List of Issues”** following the information you provide under each CRPD article.
- Deadline for the submission: usually “up to three weeks before the session”. The exact date is published by the CRPD Committee in advance.
- In any case, **the earlier submission is sent to the CRPD Committee, the more time members and Secretariat have to consider it!**

Previous **written submissions for the List of Issues** can be found in the [CRPD Committee Sessions Database](#) under each session and each country.

As part of **IDA's support to OPDs**, IDA is glad to offer feedback and inputs on draft reports or submissions.

Don't forget! [Contact IDA! Always ready to support national OPDs!](#)

How can OPDs influence the List of Issues? II

OPDs and also other CSOs can participate in a Private briefing with the Pre-Sessional Working Group of the CRPD Committee

The Pre-Sessional Working Group calls for a private meeting with OPDs and CSOs to brief the Committee members:

- ➔ The meeting last usually **1 hour or 1 hour and a half**. Effective use of the time is very important.
- ➔ The exact time and the deadline to register for the meeting is published in an **Informative Note for OPDs and CSOs** by the CRPD Committee in its website for the session to be held the weeks before.
- ➔ The structure of the meeting is usually as follows:
 - ✓ initial statements by OPDs representatives and CSOs participants; questions by CRPD Committee members;
 - ✓ replies by OPDs and CSOs representatives.
 - ✓ Interpretation in 3 UN languages and IS can be provided. Double-check this in advance.
- ➔ OPDs and CSOs should share their statements **in writing** to ensure the quality of interpretation.
- ➔ Coordination among participants is key for time management.

As part of **IDA's support to OPDs**, IDA is glad to offer online preparatory meetings in advance! Support for attendance in Geneva could be explored.

Don't forget! [Contact IDA! Always ready to support national OPDs!](#)

Lithuania: Concrete List Issues, a reflection of meaningful involvement of Lithuania OPDs

The CRPD Committee adopted the List of Issues on Lithuania during the 17th Pre-session Working Group in April 2023, as part of its second review under the Standard Reporting Procedure. Lithuania Disability Forum submitted an alternative report and participated in the private briefing in person.

Simona Aginskaite reflected on the process: *“Lithuanian Disability Forum sought to actively include its members in the process of preparing an alternative report to influence the list of issues on Lithuania. Our approach included several online meetings to subdivide various sections of the report, identify our priorities, and propose questions for each article. We also received technical support and input on the draft report from the International Disability Alliance and European Disability Forum. After submission of the alternative report, we prepared for the private briefing including drafting and reviewing our oral statements in advance.”*



Figure 13: OPDs representatives from Lithuania preparing to brief the CRPD Committee in room XXIII of Palais des Nations.

“We saw how meaningful our involvement was as many of the issues we raised were reflected in the List of issues adopted by the CRPD Committee. We are moving to a new phase of member collaboration that will assess the List of, review developments since the last recommendations made by the committee (2016) and begin the joint development of a new shadow report document.”

6.3 State's Replies to the List of Issues

Once the List of Issues is published, the State must provide written **"Replies to the List of Issues"** in a document not exceeding 30 pages, within the following **two months**. Annexes with statistics can also be submitted in addition.¹⁶

Timeframes at this stage were stricter in past practice of the Committee. When the Pre-Sessional Working Group adopted the List of Issues in April, that State would previously have come for its interactive dialogue with the Committee four months later in August. Similarly, from September to March. After the Covid-19 pandemic disruption, this is no longer happening.

OPDs and IDA should remain attentive to the countries that the CRPD Committee include for upcoming sessions and whether or not they submit their **Replies to the List of Issues**.

Recall to check:

- ✓ CRPD Committee has published a document entitled **"[When will the Committee consider my country?](#)"** (published in June 2023)
- ✓ from time to time, **CRPD Committee Sessions database** is accessible [here](#).

16. CRPD Committee, [Working Methods](#), para. 5, and [Rules of Procedure](#), Rule 48 bis.

How can OPDs react to the States Replies to the List of Issues in the lead up to the session?

Written submission for the session (or “Alternative replies to the List of Issues”)

OPDs can prepare a Written Submission for the session:

- It should provide alternative replies to the List of Issues, contrasting and supplementing the **“State Replies to the List of Issues.”**
- Given the potential time constraints, it is important to start developing a **draft before** the “State Replies to the List of Issues” become available!
- When the States Replies become available, you should analyse them and consider any changes to your **draft “Alternative replies to the List of Issues”** to include reactions to the State information and views.
- The submission should indicate clearly what would be the more pressing thematic areas for the CRPD Committee to consider for the Short Term follow-up (see section below).
- The **“Written submission for the session” (or “Alternative replies to the List of Issues”)** is the last formal written submission to be sent to the CRPD Committee.

Many comments and tips for alternative reports apply. These are specific:

- the word limit for **“Written submission for the List of Issues”**: **5,350 words**;
- **important!** At this point, you are approaching definitory stages. OPDs should include **“Proposed recommendations for the Concluding Observations”** following the information provided under each CRPD article;
- deadline for the submission is usually “up to three weeks before the session”. The exact date will be published by the CRPD Committee in advance;
- in any case, the earlier the submission is sent to the CRPD Committee, the more time members and Secretariat have to consider it.

As part of **IDA's support to OPDs**, IDA is glad to provide feedback and inputs on draft reports or submissions.

Don't forget: [Contact IDA! Always ready to support national OPDs!](#)

6.4 “Interactive dialogue” between the CRPD Committee and the State during the session

The next key step of the process is the “interactive dialogue,” namely an **in-person session between the CRPD Committee and a State delegation**, at the UN in Geneva, Switzerland.

The Committee decides in advance which States will be under review based on the chronological order of receipt of information, prioritizing initial and late reports.¹⁷

The schedule of the **two meetings of three hours with the State** delegation is published in Programme of Work for the session. You can check, for example, the [Programme of Work for the 29th session in August 2023](#).

Check the **CRPD Committee Sessions database** from time to time, accessible [here!](#)

The dialogue is webcasted by UN Web TV for anybody interested to follow. Other stakeholders, including OPDs, can attend the meetings,¹⁸ **but cannot intervene, cannot take the microphone.**

Subject to changes, the typical structure of this six hours dialogue is as follows:

→ Opening

Opening remarks by

1. The Head of the State Delegation
2. The State Independent Monitoring Mechanism (IMM)
3. The Country Rapporteur, who initiates the 1st cluster of questions.

→ Cluster 1 (articles 1 to 10)

1. Questions by Committee members
2. Break for preparing responses
3. Replies of the State party
4. Follow-up questions by Committee members on cluster 1

→ Cluster 2 (articles 11 to 20)

1. Questions by Committee members
 2. Replies of State party to both
- Follow up questions of cluster 1 and to questions on cluster 2

3. Follow-up questions on cluster 2 by Committee members
4. Replies to follow-up questions

→ Cluster 3 (articles 21 to 33)

1. Questions by Committee members
2. Replies to cluster 3 by the delegation
3. Follow-up questions on cluster 3 and all previous clusters
4. Replies to follow-up questions

→ Closing

1. Closing statement of the delegation
2. Closing statement IMM
3. Closing remarks by the country rapporteur and closing by the Chair

17. CRPD Committee, [Working Methods](#), para. 6.

18. CRPD Committee, [Working Methods](#), para. 3.

How can OPDs engage during the session to influence the Concluding Observations?

Private briefing of OPDs and CSOs with the CRPD Committee

OPDs and other CSOs can participate in a Private Briefing with plenary of the CRPD Committee

- The meeting usually lasts **1 or 1.5 hours**. Effective use of time, highlighting priority issues and key information is very important.
- The exact time and the deadline to register for the meeting is published in an **Informative Note for Stakeholders** by the CRPD Committee on its website. Check, for example, the [Informative Note for Stakeholders for the upcoming 29th session in August 2023](#).
- The structure of the meeting is usually as follows:
 - ✓ initial statements by OPDs representatives and CSOs participants;
 - ✓ questions by CRPD Committee members;
 - ✓ replies by OPDs and CSO representatives.
- Interpretation in 3 UN languages and IS can be provided. Double check this in advance.
- OPDs and CSOs should share **in written** their initial statements to facilitate interpretation quality.
- Given the time constraints, advance coordination among participants is critical for time management.

As part of **IDA's support to OPDs**, IDA is glad to offer:

- online preparatory meetings in advance. Support for attendance in Geneva could also be explored;
- informal meetings with the **country rapporteur/s for the country**, CRPD Committee members leading on the Committee's work on the country.

Don't forget. [Contact IDA! Always ready to support national OPDs!](#)

Angola: First engagement ever of Angolan OPDs with UN Human Rights Mechanisms - CRPD Committee review in 2023!

The CRPD Committee reviewed Angola in March 2023. It asked the State on the lack of proactive consultation and involvement of organisations of persons with disabilities, on access to assistive technology, on the results of the 2014 Strategy of Intervention for the social inclusion of children with disabilities and on measures to implement article 19 of the CRPD, among many others!



Figure 14: Three OPDs representatives from Angola in room XVII of Palais de Nations

Maria Fernandes, from the Angola Federation of Associations of the Disabled, recalls: *"It was an unforgettable experience, and I personally learned a lot from the experiences of others because I was able to interact directly with the members of the Committee, who listened to our concerns and raised them to the Angolan government. I hope we will get substantive recommendations in this extremely important process."*

How can OPDs engage in the process during the dialogue?

Following the public dialogue (on-site and online) with a communication strategy

The dialogue between the State and the CRPD Committee can be followed in-person at the designated venue in Geneva or remotely via the [UN Web TV](#).

OPDs and your allies should follow the interactive dialogue to hear the questions by the CRPD Committee and the replies by State officials.

The event is public and documented. OPDs could consider communication initiatives **before, during and after** the process and the dialogue, raising visibility and featuring Committee members and public officials in the country.

On this, see also above **Alternative reports and the review process as an awareness raising tool**.

Also see below, **Section V.1 Awareness Raising and Dissemination of the CRPD Committee's Concluding Observations**.

Previous constructive dialogues with States can be found at [UN Web TV](#).

A second review for Tunisia with intense constructive dialogue following up on the previous concluding observation.

In March 2023, the CRPD Committee concluded the second review of Tunisia. Representative organisations of persons with disabilities participated in informal and formal meetings with Committee members and attended the “constructive dialogue.”

Anwer Elhani from the Tunisia Organisation for the Defence of the Rights of Persons with Disabilities reflects: *“Despite the tight schedules, we were able to achieve the objectives of our mission. Thanks to the concerted efforts of all the members of the Tunisian OPDs delegation, composed of six activists representing the Tunisia Organisation for the Defence of the Rights of Persons with Disabilities and the Tunisian Association for Development and Inclusion, and the support from the International Disability Alliance. We were delighted to hear the CRPD Committee raise our issues during the dialogue with the State delegation.”*



Figure 15: Anwer Elhani from the Tunisia Organisation for the Defence of the Rights of Persons with Disabilities

6.5 CRPD Committee's Concluding Observations

Recommendations of the Committee take time.

Only some days after the constructive dialogue with the State, the CRPD Committee discusses in private meetings the draft concluding observations developed by the Country Rapporteur until its adoption.

The **Concluding Observations** are usually published on the last day of the session. This is the concrete outcome of the process, which will hopefully confirm the full impact of OPD advocacy work with concerns and priorities reflected in the CRPD Committee's document.



Figure 16: Example of cover of Concluding Observations adopted by the CRPD Committee.

CRPD Committee concluding Observations have the following structure:

- ➔ Introduction.
- ➔ Positive aspects
- ➔ Principal areas of concern and recommendations
- ➔ Follow up

The most salient section for OPDs and CSOs is usually the section on “**Principal areas of concern and recommendations**” which includes, in **bold letters**, the recommendations for your State.

OPDs can then reflect on next steps. For inspiration, see below [Section V – Taking CRPD Committee’s Concluding Observations to the National Level.](#)

All Concluding Observations adopted by the CRPD Committee can be found [here](#).

6.6 Short-term Follow-up

UN Treaty Bodies foresee a **Short Term Follow up procedure**, following the adoption of Concluding Observations.

The Concluding Observations should require States to provide detailed information on the implementation of two or three specific recommendations, **within 12 months**.

A member of the Committee, **the follow-up rapporteur**, will be the focal point for this process and lead the exchange of information with the State:

- ➔ once the requested information is received, the rapporteur will draft the follow-up report for adoption by the Committee;
- ➔ if no information is received from the State, the rapporteur will communicate that to the Committee.

How can OPDs engage in the follow-up process?

OPDs can contribute to the short-term follow-up by:

- ✔ developing Short submissions to Committee with updated information related to the selected recommendations (the information could also contain inputs on setbacks and urgent matters);
- ✔ OPDs could also raise awareness on this follow-up process and pressure the State to provide timely and adequate information;

As part of **IDA's support to OPDs**, IDA is glad to provide feedback and inputs on draft reports or submissions.

Don't forget. [Contact IDA! Always ready to support national OPDs!](#)



IMPORTANT!

The CRPD Committee has decided to put on hold the Follow up procedure due to resource constraints of its Secretariat.

The information on this process is included in this document for the moment that the CRPD Committee decides to reestablish this procedure in practice.

Recently, the CRPD Committee has simply drawn attention to specific recommendations that would require urgent measures, without requesting information within a short timeframe.

In addition, discussions on Treaty Bodies Strengthening at the UN level might lead to drastic changes in connection with this procedure. We shall all learn at some point in the future

Don't forget. [Contact IDA! Always ready to support national OPDs!](#)

6.7 Recap on the standard reporting procedure and OPDs opportunities

See the graphic below for a summary of the **standard reporting procedure**, including the opportunities for OPDs and CSOs to engage.

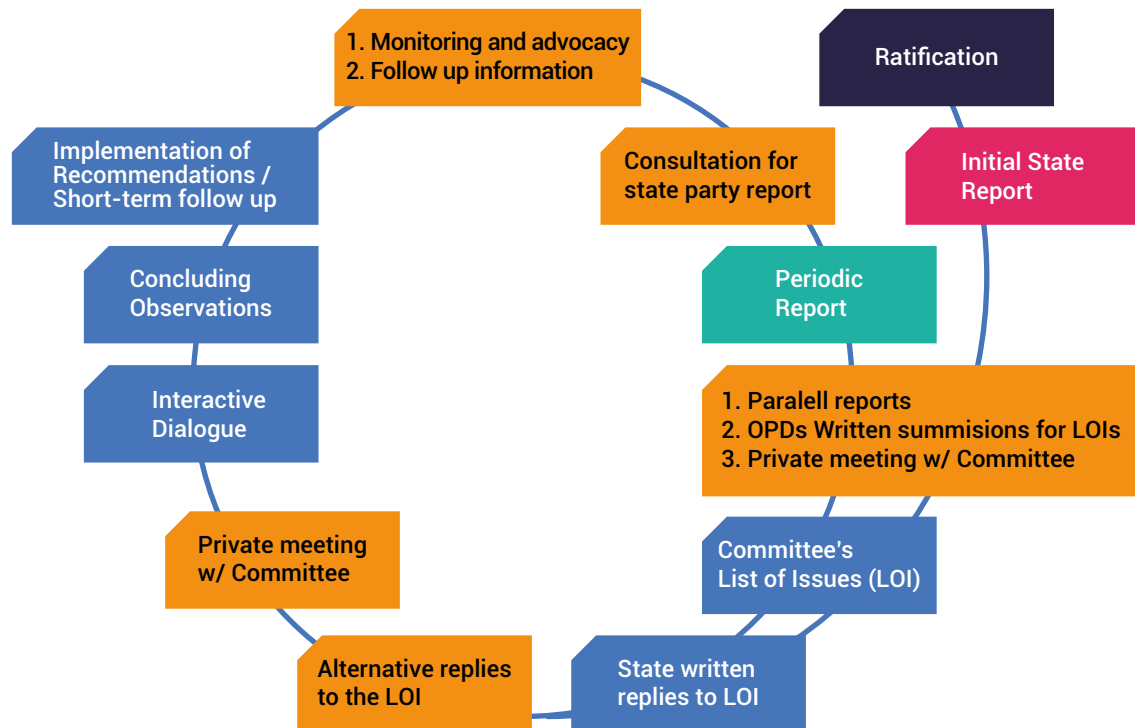


Figure 17: The cycle diagram includes a recap of all the official steps and opportunities for OPDs to influence the process, as described in the previous sections.

7. The Simplified Reporting Procedure

The **simplified reporting procedure** has been adopted by the CRPD Committee in 2013, to reduce the States' "reporting burden" and focus the review on key issues, for their **second reviews and onwards**.

On-going debates and process around *UN Treaty Bodies Strengthening* suggest that in the near future, this modality will prevail.

For our purposes, as of today, around 80 States still need to be reviewed by the CRPD Committee for the first time under the **Standard Reporting Procedure** outlined in the previous sections, which remains the main reference for the benefit of OPDs engaging for the first time. For now, only States that have undergone a first cycle of review can **opt-in** for this reporting procedure, which follows these steps:

- ➔ the CRPD Committee establishes the key issues on which the State should report in its the **List of Issues Prior to Reporting**, at least **one year prior to the due date** of State report;¹⁹
- ➔ the State drafts and submits its **periodic report**;
- ➔ constructive dialogue in Geneva;
- ➔ adoption of Concluding Observations.

This **simplified reporting procedure** allows OPDs to have a great level of influence on the process by briefing the CRPD Committee first. Indeed, information can be submitted before the Committee adopts the List of Issues Prior to Reporting, which frames the process.

19. CRPD Committee, [Rules of Procedure](#), Rule 48 ter.

How can OPDs engage in the simplified reporting procedure? What's new compared to the Standard Reporting Procedure?

OPDs have similar opportunities to engage in this process as under the standard reporting procedure.

Most of the information provided above applies to these opportunities as well.

The main difference is that OPDs are invited to produce written reports before the State, which means without a State report to analyse or to react to.

Do not panic! Your departing point could be the CRPD Concluding Observations adopted by the Committee in the previous review.

Main opportunities for OPDs are set out below.

Before the adoption of the List of Issues Prior to Reporting (LoIPR):

- **"Written submission for the List of Issues Prior to Reporting"** to be prepared since the country is scheduled for LoIPR by the CRPD Committee and submitted "up to four months prior to the beginning of the session at which the list of issues will be adopted."²⁰ Recent practice has shown flexibility on this point, as countries are not announced far in advance.
- **Private briefing** with the CRPD Committee, before the adoption of the LoIPR.

After the submission and publication of the "State Report under LoIPR"

- **"Written submission for the session with alternative replies to the LoIPR" (reacting to the State Report).**
- **Private briefing** with the CRPD Committee, during the session, before the **"constructive dialogue", between the CRPD Committee and the State.**

As part of **IDA's support to OPDs**, IDA is glad to:

- Offer online preparatory meetings in advance! Support for attendance in Geneva could be explored!
- Offer feedback and inputs on draft reports or submissions.
- Facilitate informal meetings with the country rapporteur/s for the country, CRPD Committee member leading on the Committee's work on the country.

Don't forget. [Contact IDA! Always ready to support national OPDs!](#)

20. CRPD Committee, Guidelines on the participation of disabled persons' organisations and civil society organisations in the work of the Committee, para. 6(c).

7.1 Recap on the simplified reporting process and OPDs opportunities

Below you find two graphics of the simplified reporting procedure, the second one including the opportunities for OPDs and CSOs to engage.

Simplified Reporting Procedure

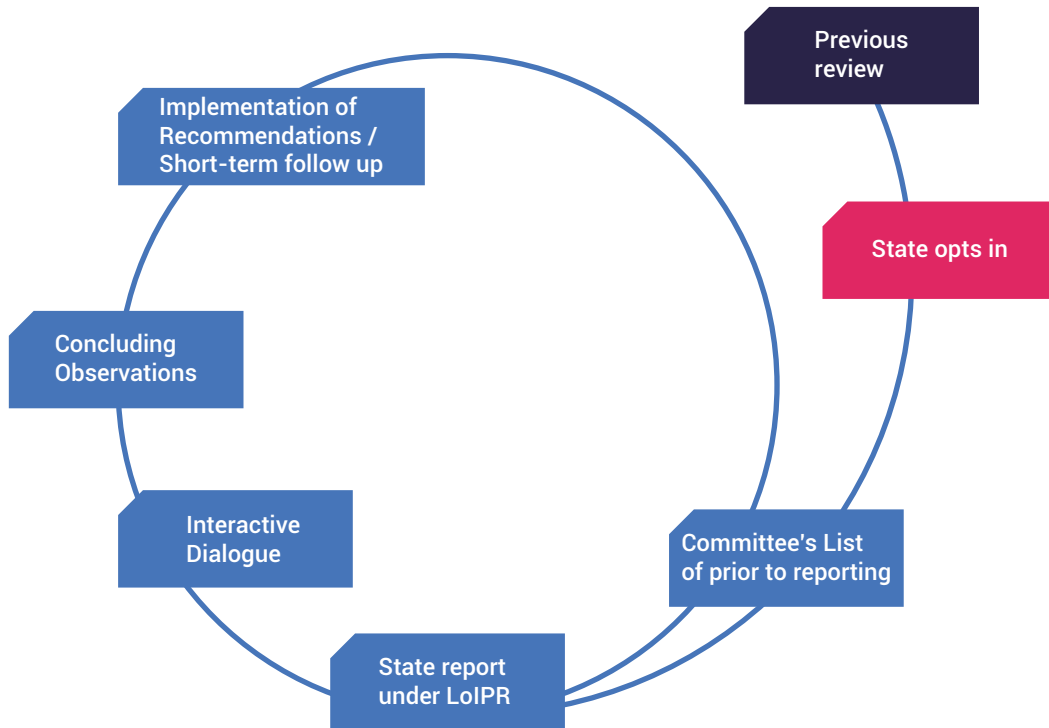


Figure 18: Cycle diagram for the Simplified Reporting Procedure indicating the following steps: 1) Previous review, 2) State opts in, 3) Committee's List of Issues Prior to reporting, 4) State report under LoIPR, 5) Interactive dialogue, 6) Concluding Observations, 7) Implementation of recommendations / Short term follow up

Simplified Reporting Procedure including opportunities for OPDs

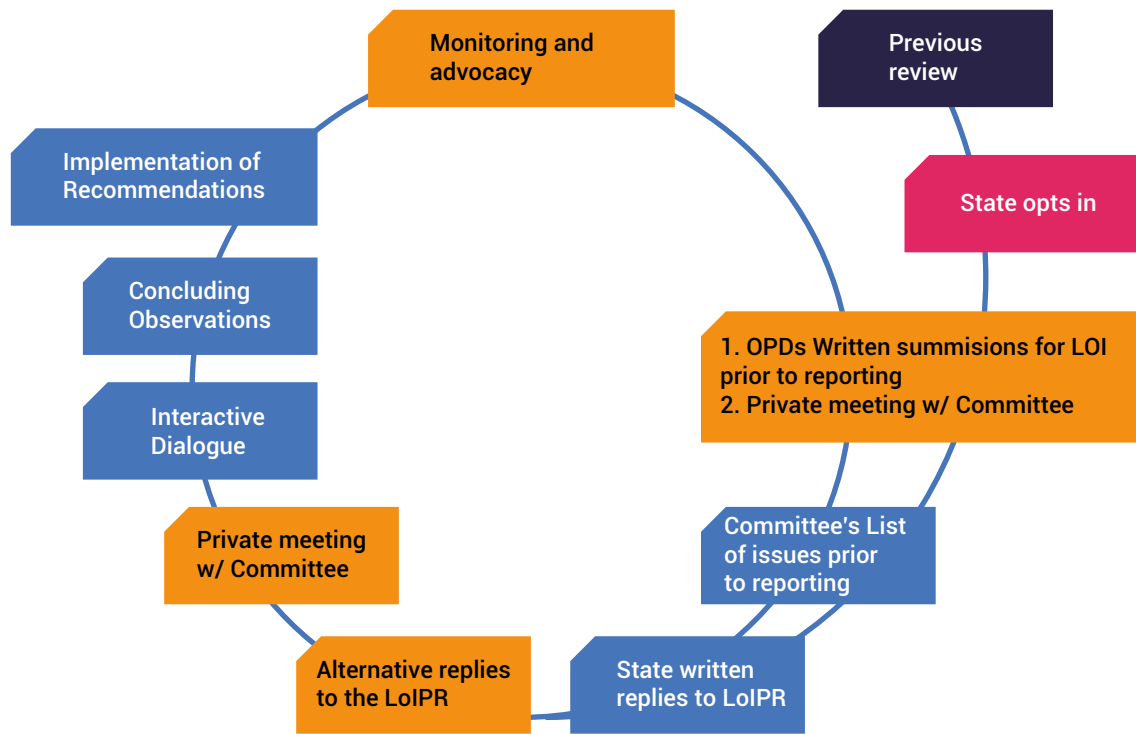


Figure 19: Cycle diagram for the Simplified Reporting Procedure indicating the official steps and the opportunities for OPDs, outlined before.



Section IV

Thematic Issues Under the Convention on the Rights of Persons with Disabilities



What will you find here?

This section refers to main States obligations under each article of the CRPD including examples of questions the CRPD Committee usually welcomes responses to.



Why should you read this?

To prepare OPD alternative reports in line with the scope of the CRPD articles.

1. Basic guidance on CRPD Articles to consider for reporting

We often struggle to start writing, staring at a blank page.

What should we include in our document? What issues can we address? Where in the document? How detailed should the information be?

This section facilitates planning and drafting what to include in your document, issues to address, level of detail required. It is based on the analysis of the CRPD Committee jurisprudence, including:

- CRPD Committee's [concluding observations](#)
- [IDA's compilation of CRPD Committee's Concluding Observations](#)
- CRPD Committee's [general comments](#)
- CRPD Committee's views on individual communications

2. Thematic issues per Article of the Convention on the Rights of Persons with Disabilities

In the pages below, OPDs will find the **Main obligations of the State** and **Some questions to consider** for each article of the CRPD, **offered as a way of example to provide you with an overview and to facilitate reflection, research and drafting. This is not exhaustive.**

Find examples below on how to utilize them:

a) Main obligations of the State:

Your State should comply with their obligations. The CRPD Committee will welcome OPD views and information. For example, to implement **article 5 of the CRPD**, States need to:

"[a]dopt or improve anti-discrimination legislation (general, disability-specific and/or including provisions in sectoral legislation) to prohibit discrimination based on disability regarding all rights and areas of life."

Based on this main obligation: OPDs should reflect:

"Does my State prohibit explicitly disability-based discrimination in national legislation?"

- **If not**, the State is not complying with article 5 CRPD. You should report to the Committee:
E.g. "The State does not prohibit in law disability-based discrimination..."
- If yes, you can reflect further: does the State's prohibition of disability-based discrimination cover all areas of life?
- **If not**, you can identify and report the gap in protection from disability-based discrimination.
- If yes, the State is complying with its obligation, so there is no need for OPDs to focus and report on this specific point.

b) Some questions to consider

OPDs can undertake the previous exercise and address the findings when reporting. The responses show the State's gaps in CRPD implementation and are the ones more useful for you to include for the CRPD Committee's consideration.

Example on article 24 CRPD:

Question to consider: "Is the concept of inclusive education enshrined in legislation?"

Response:

"The National Education Act does not fully enshrine the concept of inclusive education. While it includes some general references to the inclusion of persons with disabilities in regular school, it still includes a full section regulating and promoting reliance on special education schools for students with disabilities based on their impairment (e.g. schools for blind persons, schools for deaf persons, etc.)."

Article 1 – 4: General Principles and Obligations

Main obligations of the State

To implement article 1-4 of the CRPD, States must:

1. repeal laws that are discriminatory against persons with disabilities;
2. harmonize the definition of persons with disabilities in its legislation and policies in line with the CRPD;
3. establish frameworks that allow for the operation of organisations of persons with disabilities;
4. establish mechanisms to consult and involve OPDs in public decision-making;
5. design and implement national action plans on the rights of persons with disabilities.

Some questions to consider

1. Do national laws recognize all persons with disabilities, including underrepresented groups such as persons with psychosocial disabilities, deafblind and other groups?
2. Does the State's definition of disability and persons with disabilities reflect the human rights model of disability? Or is it still based the medical model of disability?
3. Do laws establish an obligation to consult with organisations of persons with disabilities on legislation that concern persons with disabilities?
4. Does the State facilitate the registration and operation of organisations of persons with disabilities? Are there requirements preventing the establishment and operation of organisations of persons with disabilities?

Article 5: Equality and Non-discrimination

Main obligations of the State

To implement article 5 of the CRPD, States must:

1. adopt or improve anti-discrimination legislation (general, disability-specific and/ or including provisions in sectoral legislation) to prohibit discrimination based on disability regarding all rights and areas of life;
2. protect against all forms of discrimination: direct, indirect, systemic, denial of reasonable accommodation, by association, multiple and intersecting discrimination, especially considering women, children, older persons and indigenous persons with disabilities, and provide for sanctions and effective remedies;
3. protect against discrimination by the public authorities and by private individuals, enterprises and other private organisations;
4. adopt **specific measures** to achieve *de facto* equality (affirmative action) for persons with disabilities, favoring them over others, e.g. employment quotas, tax benefits.

Some questions to consider

1. Are persons with disabilities protected from discrimination in all areas of life by law?
2. Does protection from discrimination cover all forms of discrimination, including the denial of reasonable accommodation?
3. Does protection from discrimination cover discrimination by individuals, enterprises, and other private organisations? Are there sanctions for perpetrators of discrimination?
4. Are specific measures to achieve *de facto* equality benefitting the diverse constituencies among persons with disabilities?

Article 6: Women with disabilities

Main obligations of the State

To implement article 6 of the CRPD, States must:

1. adopt appropriate laws, policies, and actions to include the rights of women with disabilities in general policies, especially those on women's rights and on disability rights;
2. adopt measures for the development, advancement, and empowerment of women with disabilities, e.g. electoral quotas;
3. support and promote the creation of organisations of women with disabilities, including promoting underrepresented groups of women with disabilities; remove barriers that prevent or restrict the participation of women with disabilities in the design, implementation and monitoring of policies that concern them;
4. repeal laws or policies that prevent women with disabilities from participating in political and public life on an equal basis with others.

Some questions to consider

1. Do the laws and policies on the rights of persons with disabilities address the situation of women with disabilities? E.g. through specific provisions or a standalone section.
2. Do laws promoting gender equality address the situation of women with disabilities?
3. Does the State promote the establishment of organisations of women with disabilities, in particular of underrepresented groups such as deaf women, women with intellectual disabilities, indigenous women with disabilities, and older women with disabilities? Is there financial support available to them?
4. Are women with disabilities adequately reflected in all consultations with representative organisations of persons with disabilities?

Article 7: Children with disabilities

Main obligations of the State

To implement article 7 of the CRPD, States must:

1. ensure that laws and policies on children's rights are inclusive of all children with disabilities;
2. provide age-appropriate assistance for children with disabilities to express their views, including information in accessible formats and alternative modes of communication;
3. establish mechanisms to consult with children with disabilities in the design and implementation of laws and policies concerning their lives;
4. ensure the primary consideration of the best interests of the child in matters concerning children with disabilities.

Some questions to consider

1. Do the laws and policies on the rights of persons with disabilities explicitly address the situation of children with disabilities? E.g., through specific provisions or a standalone section.
2. Do general laws promoting the rights of children address the situation of children with disabilities?
3. Is the primary consideration of the best interests of the child ensured for all actions concerning children with disabilities?
4. Do children with disabilities have the right to express their views in all matters that concern them? Are these views given due consideration on an equal basis with other children? Are children with disabilities included in school committees, and children's parliaments?
5. Are children with disabilities provided with disability and age-appropriate assistance to express their views? E.g., is information provided in plain language for children with intellectual disabilities?

Article 8: Awareness-raising

Main obligations of the State

To implement article 8 of the CRPD, States must:

1. raise awareness throughout society regarding persons with disabilities, including on underrepresented groups of persons with disabilities, such as deaf persons, deaf-blind persons, persons with intellectual disabilities, persons with psychosocial disabilities, indigenous persons with disabilities, older persons with disabilities, among others;
2. combat stereotypes, prejudices and harmful practices against persons with disabilities, including those based on sex and age;
3. promote awareness of the capabilities and contributions of persons with disabilities.

Some questions to consider

1. Has the State undertaken campaigns targeting persons with disabilities to inform them about their rights under the CRPD?
2. Has the State provided support to organisations of persons with disabilities to undertake awareness-raising campaigns amongst their members and the public?
3. Has the State undertaken general campaigns about the CRPD including through the media?
4. Has the State undertaken awareness-raising actions addressing specific groups in society such as the media, employers, health, families, and education professionals?
5. Are persons with disabilities and their representative organisations included in the design and implementation of these campaigns?
6. Has the CRPD been translated into the relevant local languages and other accessible formats including plain language, braille, and short videos with captions?

Article 9: Accessibility

Main obligations of the State

To implement article 9 of the CRPD, States must:

1. enact accessibility standards, including of facilities and services open or provided to the public; enforce accessibility standards on private entities that offer facilities and services to the public. E.g., banks, shopping malls, etc.
2. regularly train stakeholders including schools, churches, banks, transport sector on accessibility issues faced by persons with disabilities;
3. promote access for persons with disabilities to new information and communications technologies and systems including internet.

Some questions to consider

1. Has the State adopted accessibility standards for all dimensions of accessibility (buildings, transport, information and communication)?
2. Any act or regulation ensures that all new infrastructure and services meet accessibility standards in all dimensions of accessibility?
3. Is there a national accessibility plan to eliminate all existing accessibility barriers within a reasonable timeframe? Is it backed with adequate resource allocation, benchmarks, measurable goals and indicators to monitor progress?
4. Has the State promoted the training and availability of experts on technical devices and other communication support equipment and on augmentative and alternative modes, means and formats of communication such as subtitling?
5. Does public procurement legislation (purchase of services or products by public authorities through public tenders) promote compliance with accessibility standards by including them as mandatory requirements?

Article 10: Right to life

Main obligations of the State

To implement article 10 of the CRPD, States must:

1. protect the right to life of persons with disabilities in national law;
2. provide effective remedy to persons with disabilities whose right to life has been violated;
3. protect persons with disabilities from harmful practices including medical experiments that may lead to loss of life of persons with disabilities;
4. enact legislation to abolish the death penalty.

Some questions to consider

1. Is the right to life protected in national legislations?
2. Has the State abolished the death penalty? If not, does the State provide procedural accommodation to offenders with disabilities to go through a fair trial especially persons with psychosocial disabilities and persons with intellectual disabilities?
3. What measures has the State taken to end attacks against persons with disabilities especially persons with albinism?
4. What measures is the State taking to ensure that children with disabilities are not targeted for traditional rituals that are harmful to their life?
5. Has the State established mechanisms for persons with disabilities to submit complaints regarding threats or violations to their right to life?
6. Has the State put in place mandatory training for law-enforcement officials, judiciary, health and social services, on the prevention and detection of violence and abuse of persons with disabilities?
7. Is the State protecting persons with disabilities from the discriminatory application of euthanasia and assisted suicide where these are allowed?

Article 11: Situations of risk and humanitarian emergencies

Main obligations of the State

To implement article 11 of the CRPD, States must:

1. adopt a disability-inclusive humanitarian framework including policies related to armed conflict, humanitarian emergencies and natural disasters;
2. ensure the effective inclusion and participation of organisations of persons with disabilities, in the design and implementation of disaster risk reduction policies;
3. prioritize the provision of emergency assistance to persons with disabilities including in evacuation and post-disaster rehabilitation schemes;
4. provide disability-inclusive humanitarian support, including access to emergency information and alarm signals through alternative modes of communication and information.

Some questions to consider

1. What measures has the State taken to guarantee the participation of organisations of persons with disabilities in the design, implementation and monitoring of disaster risk policies, in particular of underrepresented groups of persons with disabilities impacted such as indigenous persons with disabilities?
2. Are the rights of persons with disabilities explicitly included in the national disaster management laws and policies?
3. Is emergency information readily available in alternative mode of communication and information? Do emergency protocols foresee measures to ensure that persons with disabilities will not be discriminated or excluded in case of a humanitarian emergency?

Article 12: Equal recognition before the law

Main obligations of the State

To implement article 12 of the CRPD, States must:

1. repeal legal provisions that restrict the right to legal capacity of persons with disabilities, especially persons with psychosocial disabilities and persons with intellectual disabilities, to make decisions in health, property management, and marriage among others;
2. repeal laws that promote substituted decision-making, such as guardianship laws, and replace it with supported decision-making schemes that respects person's will and preferences;
3. provide training for persons receiving support so that they can make informed decisions on whether and when they decide to rely on support.

Some questions to consider

1. Does national legislation recognize the right to equal recognition before the law?
2. Does legislation recognize the right of persons with disabilities to be supported in the exercise of their legal capacity?
3. Does the legislation allow family members or individuals appointed by a court to make health decisions or manage property or make financial decisions on behalf of the persons with disabilities concerned?
4. Do laws prohibit persons with disabilities deprived of legal capacity from participating in national elections or being registered as voters?
5. Is there a law allowing third parties to decide whether to sterilize women with intellectual disabilities or women with psychosocial disabilities?

Article 13: Access to Justice

Main obligations of the State

To implement article 13 of the CRPD, States must:

1. abolish provisions that limit the capacity of persons with disabilities to testify or engage with the justice system;
2. ensure that the justice system provides procedural and age-appropriate accommodations that enable full and equal participation of persons with disabilities;
3. provide training to justice system staff, police, and penitentiary staff on the rights of persons with disabilities.

Some questions to consider

1. Are there provisions in law which provide for procedural accommodations for persons with disabilities in court proceedings?
2. Are courtrooms, procedures and related information accessible to persons with disabilities, including Braille, alternative formats, sign language interpretation, plain language or Easy to understand versions of documents, among others?
3. Are there laws that prevent persons with disabilities from being a judge, juror or witness or that diminish the value of testimonies of persons with disabilities?

Article 14: Liberty and Security of the person

Main obligations of the State

To implement article 14 of the CRPD, States must:

1. prohibit deprivation of liberty on the basis of impairment in law and in practice;
2. repeal legal regimes that permit involuntary or non-consensual commitment in mental health institutions;
3. ensure that the provision of health services to individuals deprived of liberty is based on their free and informed consent;
4. protect the security and personal integrity of persons with disabilities who are deprived of their liberty, including by ensuring provision of reasonable accommodation;
5. implement monitoring and review mechanisms in relation to persons with disabilities deprived of their liberty.

Some questions to consider

1. Does the law prohibit the deprivation of liberty based on impairments, either alone or in conjunction with other grounds, such as care, treatment and/or dangerousness to one-self or others?
2. Does the law ensure the provision of reasonable accommodation to persons with disabilities deprived of liberty?
3. Does current legislation allow independent monitoring mechanisms to monitor places of detention such as mental health facilities and residential institutions?
4. Are there community practices such as prayer camps where persons with disabilities are deprived of liberty?

Article 15: Freedom from torture or cruel, inhuman or degrading treatment or punishment

Main obligations of the State

To implement article 15 of the CRPD, states must:

1. explicitly prohibit by law torture and cruel, inhuman or degrading treatment or punishment, including to persons with disabilities and on the basis of disability;
2. explicitly recognize that practices such as restraints, isolation, forced medication, forced sterilization and electroconvulsive therapy against persons with disabilities may amount to torture or cruel, inhuman, or degrading treatment or punishment
3. enact legislation that prohibits and protects children, including those with disabilities, from corporal punishment;

Some questions to consider

1. Does the State recognize that persons with disabilities may be disproportionately impacted by acts of torture or cruel, inhuman, or degrading treatment or punishment?
2. Does the anti-torture law explicitly prohibit torture and cruel, inhuman or degrading treatment or punishment on the basis of disability and to persons with disabilities?
3. Do health-related laws prohibit medical experiments on persons with disabilities without their free and informed consent?
4. Do persons with disabilities survivors of torture and ill-treatment access effective remedies and reparations? Are perpetrators prosecuted and sanctioned?

Article 16: Freedom from exploitation, violence, and abuse

Main obligations of the State

To implement article 16 of the CRPD, states must:

1. prohibit and prosecute all forms of exploitation, violence and abuse of persons with disabilities such as confinement at home, abandonment, domestic violence and sexual violence;
2. adopt laws and policies to prevent and sanction exploitation, violence and abuse of persons with disabilities, including awareness raising, and media campaigns;
3. ensure monitoring of services provided to persons with disabilities in line with Article 16(3) CRPD;
4. outlaw traditional practices that subject persons with disabilities, especially persons with albinism, to violence and abuse;
5. ensure that shelters for survivors of violence are accessible to persons with disabilities, especially women with disabilities, and responsive to their needs.

Some questions to consider

1. Is there national legislation on combatting exploitation, violence and abuse? Does the children's legislation prohibit abuse and neglect of children including children with disabilities?
2. Are there sanctions against individuals including carers who abuse or neglect children with disabilities?
3. Are persons with disabilities included in national strategies to combat violence, including domestic violence?
4. Are general measures designed to combat violence (such as awareness-raising campaigns), to identify violence (such as police investigations) or to support victims of violence (such as shelters or social support) accessible to persons with disabilities?

Article 17: Protecting the integrity of the person

Main obligations of the State

To implement article 17 of the CRPD, States must:

1. repeal all laws and practices allowing forced treatment of persons with disabilities, especially persons with autism, persons with intellectual disabilities and persons with psychosocial disabilities.
2. repeal any provision authorizing forced sterilization and forced abortion of women with disabilities, including provisions allowing for third parties to consent on behalf of the person concerned deprived of legal capacity;
3. end harmful practices against persons with disabilities, including forced marriages of women with disabilities.

Some questions to consider

1. Are there laws or legal provisions that still allow forced treatment of persons with disabilities?
2. Are there laws or legal provisions that allow forced sterilization and/or forced abortion on women with disabilities, including on the basis of third parties' consent (e.g., guardian)?
3. Is there a mechanism to seek redress for those who have been subjected to such forced medical interventions?
4. Does the State implement any measure to prevent and eradicate harmful practices against persons with disabilities?

Article 18: Liberty of movement and nationality

Main obligations of the State

To implement article 18 of the CRPD, States must:

1. outlaw any discrimination based on disability in legislation and practice affecting the freedom of movement of persons with disabilities between different States, including the right to acquire nationality
2. ensure and facilitate the registration of children with disabilities at birth.

Some questions to consider

1. Are there legal provisions in migration law that discriminate on the basis of disability, either directly or indirectly? E.g., health requirements for immigration, demonstrating financial means to cater for support services.
2. Are immigration and asylum-seeking procedures accessible for migrants for disabilities? Are persons with disabilities provided with procedural accommodation in these application processes?
3. Does the State provide registration and immigration-related information in accessible formats?
4. Does the State conduct specific campaigns on the importance of birth registration targeting families of children with disabilities?

Article 19: Living independently and being included in the community

Main obligations of the State

To implement article 19 of the CRPD, states must:

1. repeal laws that prevent persons with disabilities, regardless of the type of impairment, to choose where and with whom to live;
2. promote the development of support systems and services for all persons with disabilities, including personal assistance services, available in urban and rural areas and inclusive of underrepresented groups of persons with disabilities, such as those with psychosocial disabilities, those with intellectual disabilities, indigenous persons with disabilities, older persons with disabilities, among others;
3. adopt an action plan for deinstitutionalization, with timeframes and measurable goals, in close consultation with persons with disabilities and their representative organisations;
4. ensure mainstream services are accessible to persons with disabilities and responsive to their needs.

Some questions to consider

1. Are persons with disabilities able to decide where and with whom they live on an equal basis with others?
2. Are support systems and services available for all persons with disabilities, notably those from underrepresented groups of persons with disabilities, such as those with psychosocial disabilities, those with intellectual disabilities, indigenous persons with disabilities, older persons with disabilities, to live independently and be included in the community?
3. Does the State promote and facilitate access to accessible housing for persons with disabilities to live independently?
4. Does the State advance in making mainstream services accessible to all persons with disabilities and responsive to their needs?
5. Has the State developed a deinstitutionalization strategy? Are persons with disabilities and their representative organisations consulted and involved?

Article 20: Personal mobility

Main obligations of the State

To implement article 20 of the CRPD, States must:

1. legally recognize through national legislation the right to access mobility aids and assistive devices;
2. facilitate access by persons with disabilities to affordable and quality mobility aids, assistive devices and technologies, forms of live assistance. E.g., by promoting its manufacturing at the national level or by providing tax and customs exemptions;
3. encourage entities that produce mobility aids, devices, and assistive technologies to take into account the needs of persons with disabilities.

Some questions to consider

1. Is access to mobility aids, assistive devices and assistive technologies a legally recognized right including in disability-specific legislation?
2. Has the State established a mechanism to facilitate access to mobility aids, assistive devices and assistive technologies to persons with disabilities, including those in rural areas?
3. Does the State promote national manufacturing of affordable and quality access to mobility aids, assistive devices and assistive technologies, including through subsidies or tax exemptions?
4. Does the State utilize public procurement of mobility aids, devices, and assistive technologies services, as a market-shaping strategy?
5. Are persons with disabilities able to import adapted motor vehicles, wheelchairs, white canes, and other mobility aids at a subsidized price including through tax exemption?

Article 21: Freedom of expression and opinion, and access to information

Main obligations of the State

To implement article 21 of the CRPD, States must:

1. ensure that information provided to the general public is available to persons with disabilities in accessible formats, such as Braille, sign language, captioning, Easy Read, audio-description and tactile, augmentative and alternative means of communication, including in rural and remote areas;
2. enact legislation recognizing sign language as an official language, and allocate resources for the training of qualified sign language interpreters;
3. adopt accessibility standards applicable to electronic communication, television and Internet websites, to ensure accessibility to persons with disabilities, including captioning, sign language and audio-description;
4. ensure public information is provided in various accessible formats such as Braille, and plain language.

Some questions to consider

1. Do persons with disabilities have timely access to information provided to the public in alternative formats at no cost?
2. Is sign language legally recognized as an official language? Does the State promote the training of sign language interpreters?
3. Do persons with intellectual disabilities have the right to get information in plain language and Easy to Read format?
4. Do websites that offer services or information to the public comply with the Web Accessibility Initiative (WAI) standards?

Article 22: Respect for privacy

Main obligations of the State

To implement article 22 of the CRPD, States must:

1. protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others;
2. ensure that national laws, including data protection laws, protect persons with disabilities on an equal basis with others;
3. ensure that other laws, such as labor law, do not force persons with disabilities to disclose their disability- or impairment-related information, beyond the required for the provision of the reasonable accommodation.

Some questions to consider

1. Do national laws, including data protection laws, protect, adequately protect the right to privacy of persons with disabilities?
2. Is the privacy of persons with disabilities still residing in institutions respected and protected?
3. Does the legislation relating to the privacy of medical records adequately protect the right to privacy of persons with disabilities?
4. Is the right to privacy of persons with disabilities, especially of those with psychosocial disabilities, respected in labor law and in the working environment?

Article 23: Respect for home and the family

Main obligations of the State

To implement article 23 of the CRPD, States must:

1. ensure that family law does not discriminate on the basis of disability in matters relating to marriage, family, parenthood and relationships;
2. ensure sexual and reproductive rights of persons with disabilities, including the right to decide freely and responsibly on the number and spacing of their children and to have access to age-appropriate information, reproductive and family planning education;
3. provide adequate support to persons with disabilities and enable them to carry out their parental duties
4. ensure that children with disabilities are not separated from their parents on the basis of the disability of either the child or one or both of the parents;
5. ensure adequate support to children with disabilities and their families, to ensure equal rights with respect to family life;
6. provide alternative care to children with disabilities without parental care within the wider family, and failing that, within the community in a family setting.

Some questions to consider

1. Does the law restrict the right to marry of persons with intellectual disabilities or persons with psychosocial disabilities? Does legislation discriminate against persons with disabilities regarding divorce or separation?
2. Can persons with disabilities adopt on an equal basis with others?
3. Does legislation prohibit forced sterilization of persons with disabilities, especially women and girls?
4. Is sexual and reproductive health information including on family planning and contraceptives available in accessible formats?
5. Do parents of children with disabilities access support measures to undertake their child-rearing responsibilities?
6. Is there legislation allowing for the separation of the child from the family because of the disability of either the child or of a parent?
7. Are children with disabilities protected against institutionalization based on their disability?

Article 24: Education

Main obligations of the State

To implement article 24 CRPD, states must:

1. recognise the right to inclusive education for persons with disabilities and ensure they are not excluded from the general education system on the basis of disability. Investing in segregated special education schools is contrary to CRPD;
2. ensure that children with disabilities are not excluded from free and compulsory primary education or from secondary education on the basis of disability. Children with disabilities should not pay additional charges especially hidden costs for accommodations and support;
3. ensure that reasonable accommodation and individualized support are provided;
4. ensure that persons with disabilities have access to higher education, vocational training and lifelong training.

Some questions to consider

1. Do education acts explicitly prohibit discrimination on the basis of disability, including denial of reasonable accommodation?
2. Is the concept of inclusive education enshrined in legislation?
3. Does the State collect data on completion rates at all levels of education, disaggregated by level of education, impairment type, age, sex, and indigenous background, among others?
4. Does the State facilitate the provision of reasonable accommodation and individualized support for inclusive education, including e.g. curricular adaptations and support teachers?
5. Do persons with disabilities access equally valid certification of completion of different levels of education, allowing to register for the following level?

Article 25: Health

Main obligations of the State

To implement article 25 of the CRPD, State must:

1. adopt and implement a national strategy on accessible, affordable quality health-care services;
2. enact and enforce legislations that upholds the principle of free and informed consent for medical treatment;
3. enact legislation that prohibits discrimination in health-care provision, including through pre-existing conditions clauses in health insurance, and that ensures reasonable accommodation;
4. integrate a human rights model of disability into the training of health professionals;
5. ensure that health information is available in accessible formats including alternative language, sign language interpretation, plain language and Braille.

Some questions to consider

1. Does the State have a national strategy on access to health services for persons with disabilities?
2. Does national legislation guarantee the right to receive medical treatment based on the free and informed consent of the person concerned?
3. Are women and girls with disabilities receiving sexual and reproductive health services and information on an equal basis with others?
4. Are mental health services integrated in primary health care including in health centers within the community?
5. Is healthcare information available in alternative and accessible formats including sign language, Braille and Easy to Read Format, among others?
6. Are medical health professionals provided with training on the human rights model of disability?

Article 26: Habilitation and rehabilitation

Main obligations of the State

To implement article 26 of the CRPD, States must:

1. ensure the availability of habilitation and rehabilitation services throughout the country;
2. regularly train staff on the provision of habilitation and rehabilitation services;
3. invest in habilitation and rehabilitation services including through adequate budget allocation, deployment of personnel and research on technology and assistive devices.

Some questions to consider

1. Can persons with disabilities, including those in rural areas, access habilitation and rehabilitation services within their communities?
2. Are habilitation and rehabilitation services provided by adequately trained personnel?
3. Do persons with disabilities incur out-of-pocket expenses for habilitation and rehabilitation services? Are services covered fully or partially by the health system or by other system?

Article 27: Work and Employment

Main obligations of the State

To implement article 27 of the CRPD, States must:

1. enact and enforce employment legislation that explicitly prohibits discrimination on the basis of disability;
2. ensure the provision of reasonable accommodation at the workplace in legislation and promote its implementation among employers;
3. phase out sheltered workshops and promote access of persons with disabilities in the open labour market;
4. ensure that the built environment of workplaces is accessible for persons with disabilities.

Some questions to consider

1. Does the employment law explicitly prohibit disability based discrimination in employment and require employers to provide reasonable accommodation?
2. Are there complaint mechanisms to address disability-related discrimination in the workplace?
3. Does the law provide for a quota system? If yes, what is its level of implementation in the public and in the private sector (if applicable)?
4. Does the law provide for tax rebates for private employers of persons with disabilities? Does the law require employers to ensure an accessible working environment and safe working conditions for the employment of persons with disabilities?
5. conditions for the employment of persons with disabilities?

Article 28: Adequate standard of living and social protection

Main obligations of the State

To implement article 28 of the CRPD, States must:

1. enact legislation recognizing the right of persons with disabilities to social protection;
2. ensure that eligibility criteria do not discriminate directly or indirectly against persons with disabilities, in particular of underrepresented groups such as persons with psychosocial and intellectual disabilities;
3. guarantee that social protection schemes cover disability-related extra costs ensuring persons with disabilities have an adequate standard of living, including for retired older persons with disabilities;
4. ensure equal access by persons with disabilities to retirement benefits and programmes.

Some questions to consider

1. Is there a national legislation that explicitly protects the right to social protection of persons with disabilities?
2. Are persons with disabilities benefiting from poverty reduction efforts and accessing basic income security?
3. Are disability assessments and determinations in line with the human rights model of disability?
4. Do social protection programmes cover disability-related extra costs and aim to support the autonomy and inclusion of persons with disabilities in the community?

Article 29: Participation in political and public life

Main obligations of the State

To implement article 29 of the CRPD, States must:

1. repeal or reform legislation that deprives persons with disabilities the right to vote, be elected and hold office;
2. ensure that voting procedures, facilities and materials are appropriate, accessible, and easy to understand and use;
3. ensure persons with disabilities can cast their votes autonomously, including by allowing assistance by a person of their choice;
4. promote the participation of persons with disabilities in political and public life including through specific measures to achieve de facto equality (affirmative action).

Some questions to consider

1. Does legislation exclude persons with disabilities, especially persons with psychosocial disabilities, from the right to vote or from the right to be elected?
2. Does the electoral law provide for the accessibility of all electoral stations and voting materials?
3. Does the electoral law allow persons with disabilities to cast their vote supported by a person of their own choice?
4. Does the electoral law promote the inclusion of persons with disabilities among the candidates from political parties?
5. Is the State providing support for the establishment of organisations of persons with disabilities?

Article 30: Participation in cultural life, recreation, leisure and sport

Main obligations of the State

To implement article 30 of the CRPD, States must:

1. adopt laws and policies that permit persons with disabilities to access cultural life, recreation, leisure and sports, and remove attitudinal and environmental barriers hindering the participation.
2. Facilitate access of persons with disabilities to cultural life, including published works, in accessible formats and alternative modes of communication, such as braille
3. Ensure that persons with disabilities have access to television programmes, films, theatre, and other cultural activities, through accessible features such as subtitling, sign language interpretation and audio description.
4. Promote the participation of persons with disabilities in both mainstream and disability specific sports events and activities.

Some questions to consider

1. Has the State ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled?
2. Do intellectual property laws restrict persons with disabilities to access cultural materials?
3. Does public funding provided to cultural, touristic, and sporting facilities and organisations require compliance with accessibility standards? Does the State promote and support deaf culture?
4. Do general accessibility plans include the elimination of barriers in culture, recreation, leisure, and sport?
5. Does the State provide support to disability-specific initiatives in sports and culture?

Article 31: Statistics and data collection

Main obligations of the State

To implement article 31 of the CRPD, States must:

1. ensure data collected, both statistical and administrative data, is disaggregated by disability;
2. involve organisations of persons with disabilities in the design and implementation of statistical efforts, such as national census and household surveys;
3. utilize the tools developed by the Washington Group on Disability Statistics;
4. disseminate data and statistics in formats accessible for persons with disabilities.

Some questions to consider

1. Does the State utilize the tools developed by the Washington Group on Disability Statistics in the national census and main national surveys?
2. Are data collected by the national census and main national surveys and public administrative data disaggregated by disability?
3. Does the State disseminate national data and statistics in accessible formats?
4. Are organisations of persons with disabilities involved in the design and implementation of data collection efforts?
5. Are policies informed by national data and statistics on persons with disabilities?

Article 32: International Cooperation

Main obligations of the State

To implement article 32 of the CRPD, States must:

1. ensure that development policies and programmes including those related to the 2030 Agenda for Sustainable Development are disability inclusive;
2. guarantee active involvement of representative organisations, in the planning, implementation, monitoring and evaluation of international cooperation.

Some questions to consider

1. Are organisations of persons with disabilities consulted for the design and implementation of international cooperation initiatives?
2. Are there capacity building programmes targeting organisations of persons with disabilities for them to engage in international cooperation?
3. Has the State mainstreamed disability inclusion in international cooperation?
4. Does the State prioritize issues of persons with disabilities in international cooperation?

Article 33: National implementation and monitoring

Main obligations of the State

To implement article 33 of the CRPD, States must:

1. designate one or more focal points on disability, including within its ministries, and consider creating a coordination mechanism for CRPD implementation;
2. designate one or more independent monitoring mechanism, such as a national human rights institution, to protect, promote, and monitor the implementation of the CRPD;
3. ensure the participation of civil society including organisations of persons with disabilities in the monitoring process.

Some questions to consider

1. Has the State appointed disability focal points within the different ministries?
2. Is there a well-resourced national agency or department within the government leading and coordinating the implementation of the CRPD?
3. Is there an independent monitoring mechanism to protect, promote and monitor the implementation of the Convention?
4. Are representative organisations of persons with disabilities supported, including financially, to actively engage in the monitoring activities?



Section V

Taking CRPD Committee's Concluding Observations at the National Level



What will you find here?

This section provides examples of practices and achievements by organisations of persons with disabilities in promoting the implementation of CRPD Committee's recommendations.



Why should you read this?

To provide OPDs with transferable experiences in other countries and inspire action.

1. Introduction: making the best use of CRPD Committee's recommendations

The CRPD Committee has issued its Concluding Observations on your country, reflecting the concerns raised by OPDs and disability activists during the review process. While these Observations are often seen as the culmination of months of effort, it is important to remember that they are just a means to an end: achieving full inclusion of persons with disabilities in society. Concluding Observations do not automatically lead to implementation, and there is a tendency for national authorities to deprioritize them.

However, it is the progress, regression, or stagnation of disability rights in the country in the years leading up to the next review that truly matters. Advocacy by OPDs remains crucial in urging the state to take action.

There is no one-size-fits-all approach to moving forward. You have the freedom to explore various actions to push your public decision-makers to implement the CRPD Committee's recommendations. Consider your advocacy priorities, the country's institutional framework, the political context, including the legislative agenda, the willingness of public authorities to involve OPDs, the capacities and resources of OPDs, potential partnerships with stakeholders like legislators, NGOs, National Human Rights Institutions, and academia, as well as any sudden opportunities that may arise.

This situation is not unique to the CRPD Committee; it applies to all UN Treaty Bodies.²¹ From an international law perspective, the recommendations themselves are considered non-binding, although national legal systems may state otherwise. Regardless of their binding status, these recommendations carry significant moral authority and represent the authoritative interpretation of human rights treaties specific to each country. Furthermore, the recommendations of UN human rights mechanisms can guide national and international development agendas and help prioritize the distribution of resources. OPDs should utilize these recommendations to bolster their advocacy efforts.

1.1 Diverse practices around the globe by national OPDs

National OPDs have effectively utilized the CRPD Committee's Concluding Observations, leading to notable advancements at the national level. In just 13 years since the CRPD Committee's inaugural State review in 2010 (Tunisia), OPDs have achieved significant progress, including reforms in laws and policies and an increased level of public awareness regarding the rights of persons with disabilities. Throughout these processes, OPDs have grown stronger, enhancing their capacities, accessing more funding, and engaging more effectively to influence public decision-making.

21. OHCHR, ["How to Follow Up on United Nations Human Rights Recommendations - A Practical Guide for Civil Society"](#), January 2013, available in English, French and Spanish, and many other languages.

While the following pages do not aim to provide an exhaustive account, they present a sample of positive practices and achievements by OPDs at the national level. These examples, compiled through IDA's survey titled "Seeking for good practices and achievements at the national level by OPDs and NGOs utilizing CRPD Committee's Concluding Observations," which was launched in May 2023, as well as our research and collaboration with national OPDs, can serve as inspiration for OPD work.

2. Awareness raising and dissemination of the CRPD Committee's Concluding Observations

UN processes, including the CRPD Committee's review, often seem distant from everyday life and are challenging for persons with disabilities and the general audience to comprehend. National media outlets may pay minimal or no attention to the CRPD Committee's State review, despite your efforts as OPDs to raise awareness.

However, once the CRPD Committee's Concluding Observations are released, OPDs have a significant opportunity to bring visibility to the concerns and recommendations addressed to their respective States, thereby strengthening advocacy efforts and influencing public authorities. This presents a chance to initiate public discussions on the rights of persons with disabilities, creating and sustaining momentum for change. Public officials may be motivated to engage in constructive and future-oriented processes aimed at implementing the diverse range of recommendations.

To raise the visibility of the CRPD Committee's recommendations and capitalize on existing opportunities, various communication initiatives can be considered. It is important to reflect on diverse factors and tailor these initiatives accordingly. Here are some suggestions to consider:



a) Language:

Initially, the Concluding Observations are made available in one of the working languages of the Committee. However, it takes several months for them to be translated into the other four official languages of the UN. If none of these languages align with the official language(s) of your country, you should anticipate the need for translation. In theory, the government is responsible for providing translation of the Concluding Observations, but this process can be time-consuming, thus delaying dissemination. If feasible, it would be advisable to allocate efforts towards translating the Concluding Observations independently to expedite the dissemination process.



b) Specific purpose/s:

The purpose could be simply to disseminate the content of concluding observations generally, or in addition to seek concrete political commitments from public authorities.



c) Targeted audiences:

The audience could be the general population leading to a general awareness raising campaign or action, or OPDs representatives and allies as a way of socializing the outcome of the review process and inputting discussions on strategic planning and advocacy.



d) Capacities and resources available:

National public in-person events are costly not only for the organizers but also potentially for participants from other areas of the country, whereas social media campaigns can be a less expensive option to explore (with adequate expertise and consideration of accessibility requirements).



e) Potential partnerships with other stakeholders:

National Human Rights Institutions and universities can serve as valuable allies for OPDs and other CSOs in the dissemination of the CRPD Committee's Concluding Observations. These institutions can play an active role in organizing events and inviting public authorities to participate. In fact, public authorities may be interested in co-organizing public events focused on discussing the CRPD Committee's recommendations and outlining their plans for implementation. Such collaborative initiatives can facilitate dialogue and enhance engagement between OPDs, CSOs, public authorities, and other relevant stakeholders.



f) Contacts with media outlets:

Media professionals and journalists can give visibility to the rights of persons with disabilities within the public agenda. In particular, they can disseminate the recommendations coming from the CRPD Committee and the need for legal and policy reform. OPDs should make sure to seek their collaboration.



g) Thematic focus or priority (if any):

OPDs can reflect on whether to focus on specific issues, for instance because they are already being discussed publicly or because there are legislative proposals to support, or simply because OPDs prioritize them as issues to address first.

2.1 Argentina: Public event at National Congress after the CRPD Committee's review (2023)

The CRPD Committee reviewed Argentina a second time in March 2023. An OPDs and NGOs delegation had the chance to attend in person, brief directly the CRPD Committee and attend the Committee's constructive dialogue with the State.

The Network for the Rights of Persons with Disabilities coordinated, together with the Federación Argentina de Instituciones de Ciegos y Ambliopes (FAICA), the Asociación Civil por la Igualdad y la Justicia, the Centro de Estudios Legales y Sociales, the Mesa de DDHH y Discapacidad de Córdoba and the Asociación Azul. Together they organized a public event at the National Congress, to share the outcome of the CRPD Committee's review with deputies and senators, their advisors, OPDs and other public institutions related to disability rights, including the National Agency on Disability, the Ministry of Health, the National Institute Against Discrimination, Xenophobia and Racism (INADI), among others. They joined efforts with the deputy and President of the Commission on Disability of the House of Representatives Mr. Luis Di Giacomo, who facilitated the use of the venue and logistics. The remote participation from the CRPD Committee member, Ms Amalia Gamio, provided institutional hierarchy and further technical expertise to the conversation.



Figure 20: OPDs and NGOs representatives presenting the Committee's recommendations reflecting their concerns and provided additional explanations on the diverse issues and the actions that are required

Before approximately 100 participants, including senators, deputies, advisors of both, public officials, OPDs and NGO representatives presented the Committee's recommendations and provided additional explanations on the diverse issues and the actions that are required. Public authorities, from different branches of government expressed their openness and commitment going forward.

According to **Ms Gabriela Troiano**, President of the Network for the Rights of Persons with Disabilities, *"[i]t was very important for us to show the legislators the point of view of civil society organisations on the fulfilment of the social model of the Convention, supported by the recommendations of the UN Committee and with the presence of Ms Amalia Gamio, in order to continue our political advocacy jointly with civil society organisations, with unity of criteria and priorities. Nothing about us without us."*

2.2 Switzerland: Sharing Concluding Observations with the disability movement and debating steps forward with government offices and legislators (2022)

The CRPD Committee issued its Concluding Observations on Switzerland on March 2022, after holding a constructive dialogue in a hybrid format (due to the Covid-19 pandemic restrictions). The Concluding Observations show that, despite the high level of resources available, Switzerland has a lot to do to implement the CRPD.

Three months later, [Inclusion Handicap](#), the umbrella organisation gathering organisations of persons with disabilities, collaborated with the [Federal Office for Equality of Persons with Disabilities](#) (governmental body) and the Basel University, School of Law, where CRPD Committee member Markus Scheffer teaches disability rights, to hold the Conference 2022 “The Rights of Persons with Disabilities”. Approximately 190 participants gathered on June 28th at Basel University.

The conference aimed at discussing the CRPD Committee’s Concluding Observations and how to move towards their implementation, among organisations of persons with disabilities, activists and public officials of different levels of government. Following IDA’s overview of the review process, the panels moved to discuss CRPD Committee recommendations and promising national developments, including at the cantonal (or provincial) level.²²

Caroline Hess Klein, from Inclusion Handicap, shared: *“The conference is a vessel that has been created by the mentioned sponsors for several years and is dedicated to disability equality law. Each year a new topic is discussed. With the focus on the Concluding Observations, it was particularly important to ensure that in addition to committed and interested persons with disabilities, State actors from all federal levels also participate. The aim was to make the numerous challenges of consistent implementation of the CRPD visible to them and to get them to discuss possible solutions with persons with disabilities.”*



Figure 21: The room of the conference from behind the audience. On the top of the picture, the screen showing a panelist joining remotely and captioning in two languages.



Figure 22: The scenario with the participants of the roundtable including Caroline Hess Klein, from Inclusion Handicap and CRPD Committee Markus Schefer, among a few other Swiss public officials, politicians and activists.

22. The program remains available [here](#). Every year, the Basel University, School of Law, hosts a conference devoted to the rights of persons with disabilities and specific related topics. See [here](#) for 2023.

2.3 The Asia-Pacific: A regional concluding observations' dissemination forum

The CRPD Committee selected eight countries from the Asia-Pacific region for its 27th session: Bangladesh, China, Indonesia, Japan, Lao People's Democratic Republic, New Zealand, Singapore and Republic of Korea. OPDs from those countries actively engaged throughout the process submitting alternative reports and participating in private briefings with the Committee. The Japanese OPDs delegation was by far the largest delegation ever with more than 100 persons. The commitment of all OPDs to engage with the CRPD Committee resulted in positive and substantive concluding observations tackling the key priority issues for OPDs.



Figure 23: A panel discussion during the forum featuring the two country co-rapporteurs Ms Gerel Dondovdorj and Ms Getrude Fefoame. Description automatically generated with medium confidence

The selection of countries from Asia Pacific was seized by OPDs. Led by the Korean Disability Forum, OPDs held the “2022 regional disability conference” whose theme was “UN CRPD Concluding Observations as a tool to enhance disability rights.” The conference brought together representatives from the region to reflect on ways of collaboration to push for the implementation of the Committee's recommendations. The conference provided a platform for speakers from the Japan Disability Forum, the Bangladesh CRPD-Platform and the Indonesian Association of Women with Disabilities to share experiences and advocacy plans.

There was also a high level participation from Republic of Korea National Assembly and the Ministry of Health and Welfare, presenting an opportunity for the legislators and the Ministry to understand key recommendations from the CRPD Committee. Completing the picture, CRPD Committee country co-rapporteurs Ms Gerel Dondodovrj and Ms Gertrude Fefoame presented clusters of the concluding observations.

3. Getting concrete: mapping exercise for OPD planning

IDA proposes a mapping exercise focused on the CRPD Committee's Concluding Observations and those of other UN Treaty Bodies. This exercise aims to familiarize representatives of organizations of persons with disabilities with the recommendations and undertake a comprehensive analysis. It also facilitates reflection on the actions that OPDs can take and how they can effectively address the recommendations.

When applied diligently by a coalition of OPDs, this exercise can contribute to detailed planning and advocacy for concrete steps aligned with the CRPD.

The exercise can be structured into three main steps:

- ➔ **Identify a concrete recommendation** within the text of the Concluding Observations. This implies extracting concrete actions required, usually based on the State entity in charge of its implementation (e.g. ministry, department, local authorities). Once the concrete recommendation is identified and extracted, the analysis can be divided in two main parts:
- ➔ **The State – Duty bearer.** Identify “Implementing agency”, required timeline, whether budget is required and whether government officials would require training.
- ➔ **OPDs / Rights holders and allies.** Advocacy and other activities ahead.

The subsections below provide a concrete example based on a real recommendation by the CRPD Committee to a State, which can be replicated for the whole of the Concluding Observations on your State.

3.1 Identify a concrete recommendation.

This implies extracting concrete actions required, most of the time based on the State entity in charge of its implementation.

Consider the following concrete recommendation by the CRPD Committee under Article 31 of the CRPD (Data collection and statistics):

“46. The Committee recommends that the State party pay attention to the links between article 31 of the Convention and target 17.18 of Sustainable Development Goals in order to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts, and to analyse the data to provide tailored services for persons with disabilities. The Committee also recommends that the State party utilize the set of questions prepared by the Washington Group on Disability Statistics in future censuses in order to collect comprehensive data on disability.”

While stressing linkages between human rights and sustainable development, the **first part** provides general guidance for data collection and data disaggregation by disability, applicable to different kind of data collection processes, stressing three interrelated requests for the State:

- ➔ pay attention to the links between article 31 of the Convention and target 17.18 of Sustainable Development Goals;
- ➔ significantly increase the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts; and
- ➔ analyze the data to provide tailored services for persons with disabilities.

Applying such general guidance to diverse areas of government would require reflecting and disaggregating more in detail for each area, be it for statistical data (e.g. household survey) or for administrative data (e.g. education management information systems). That would allow OPDs to foresee concrete actions OPDs could undertake. For instance, in the area of data collection related to education:

- ➔ analyse current Education Information Management System (EMIS) to identify gaps in data collection and disaggregation related to children with disabilities;
- ➔ undertake advocacy and technical discussions with management of EMIS to request gaps are addressed.

The **second part or sentence** of the Committee's recommendation is more focused and straightforward. It already provides a very concrete action for the State to undertake:

"utilize the set of questions prepared by the Washington Group on Disability Statistics in future censuses in order to collect comprehensive data on disability".

Let's continue our example focusing on this second part or sentence.

3.2 The State – Duty bearer

The CRPD Committee addresses the State in its recommendations, as subject of international law.

But when it comes to implementation at the national level, we must identify which entity/ties within the State machinery at different levels (national, provincial, local, etc.) should lead on the implementation of the recommendation. Sometimes this is more straightforward than others.

So, let's put forward and answer the relevant questions, which should be sorted out in the case of every concrete recommendation, following our example:

- ➔ **Who must be proactive for implementation?** Usually, the national census is designed and directed by the National Statistics Office (NSO). There might be also local public authorities contributing to the activity of census workers.
- ➔ **What is the timeline?** In our example: When will the next census take place? How long in advance does the National Statistics Office start designing and preparing it? For our example, let's imagine the following reply: "Medium term: The next census is **5 years from now**. Design phase begins in **2 years**."
- ➔ **Are budgetary resources required?** Yes, with certainty. Adding questions to a national census usually increases the cost of implementing the census.
- ➔ **Do public officials involved in the design and implementation of the census require specific training to implement the recommendation?** **Yes**, most likely. The Washington Group on Disability Statistics Set of Questions is a relatively recent statistical tool which requires to be understood, properly implemented and well-considered when analysing census data.

The State – Duty bearer					
Recommendation	Implementer		Timeline	Budget	Training needed
Utilize Washington Group on Disability Statistics' set of questions in censuses	National level	Statistical Office	Short term	Yes	Yes
	Provincial level	-	Medium term: The next census is 5 years from now. Design phase begins in 2 years.	O No	O No
	Local level	Local Government office/staff	Long term		

3.3 OPDs / Rights holders and allies: activities ahead to influence State action

Having established the State's responsibility for implementation, the timeline, the potential budgetary requirements, and the need for training of public officials, OPDs can now focus on devising activities to encourage the National Statistical Office to comply with the recommendations.

OPDs could ask themselves the following:

1) What main activities should OPDs undertake? Possible options include:

- ➔ request a meeting with the National Statistical Office way before the beginning of the phase of design of the census;
- ➔ propose and undertake a technical workshop, including NSOs' statistics experts of the NSO, experts of the Washington Group on Disability Statistics and representatives of persons with disabilities.

2) Which OPD of the coalition or federation, or focal point within the coalition or a member, would be responsible to take the lead on putting in place the activities? This is just a way of distributing advocacy and follow-up work. Eventually, if related technical capacity is available, that can be considered. For the sake of the example, let's say the Secretariat of the umbrella OPD has the capacity.

3) Are additional resources required by OPDs? Advocacy for the CRPD Committee recommendation in question requires a steady medium-term commitment from OPDs, requiring them to allocate necessary financial and human resources. For example:

- ➔ for a meeting with the NSO, resources required by OPDs include time investment for thorough preparation for the meeting, participation in the meeting and ensuring follow up including communication of the meeting's outcome, as appropriate. Additional resources may be required for reasonable accommodation measures unless these are provided by the NSO;
- ➔ resources might be required, especially to ensure the presence of experts on the use of the Washington Group Sets of questions. The NSO should be encouraged to fully fund the activity, ensuring OPD participation. If not available, there might be a specific need for fundraising.

4) Is there a particular timeframe? Considering that the design phase begins in 2 years, depending on the national context, it might be advantageous to meet one year before the design process with the NSO (activity a) to plan the technical workshop (activity b). This will ensure that technical experts have enough time to factor in the inclusion of the set of questions.

5) What are indicators useful to measure the success of the related OPDs activities in influencing State implementation of the recommendation? Here, we might make explicit the outcomes that OPDs actions seek that the State accomplishes in implementing the recommendation.

Right holders - OPDs advocacy activities ahead				
Type of activities	Organisation responsible	Resources	Timeframe	Indicator
Request meeting/s with the NSO.	Disability Federation	May be required.	Relatively soon.	1. Census Questionnaire included WGQ for disability disaggregation 2. Enumerators are capacitated for the execution of questionnaire
Technical workshop on WG Set of questions.	Disability Federation	Required. If NSO does not cover, need for specific fundraising.	Start planning soon for undertaking it one year before.	3. Disaggregated data are produced in Census report

The above is a simplified exercise based on a concrete recommendation under Article 31 CRPD (Statistics and Data collection).

The replication of this exercise on the many concrete recommendations included in the CRPD Committee Concluding Observations can help OPDs identify relevant public authorities involved and get organized for collaborative work to advocate for their implementation.

Extract from the CRPD Committee Concluding Observations – Section on Article 31 CRPD:

“46. The Committee recommends that the State party pay attention to the links between article 31 of the Convention and target 17.18 of Sustainable Development Goals in order to increase significantly the availability of high-quality, timely and reliable data disaggregated by income, gender, age, race, ethnicity, migratory status, disability, geographic location and other characteristics relevant in national contexts, and to analyse the data to provide tailored services for persons with disabilities. The Committee also recommends that the State party utilize the set of questions prepared by the Washington Group on Disability Statistics in future censuses in order to collect comprehensive data on disability.”

Concrete recommendation extracted: Utilize Washington Group on Disability Statistics' set of questions in censuses

Analysis and OPDs planning ahead.

The State – Duty bearer					
Recommendation	Implementer		Timeline	Budget	Training needed
Utilize Washington Group on Disability Statistics' set of questions in censuses	National level	Statistical Office	Short term	Yes	Yes
	Provincial level	-	Medium term: Next Census in 5 years from now. Design phase begins in 2 years.	0 No	0 No
	Local level	Local government office/staff.	Long term		

Right holders - OPDs advocacy activities ahead				
Type of activities	Org responsible	Resources	Timeframe	Indicator
Request meeting/s with the NSO.	Disability Federation	Not required.	Relatively soon.	Census Questionnaire included WGQ for disability disaggregation
Technical workshop on WG Set of questions.	Disability Federation	Required. If NSO does not cover, need for specific fundraising.	Start planning son for undertaking it one year before.	Enumerators are capacitated for the execution of the questionnaire Disaggregated data are produced in Census report

4. Advocacy for legal and policy reform

CRPD Committee recommendations serve as authoritative guidance to shape national efforts for CRPD implementation. OPDs should make full use of them to encourage public authorities to introduce law and policy reforms in line with the Convention.

Acknowledging that these reforms are complex, involving multiple stakeholders and processes, OPDs are advised to approach them holistically, planning not only political advocacy interventions but also media campaigns, conferences, consultations and training activities.

Can we always trace a national reform to the CRPD Committee Concluding Observations? Yes and no. In some instances, Concluding Observations are explicitly referenced in the submission of draft bills, while in other cases, the reference may be indirect or even absent. However, it is encouraging to note a growing global trend of relying on the guidance provided by the CRPD Committee for shaping national laws and policies. This serves as an additional impetus for OPDs to intensify their advocacy efforts, as demonstrated in the case of Colombia (see below).

Provided below are a selection of noteworthy experiences highlighting OPDs' advocacy in the realm of legal and policy reform. These examples include both successful endeavors and ongoing initiatives, accompanied by insights from the key individuals involved in these OPD-led efforts. These experiences can serve as a source of inspiration for your own national context and initiatives.

4.1 Perú: The first legal capacity reform based on Article 12 CRPD ever!

Perú was among the first countries reviewed by the CRPD Committee. In April 2012, the Committee recommended Peru to “abolish the practice of judicial interdiction and review the laws allowing for guardianship and trusteeship to ensure their full conformity with article 12 of the Convention and take action to replace regimes of substitute decision-making by supported decision-making, which respects the person's autonomy, will, and preferences.”²³ In 2018, as a result of a long advocacy process, the Legislative Decree 1384/2018 was finally adopted.

The 2012 Act on Persons with Disabilities mandated the creation of the Commission for the Review of the Civil Code to review the existing legal capacity regime and propose a draft bill. Responding to a call for participation, three main OPDs representatives engaged at this congress commission. Throughout the years, OPDs engaged were cautious in moving forward protecting the quality of substantive discussions in line with the CRPD and bringing in support from relevant actors, both national and international.

In October 2015, the International Disability Alliance undertook a [Follow Up Mission to Perú](#), with the participation of a CRPD Committee member and the UN Special Rapporteur on the Rights of Persons with Disabilities. Several events were held and support to the draft bill was a main element of the conversations.²⁴ At the national level, specific stakeholders, including an active member of the Notary Association, an eminent jurist who had participated in the previous civil

23. CRPD/C/PER/CO/1, para 25.

24. IDA issues a Follow up Mission report, available [here](#).



Figure 24: Meeting of the Commission for the Review of the Civil Code, including representatives of OPDs and NGOs focused on Article 12 of the CRPD.



Figure 25: Representatives of Peruvian organisations of persons with disabilities at a workshop held during the mission.

code reform, and the Defensoría del Pueblo (NHRI) were involved and supported the process, providing additional legitimacy and endorsement of the draft bill preventing potential doubts and controversies.

Finally, in 2018, and following the delegation of legislative powers granted by the Congress via Law No. 30823 to the Executive Power, the legal capacity reform was adopted as Legislative Decree 1384/2018. It holds the status of the law, reforms the Civil Code, the Civil Procedural Code and the Notary Act.

Liliana Peñaherrera was part of this process, as part of [Peruvian Down Syndrome Society](#). She explains that *"Together with other families and organisations, with the CRPD in hand, we managed to get the Peruvian Civil Code amended. It was a process that lasted about 6 years in which persons with disabilities themselves were the protagonists, and which was supported by non-governmental organisations, academics and civil servants who were careful not to raise resistance from people (congressmen, constitutionalists, families) before the reform was passed. It was also the result of personal relationships, cultivated over years of the collective's advocacy work, which allowed us to take advantage of the political moment in which the Executive received from Congress the power to legislate on specific issues,*

seizing the opportunity!". Looking forward, **Liliana Peñaherrera** adds: *"The achievement, however, is only the beginning of a 'long road to freedom', which requires changes in cultures, practices and beliefs about the decision-making capacity of persons with disabilities, especially those with intellectual disabilities. Many of their rights are still far from being exercised freely. And they do not depend only on a change of rules."*

More information in English by [SODIS \(Sociedad y Discapacidad\)](#) can be found [here](#).

4.2 Colombia: A highly visible and participatory process for a legal capacity reform

In a similar path, but with an advocacy process that was much more purposefully visible, the Action for Equality and Social Inclusion of the University of Los Andes (PAIS), Colombian organisations of persons with disabilities and allies advocated for years until the adoption of the [Act 1996 of 2019](#), which harmonised the legal capacity regime for adults with disabilities with Article 12 of the CRPD.

The advocacy work began in 2010, through the pilot projects on decision-making with persons with disabilities and their families. Later, in 2015, a multistakeholder technical commission was set to develop a draft bill, presented to Congress in 2017. Taking a leading role, the Ministry of Justice created the network “Tejiendo Justicia”, including 131 schools of law with legal clinics to support the dissemination and discussion process and provide input to the technical commission.



Figure 26: OPDs representatives from Colombia brief a Committee member informally in Palais Wilson. (Footage from the documentary “Ley 1996 de 2019: Un camino hacia la igualdad”)

In between, in 2016, the CRPD Committee reviewed Colombia. The Colombian Coalition for the Implementation of the CRPD (including OPDs, PAIS and other allies), with support from IDA and Humanity and Inclusion,²⁵ engaged in the process via alternative reports and in Geneva. Among other things, the Committee recommended Colombia to “repeal any provisions of the Civil Code and other legislation that partially or fully restrict the legal capacity of persons with disabilities, and take legal and administrative measures to provide the necessary support to persons with disabilities to fully exercise this right and to take decisions in such areas as health, sexuality and education, while fully respecting their will and preferences, as established in the Committee ’ s general comment No. 1 (2014), on equal

25. By then, Handicap International.

recognition before the law." In this way, the Committee came to reinvigorate the ongoing advocacy process before the submission of the draft bill in 2017, and later adoption.

Other processes brought related but partial achievements raising raised the profile of Article 12 CRPD. In the context of a larger case related to internal displacement, the Constitutional Court²⁶ insisted on advancing the recognition of the legal capacity of persons with disabilities. In addition, and also pushed by a Constitutional Court's decision precluding forced sterilization, the Ministry of Health adopted Resolution 1904/2017 to ensure decision-making of persons with disabilities on their sexual and reproductive health.

In 2022, the documentary "**Ley 1996 de 2019: Un camino hacia la igualdad**" (Act 1996 from 2019: A path to equality", produced by Velouria Media, was published on YouTube. In 43 minutes, it provides a good quality account of the legal reform process directed to a broad audience. You can find this very inspiring documentary, in its different versions:

[Video in Spanish](#)

[Video in Spanish with Spanish subtitles](#)

[Video in Spanish with English Subtitles](#)

In the documentary, **Mr. Juan Pablo Salazar**, activist and former President of the National Council on Disability, reflected: *"So, we managed to join forces from all political parties in Colombia. This was also key we did not want this to feel partisan, or a government imposition, but rather be broad. They are persons with disabilities in all the political spectrum and that is why this flag could not belong to a single group."*

4.3 Mexico: Legal steps at the Federal level towards the discontinuation of guardianship

Mexico was reviewed for the second time in March 2022. The CRPD Committee's recommendations on Article 12 of the CRPD required to "[a]dopt laws and policies that replace the substitute decision-making system with supported decision-making mechanisms that respect the autonomy, will and preference of persons with disabilities, and ensure effective participation of women with disabilities to inform the drafting of laws and policies."²⁷

Pushed by a vibrant civil society including the Confederación Mexicana de Organizaciones en favor de la Persona con Discapacidad Intelectual (CONFEDI), Mexico has given a very important step towards discontinuing guardianship. In April 2023, the National Congress passed a National Civil and Family Procedure Code, which provides that all people 18 or over will have full legal capacity and the right to support decision-making if they so desire. It also foresees judicial mechanisms to ensure upholding the will and preferences of the person concerned, including its best interpretation. As Mexico is Federal State including the federal government and 32 States, the code is meant to only regulate procedural aspects of legal capacity. Yet, this development puts pressure on state legislatures to reform their substantive laws.

26. Colombian Constitutional Court, Decision 173 of 2014, Protection of internally displaced persons with disabilities.

27. CRPD/C/MEX/CO/2-3, para. 36(a).



Figure 27: Mexican activists, including many with disabilities, in a conference room of a public building. Mexican flags in the background.

This legal reform was preceded by an important decision of the Supreme Court of Justice of the Nation on June 16th, 2021. In the case “AMPARO DIRECTO 4/2021”, the Supreme Court revoked a lower court decision and upheld Article 12 of the CRPD recognizing the legal capacity of a person with disabilities who had based their claims on the CRPD and on CRPD Committee’s Concluding Observations to Mexico. The Supreme Court also put in place supported decision-making schemes, making references to CRPD Committee’s general comment no. 1 on Article 12 CRPD.

Mr Javier Quijano, president of CONFE, reported: *“Since the 1990s, CONFE together with other civil society organisations and institutions have worked to reform the Civil Code of Mexico City for it to recognise the legal capacity of persons with intellectual disabilities. These actions gained the support of academies, clinics, experts, other CSOs and members of the courts. CONFE also engaged with the CRPD Committee review processes through alternative reports and private briefings. CONFE keeps promoting the legal capacity of persons with intellectual disabilities both locally and internationally and the participation of self-advocates, such as Fernanda Castro Maya, a woman with an intellectual disability and major activist in Latin America for the rights of persons with intellectual disabilities. CONFE will continue to work for the Convention on the Rights of Persons with Disabilities to become a reality in all public policies in the country and for persons with disabilities to participate and exercise each and every one of their rights.”*

4.4 Argentina: Prohibiting forced sterilization of persons with disabilities by law

Argentina had its first CRPD Committee review in 2012. In its Concluding Observations, the CRPD Committee required Argentina to modify article 3 of Contraceptive Surgery Act No. 26.130 which allowed guardians to request judicial authorization for sterilization of persons with disability deprived of legal capacity, regardless of the latter's will and preferences.

In 2016, a national deputy picked up on the Committee's recommendation, developed a draft bill and promoted it within the House of Representatives. Unfortunately, this draft bill was not enacted. However, public visibility of this egregious human rights violation increased due to two widely publicized judicial cases from 2017 and 2018, favoured by the efforts of the Network for the Rights of Persons with Disabilities (REDI) and the NGO Injusta Justicia.

In 2018, another national deputy, whose advisor was a person with disability, recovered the initiative and collaborated with civil society organisations to develop a draft bill to be discussed in various meetings with actors from both the legislative and executive powers. An awareness-raising event to present, discuss and seek the support of a wider audience was organized by the Network for the Rights of Persons with Disabilities (REDI), together with FUSA Asociación Civil, the Asamblea



Figure 28: Screenshot of TV media program displaying a graphic showing the voting of deputies: 237 in favour, 1 against and 1 abstention.

Permanente por los Derechos Humanos (APDH), the Centro de Estudios Legales y Sociales (CELS), CLADEM Argentina, el Equipo Latinoamericano de Justicia y Género (ELA), la Fundación para el Estudio e Investigación de la Mujer (FEIM) y la Asociación Civil por la Igualdad y la Justicia (ACIJ), in the context the project "DeSeAr con Inclusión".

The draft bill was enacted in 2021 as the [Act 27.655](#). This new act modified the Act 26.130, in particular its Article 3, which now reads: "All persons with disabilities, without exception, have the right to give their informed consent to access surgical contraceptive interventions, on their own and on an equal basis with other persons, in accordance with the provisions of Article 2 of this law. In no case judicial authorization is required."

Carolina Buceta, member of the Directive Commission of the Network for the Rights of Persons with Disabilities (REDI), stressed that: *"When there is a need to amend national legislation to bring it into harmony with international treaties, it is essential to convene as many actors as possible to agree on a strong proposal and ensure cross-sectoral support. Otherwise, the path may be quicker, but it will lose momentum, and achievements must first be developed and then monitored to verify their implementation. For this, a solid, broad and consolidated force or front is essential."*

4.5 Switzerland: Utilizing the popular initiative to reform the Federal Constitution inspired on Articles 5 and 19 of the CRPD

The CRPD Committee issued its Concluding Observations on Switzerland on March 2022. Keeping momentum, [Inclusion Handicap](#), an umbrella organisation of persons with disabilities, together with Agile.CH, Amnesty International, Fondation pour la démocratie directe and TATKRAFT launched the "[Initiative pour l'inclusion](#)" to reform Article 8 of the Federal Constitution, related to persons with disabilities.

Article 139 of Swiss Constitution provides for the "popular initiative for partial reviews of the constitution". 100.000 citizens can request a partial reform of the Constitution, within 18 months from the launch of their proposal. It can be done whether in general terms or with a concrete draft proposal. The *Initiative pour l'Inclusion* has been launched with a concrete draft proposal to replace current Article 8(4) with a new Article 8a, focused on elements related to Article 5 and 19 CRPD.²⁸ Now it is the moment of campaigning and collecting signatures of Swiss citizens. Other steps and details are foreseen in articles 139 and 140 of the national constitution. All being well, the proposal will be subjected to the vote of the Swiss population.

Caroline Hess Klein, from Inclusion Handicap, explained that *"the idea of an inclusion initiative to strengthen the rights of people with disabilities in the Swiss Federal Constitution was launched by an activist with physical disability and wheelchair user. Exchanges quickly followed, involving persons with disabilities and their organisations as well as legal scholars. The goal was to formulate the concrete text of the initiative based on the needs and demands of persons with disabilities. In a further step, organisations of persons with disabilities were consulted on the text. Many suggestions were taken on board and led to adaptations of the first draft. Since then, the organisations of people with disabilities have been busy organizing and implementing the collection of signatures and the campaign."*

Switzerland's institutional practice is to make use of popular initiatives, at the different levels of government (Federal, cantonal and communal), according to their specific competencies and procedures. But it is also true that many countries around the globe foresee this legal institution in their constitutions. They remain unused but nothing prevents considering them as a possibility, highlighting as well that the campaigning and process of collecting signatures becomes a strong awareness-raising exercise.



Figure 29: Screenshot of the website of the "Initiative for Inclusion" showing a video of a sign language interpreter.

²⁸ The proposed text reads "Rights of persons with disabilities

1. The law shall provide for de jure and de facto equality between disabled and non-disabled persons in all areas of life. Persons with disabilities are entitled to the necessary support and adaptation measures, in particular personal and technical assistance, within the framework of proportionality.

2. Persons with disabilities have the right to choose freely their form of housing and the place where they live and have the right, within the framework of proportionality, to the support and adaptation measures necessary for this purpose." (Translated from French).

4.6 Armenia: The new 2021 Act on the Rights of Persons with Disabilities and the ratification of the Optional Protocol to the CRPD



Figure 30: Group picture of Armenian NGOs and OPDs



Figure 31: Armenian OPDs and CSOs in a workshop, discussing.

The Republic of Armenia received the CRPD Committee's Concluding Observations in 2017, including a recommendation to "bring the draft law on the protection of the rights of persons with disabilities and their social inclusion in line with the human rights-based concept of disability and the General Comments of the Committee." Other important recommendations included the ratification of the Optional Protocol to the Convention and ensuring the use of sign language in official interactions.

Those recommendations have been crucial for advancing the rights of persons with disabilities. Realising the power of speaking in one voice, Armenian non-governmental organisations (NGOs) formed the Coalition for Inclusive Legal Reforms to advocate for the implementation of the Committee's recommendations. The Coalition brought together 15 organisations of persons with disabilities (OPDs) and 7 individual members.

The [Act on the Rights of Persons with Disabilities](#) was finally adopted in 2021.

It included key recommendations made by the Committee, such as the definition of disability-based discrimination and a provision specifically addressing the rights of women and girls with disabilities.²⁹ An important OPD victory was the removal of a reference to "disability prevention" from the final version of the new Act. Additional achievements followed the same positive wave. The definition of "sign language" was included in the Act on Language. In 2022, Armenia finally ratified the Optional Protocol to the Convention, thus fulfilling another recommendation of the Committee!

Mr Mushegh Hovsepyan, from [Disability Rights Agenda](#), and the Chair of the [Coalition for Inclusive Legal Reforms](#), explained "[t]he most significant lesson we learned from this experience was that our advocacy efforts can bring about tangible results that address our local needs. The Concluding Observations acted as an important document that objectively presented the unwavering rights of individuals with disabilities, as stated in the articles of the CRPD. They proved to be a valuable advocacy tool, a point of reference during our communications with the government, guiding us towards our objectives and ensuring the protection of the rights and well-being of individuals with disabilities".

For more information, contact Mr Hovsepyan at Mushegh.hovsepyan@gmail.com

29. For additional information in English on this Act, see Human Rights Watch, [Important Progress for People with Disabilities in Armenia](#), May 11th, 2021.

4.7 Mexico: Supporting and encouraging the federal and State's governments to adopt plans for the implementation of the CRPD

Picking up on a specific CRPD Committee's recommendation, OPDs' work and advocacy in México has been also directed towards the adoption of a national implementation plan. In March 2022, after the second review, the CRPD Committee recommended Mexico "issue a comprehensive national plan on the implementation of the Convention on the federal and the state level, with a particular focus on indigenous persons with disabilities, that includes the mechanisms required to implement it."³⁰

The [Mexican Coalition for the Rights of Persons with Disabilities \(COAMEX\)](#) has taken the initiative to develop a civil society proposal of the "National Plan for the Implementation of the CRPD 2023-2033", enhancing collaboration with persons with disabilities and representative organisations, experts on diverse areas and public authorities on the area of disability policy, including several States level Institutes on Persons with Disabilities (from Ciudad de México, Yucatán, Guanajuato and Estado de México). The process was launched in 2022 and the first civil society Working Group was set in September 2022. An awareness-raising action itself, this participatory process follows strategic planning guidelines and the relevant legal framework, to build a robust proposal for the federal and State governments to adopt and implement. The proposal focuses on six main areas of policy: public policies and non-discrimination, accessibility, inclusive education, employment, legal capacity and independent living, and health.

Several opportunities for presenting the proposal and broadening consultation and discussions and inputs by civil society and public authorities have been undertaken, including the "III Forum of Public Institutes and Organisations of and for Persons with Disabilities. *Generating Transversal and Progressive Public Policies for the implementation of the Convention on the Rights of Persons with Disabilities*", promoted by COAMEX.³¹ It is expected to finalize the proposal with the support of eight Mexican States³² and submit it to the Presidency in 2024 for review and adoption. It will also be used as an incidence tool during the next year's electoral process and campaigns, seeking the commitment of candidates and, eventually, new executive authorities of the country.

Nancy Martínez Cerón, a woman with psychosocial disabilities and part of Voz Pro-Salud Mental, A.C., member of the COAMEX, expressed: "*This is a call for our authorities to generate trans-sexennial and progressive mechanisms to define a short, medium and long term work route to comply with what the Government committed to when signing and ratifying the CRPD. We encourage federal, state and municipal governments to use this NIP-CRPD 23/33 to generate their own plans according to the needs of their communities and always in close consultation with persons with disabilities, their families, specialists and the organisations that represent them*".



Figure 32: A panel composed by 9 relevant persons at the "III Forum of Public Institutes and Organisations of and for Persons with Disabilities. Generating Transversal and Progressive Public Policies for the implementation of the Convention on the Rights of Persons with Disabilities"

30. RPD/C/MEX/CO/2-3, para. 8.

31. The video of the event can be found [here](#).

32. Baja California Sur, Ciudad de México, Colima, Estado de México, Guanajuato, Puebla, Yucatán and Zacatecas.

4.8 Kenya: Supporting and encouraging the government to adopt a Plan of Action on implementation of Concluding Observations

Kenya was reviewed by the CRPD Committee in 2015. OPDs submitted alternative reports, and held formal and informal meetings with Committee members, and attended constructive dialogue with the State. A strategy meeting was later held to discuss an advocacy process for full implementation of the concluding observations, including all relevant actors, such as the focal points for implementation and the independent monitoring mechanism. Subsequently, OPDs extended an invitation to the Ministry of East African Affairs, Labour and Social Protection (focal point on disability) to discuss a plan for implementation of the concluding observations. A joint meeting brought together OPDs, the Ministry of Labour and Social Protection officials and the Kenya National Commission on Human Rights.



Figure 33: Cover of the National Plan of Action on Implementation of Recommendations made by the Committee on the Rights of Persons with Disabilities

Following this meeting, the Technical Committee on the implementation of concluding observations was established, including representatives of the Ministry of East African Affairs, Labour and Social Protection, Ministries of Health, Ministry of Education, the National Gender and Equality Commission (NGEC), the Kenya National Commission on Human Rights (KNCHR), the National Council for



Figure 34: Members of the InterAgency Committee with the Permanent Secretary, Ministry of Labour Hon Marua.

Persons with Disabilities and of several OPDs including the United Disabled Persons of Kenya (UDPK), the Kenya Association of the Intellectually Handicapped (KAIH), the Kenya National Association of the Deaf and other civil society organisations. The task of the Technical Committee was to develop a Plan of Action to implement CRPD Committee recommendations.

Through a consultative process, the *National Plan of Action on Implementation of Recommendations made by the Committee on the Rights of Persons with Disabilities* was then developed and adopted as a policy document that would guide the implementation of the concluding observations. A framework for implementation and monitoring of the Plan of Action was also established.

The Ministry responsible for disability was tasked to oversee the overall coordination of the Plan of Action while the National Council for Persons with Disabilities would advise the Government and the wider disability sector on its implementation. The Kenya National Commission on Human Rights and the National Gender and Equality Commission took the role to monitor and report on the implementation of this Action plan.

The engagement with the Technical Committee was formalized through official letters of appointment by the permanent secretary providing clarity on the advisory role that they would continue the implementation of the Plan of Action. Over the last eight years, the roles have evolved and now there are thematic sub-committees that advise the Ministry on various issues regarding the implementation of the rights of persons with disabilities (on policy and legal reforms, on health and education and social protection).

Ms Fatma Wangare, from the Kenya Association of the Intellectually Handicapped (KAIH), highlighted: *"Alone, we may be organisations or individuals with limited influence, but together, as IACC, we possess the power to ignite change and ensure the full and effective implementation of the CRPD. The power lies not only in our coordination but in our wavering dedication to building an inclusive country for all."*

5. Strategic litigation: seeking enforcement of rights and societal change

As OPD representatives, explore the use of strategic litigation on the rights of persons with disabilities to seek legal enforcement of CRPD provisions and broader societal change. Around the world, many OPDs and NGOs have undertaken strategic litigation cases with different levels of success. In this context, the CRPD Committee's jurisprudence, including Concluding Observations and its General Comments, can provide a great level of authority and reinforce the claims you put forward before the courts, regardless of being cited in the final court's decision.

Accessing justice and lodging complaints about violations of human rights recognized in international treaties is global common practice among human rights NGOs. Building legal cases and submitting them to justice can be used not only as a way of seeking redress and reparation for the concrete victims of specific human rights violations, but also to bring public attention to the topic and seek structural reform benefiting all persons impacted by the same violation and preventing the violation from repeating in the future.

In this way, strategic litigation differs from legal actions on individual cases as done by legal service organisations. Strategic litigation consists of selecting cases and designing and initiating legal actions before courts of law with the conscious aim of achieving broader societal change. Cases are typically selected and built as part of a strategy to achieve legal and policy reforms, set legal precedents and, ultimately, change broader patterns of behaviour acceptable in society.

While labour-intensive, continuous public communication key component of strategic litigation. Its objectives are to draw attention to the case, trigger public debate and seek general support for the reform.

Undertaking strategic litigation requires a certain level of resources, technical legal expertise and thorough consideration of the specific institutional and legal context of the country. Issues of legal standing, remedies available and courts' jurisprudence must be considered in the specific context. Interesting experiences from two countries led by OPDs and NGOs offer insights and inspiration below.

5.1 Indonesia: Challenging national legislation contrary to Article 12 of the CRPD

The Indonesia Mental Health Association (IMHA) has been at the forefront of advocating for legal reforms and the abolition of the guardianship regime. Following the publication of CRPD Committee's review calendar and confirmation of Indonesia as one of the countries up for review, the Indonesia Mental Health Association prepared two alternative reports. One for the [list of issues](#) and another for the [session](#). Both reports highlighted that Article 433 of the Civil Code provides for guardianship contrary to article 12 of the CRPD.

The IMHA also actively engaged with the CRPD Committee during Indonesia's review. In August 2022, during the [27th session](#), the CRPD Committee reviewed Indonesia and adopted its concluding observations. The CRPD Committee recommended that "[I]n line with its general comment No. 1 (2014) on equal recognition before the law, the State party review [...] articles 433 and 434 of the Civil Code, the Criminal Code [...], with a view to harmonizing them with the Convention to guarantee the right of all persons with disabilities to equal recognition before the law and to establish supported decision-making mechanisms in all areas of life".

On September 2022, the Indonesia Mental Health Association and two persons with psychosocial disabilities filed a case before the Indonesia Constitutional Court challenging Article 433 of the Civil Code against the 1945 Constitution. The petitioners argued that Article 433 of the Civil Code provides for guardianship specifically for persons with psychosocial disabilities contrary to:

- ➔ article 28D paragraph (1) Indonesian Constitution, in particular to the right to equal treatment before the law and the right to obtain legal certainty;
- ➔ article 28I paragraph (1) in particular the right to be recognized as a person before the law;
- ➔ article 28I paragraph (2) which guarantees that everyone must be free from discriminatory treatment,
- ➔ article 28G paragraph (1) in particular the right to protection from the threat of fear to do and not do something; and
- ➔ article 28G paragraph (2) in particular the right to be free from degrading treatment.

The application received overwhelming support from the global disability community, including the OPD Transforming Community for Inclusion, the NGO Validity and, notably, the UN Special Rapporteur on the Rights of Persons with Disabilities Professor Gerard Quinn who appeared before the Constitutional Court as expert witness. Several *amiciae* briefs were submitted from various regions including Latin America where similar cases on legal capacity had been determined by courts and yielded progressive decisions. As of May 2023, the ruling of the Constitutional Court was pending. It is now up to the Constitutional Court to take a stand in favour of the rights of persons with disabilities.

5.2 Brazil: Reacting to retrogressions through litigation based on the CRPD!

Brazil was reviewed by the CRPD Committee in 2015. The Concluding Observations included a recommendation under Article 24 CRPD requiring “to implement a mechanism to prohibit, monitor and sanction disability-based discrimination in the public and private education systems, and to provide reasonable accommodation and accessibility in all educational facilities.” Since then, Brazilian OPDs have made use of the justice system, opposing retrogressive initiatives on education. While not designing and initiating cases, the OPDs have achieved their aim of bringing public attention to the topic and encouraging social change.

Defending law Brazilian Inclusion Law

In 2015, the National Confederation of Educational Establishments (CONFENEN) filed a direct action of unconstitutionality (ADI 5357) challenging the constitutionality of articles 28 and 30 of Law 13.146/2015 (Brazilian Inclusion Law), which prohibited charging additional fees to students with disabilities in line with the CRPD. OPDs and civil society organisations joined efforts to defend inclusive education, based mainly on human rights law, including the CRPD, its article 24, and the Committee’s Concluding Observations. Diverse organisations engaged through the submission of Third Parties interventions, such as [Abraça \(Associação Brasileira Para A Ação Por Direitos Das Pessoas Com Autismo\)](#). In its [decision of June 9th 2016](#), the Supreme Federal Tribunal, the legal action initiated by CONFENEN was dismissed, upholding articles 28 and 30 of the Law 13.146/2015 (Brazilian Inclusion Law), in line with the CRPD. This was a victory for OPDs and NGOs!

Blocking a retrogressive reform for special education

Some years later, in 2020, the Brazilian Government published Decree 10.502, which established a new National Plan for Special Education, misaligned with inclusive practices. A few weeks after its publication, lawsuits were filed at the Supreme Court, including by a political party, explaining it contravened the Convention on the Rights of Persons with Disabilities (CRPD). Soon, more than 55 civil society organisations jointly created the [Brazilian Coalition for Inclusive Education](#), coordinated by the lawyer Lais de Figueiredo Lopes, and acted jointly in the Supreme Federal Tribunal with several Third Parties Interventions. In December 2020, the Tribunal suspended the decree endorsing [the decision of the rapporteur judge](#) by 9 votes against 2.

At a [public hearing before the Supreme Federal Tribunal](#)³³ members of the Coalition presented their arguments against the Decree, making use of CRPD Committee’s general comments no. 4 and 6 and Concluding Observations on Brazil (2015) and the general rules of Brazilian education. During the public hearing, the legal counsel **Lais de Figueiredo Lopes**, Coalition’s leading activist, stressed: “the person with disability cannot be seen only under the biomedical logic, with a perspective of cure or normalization, but through the lenses of human rights, which seeks, first of all, to recognize the dignity of the human person...”. **Ms Stella Camlot Richer**, representing Instituto Jô Clemente, explained that “human diversity and the right to be different are part of any society that claims to be democratic, fair and inclusive” and added that, in face of the current paradigm, “retrogression or

33. See links below.

insufficient protection measures in the field of human rights of people with disabilities cannot be accepted, both in theory and in practice of Human Rights".

After all this mobilization, which lasted about 2 years, and with the entry of a government more committed to the human rights agendas, the decree 10.502/2020 was finally revoked.

The arguments presented were later compiled as a book, "[Pela Inclusão: os argumentos favoráveis à educação inclusiva e pela inconstitucionalidade do Decreto nº 10.502/2020](#)" made available to the public still during the course of the action. At the international level, Stella Camlot Reicher briefed the CESCR Committee on this matter, who put forward a question in its List of Issues to Brazil.

Find more information on the public hearing held below:

Public Hearing (videos)

<https://www.youtube.com/watch?v=Z8umZIV7Wfk> Part 1

<https://www.youtube.com/watch?v=XATOL6-9p1M> Part 2

Public Hearing (transcript)

https://www.stf.jus.br/arquivo/cms/audienciasPublicas/anexo/ADI6590._Transcricoespdf.pdf



Figure 35: Minister of the Federal Supreme Tribunal, charging the hearing

6. Opportunities for enhanced collaboration: UN agencies' field presences and bilateral donors

There are several actors that OPDs can collaborate with at the national level. These actors include among others UN agencies. Since the adoption of the **United Nations Disability Inclusion Strategy**, UN Agencies and Secretariat, including at the national level, should include the rights of persons with disabilities in their programming and consult with national OPDs. Spaces for dialogue play an important role in bringing stakeholders together, but also for UN representatives to learn about disability rights and OPDs' priority issues and develop activities to advance on them.

The UN has also established the **UN Partnership on the Rights of Persons with Disabilities (UNPRPD)**, a programme that brings together UN entities, governments, OPDs and broader civil society to advance the rights of persons with disabilities around the world. Key partners include

the International Labour Organisation (ILO), the Office of the High Commissioner for Human Rights (OHCHR), the United Nations Development Programme (UNDP), the UN Department of Economic and Social Affairs (UNDESA), the United Nations Educational, Scientific and Cultural Organisation (UNESCO), the United Nations Population Fund (UNFPA), the United Nations Children's Fund (UNICEF), UN WOMEN and World Health Organisation (WHO). To ensure that programmes prioritize core national issues, it is advisable that OPDs establish and maintain close relationships with these agencies.

Other opportunities include funding. Through the [UNPRPD fund](#), country teams receive funding which is also accessible to OPDs. OPDs can reach out to their UN country teams and get more information on available funding opportunities including funding to participate in country reviews. Other areas of collaboration include awareness raising to ensure that country teams understand national issues and priorities issues that matter to persons with disabilities, and joint research projects such as the [Situational Analysis reports](#).

6.1 Bangladesh: Enhancing multi-stakeholder discussions following the State Review

Bangladesh was reviewed by the CRPD Committee in 2022. The CRPD Platform-Bangladesh, an OPD led coalition of OPDs, NGOs and community-based organisations working for the rights of people with Disabilities, actively engaged by submitting alternative reports and briefing the CRPD Committee in Geneva, with support from IDA. In advance of the review, Bangladesh OPDs met with the UN Office of the High Commissioner for Human Rights, which lead to enhanced collaboration between UN country resident Office and OPDs. OPDs, with IDA's support, had the chance to actively engage in an experience-sharing meeting hosted by the United Nations Development Program (UNDP), with OPDs from Bangladesh, Indonesia and Lao People's Democratic Republic.

Following the review and keeping up with its capacity building activities proposed to national OPDs, IDA had the opportunity to convene diverse thematic dialogues, in particular on inclusive education and social protection (articles 24 and 28 of the CRPD, respectively). Activities put at the center of the discussion of the CRPD Committee's Concluding Observations guided the subsequent advocacy steps. In addition, they constituted great opportunities for OPDs to discuss directly with UN agencies with a presence in the country.

This approach of including UN agencies and other stakeholders in activities for OPDs capacity building continued and provoked interesting and concrete developments. Soon after the participation in Bridge CRPD-SDGs Module 3 Training on Article 11 of the CRPD (Situations of Risk and Humanitarian Emergencies), the World Food Programme appointed a disability inclusion focal point for their Food Security Cluster. The WFP also sensitized the member organisations of the Food Security Cluster about the 4AQ test of services. This is an example of how dialogues convened with external support can give OPDs the chance to raise demands and can lead to accelerating decisions by UN agencies to allocate resources and staff to ensure the inclusion of persons with disabilities throughout their work.

6.2 Haiti: Putting the Concluding Observations on UN agencies' desks at the national level

Haiti hosts 13 UN agencies and offices (see [here](#)). UN presence in the country presents a good opportunity to advance UN CRPD Committee's Concluding Observations (2018) through their work. With support from the Disability Rights Fund (DRF) and IDA, OPDs engaged with the review of Haiti in 2017 and 2018, leading to recommendations from the Committee that reflected their points of concern. The work continued back home.



Figure 36: Haiti OPDs representatives with public officials and officials of UN agencies

OPDs held a variety of activities to share the experience and disseminate the content of the CRPD Committee recommendations. Among them, at the occasion of the International Day of Persons with Disabilities, on 3 December 2021, the National Coalition of Persons with Disabilities, in partnership with Union of Women with Reduced Mobility, collaborated with the UN Office of the High Commissioner for Human Rights in hosting a workshop with representatives from the [United Nations Integrated Office in Haiti](#), the [International Organisation on Migration](#), the [United Nations Population Fund](#), the UN Women, public officials from Haiti and organisations of persons with disabilities and other civil society organisations.

Emilio NEAS, the coordinator of the National Coalition of Persons with Disabilities, shared that *"our actions to draw the attention to the 2018 CRPD Committee's recommendations were directed not only towards the State but also to the **many UN agencies** with a presence in our country. **In April 2021**, we hold a workshop to discuss the recommendations with the **UN Resident Coordinator Mr Bruno Lemarquis** and several other UN agencies, with the aim of committing each UN agency to include disability in their programming and to advance CRPD Committee's recommendations within their mandates. The Union of Women with Reduced Mobility of Haiti organized another workshop on the 3rd December 2021. While UN agencies move slowly and have competing priorities, we hope that UN agencies and bodies in Haiti will prioritize disability rights and support OPDs advocacy".*

Mr Neas also highlighted: *"For us, the CRPD committee's recommendations are complementary tools that strengthen our advocacy work. In addition, we make reference to them constantly in developing project proposals and discussing with our donors, which reinforces the relevance and need of the plans for which we seek their support. We wish to have more national and international partners to support us in building an inclusive society without discrimination."*

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Section VI

The Human Rights Council and Universal Periodic Review at a glance



What will you find here?

This section will provide OPDs with key information on the Human Rights Council and its derived mechanisms - the Special Procedures and the Universal Periodic Review.



Why should you read this?

Guidance on reporting and taking advantage of these mechanisms.

1. The Human Rights Council

The Human Rights Council (HRC) is the **main intergovernmental body of the United Nations responsible for human rights**. The HRC meets **three times per year**, holding panel debates and dialogues and adopting resolutions on a wide range of thematic issues and country-specific situations. The HRC also creates investigative mechanisms for country situations where serious violations of international humanitarian and international human rights law may have taken place.

OPDs can contribute to the work of the HRC by submitting information to the Special Procedures and the Office of the High Commissioner for Human Rights for their reports, and (if ECOSOC accredited³⁴), participate in interactive dialogues and panel discussions at the HRC sessions.

OPDs can engage with two of these mechanisms, which are relevant for monitoring human rights worldwide: the Special Procedures and the Universal Periodic Review.

1.1 What are the Special Procedures?

Some HRC resolutions establish 'Special Procedures' mandates for independent experts to monitor, advise and report on specific human rights issues within the scope of the mandate. They are either specialised in a **thematic issue** or a **country situation**.

Directly relevant to OPDs, the **Special Rapporteur on the Rights of Persons with Disabilities** is one of the thematic mandates of the HRC.

34. United Nations, [How to apply for consultative status with ECOSOC?](#).

1.2 What are the main functions of the Special Procedures, including the Special Rapporteur on the Rights of Persons with Disabilities?

<p>Communications</p>	<ul style="list-style-type: none"> → OPDs can submit complaints regarding individual or systematic violations. → Content: name(s) of the alleged victim(s), identification of the alleged perpetrators, the date and place of the incident, a detailed description of the alleged human rights violation and the name of the person or organisation submitting the communication. → Outcomes: <ul style="list-style-type: none"> • Letter to the State: requesting more information on and responses to the allegations made. • Urgent appeal: requesting preventive or investigatory measures or grave or life-threatening situations. → You can learn more here.
<p>Country visits</p>	<ul style="list-style-type: none"> → The purpose is to obtain information on the human rights situation in the country. → Country visits depend on invitation or acceptance to a request by the State. → OPDs can seize the opportunity: <ul style="list-style-type: none"> • Provide Information to the mandate holders, e.g. the Special Rapporteur on the Rights of Persons with Disabilities • Submit relevant written information once the visit is confirmed. • Raise awareness at the national level about the visit. • Request to meet the mandate holders during the visit: should be done in advance to the relevant OHCHR Desk Officer. → Outcome: <ul style="list-style-type: none"> • Visit report: conclusions and recommendations. • OPDs can disseminate the report to the media and general public, monitor its implementation, and provide follow-up information to the mandate holders. → Learn more here.
<p>Reports</p>	<ul style="list-style-type: none"> → Thematic and visit reports
<p>GA and HRC interactive dialogue</p>	<ul style="list-style-type: none"> → To present and discuss their reports with State representatives and other relevant stakeholders, including OPDs and other CSOs.

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1.3 Who is the Special Rapporteur on the Rights of Persons with Disabilities?

In 2014 the Human Rights Council established the mandate of the Special Rapporteur on the rights of persons with disabilities.³⁵ The purpose of the mandate is broadly to strengthen efforts to recognize, promote, implement and monitor the **rights of persons with disabilities from a human rights-based approach**, in line with the Convention of the Rights of Persons with Disabilities and the broader human rights framework.

The mandate is renewed every 3 years, most recently in 2020.³⁶ The mandate holders generally serve **two 3-year terms**. The first Special Rapporteur was Catalina Devandas, and the current Special Rapporteur is Gerard Quinn. The Special Rapporteur can be contacted at ohchr-sr.disability@un.org and for more information on the mandate, including thematic reports, country visits and ways in which OPDs can contribute, see the [Webpage on the Special Rapporteur on Persons with Disabilities](#).

35. Human Rights Council, [Resolution 26/20 Special Rapporteur on the rights of persons with disabilities](#).

36. Human Rights Council, [Resolution 44/10](#).

2. The Universal Periodic Review

In 2006, the General Assembly established the Universal Periodic Review (UPR) as a subsidiary mechanism of the HRC, where all member States of the United Nations would have their human rights records reviewed by other member States. The UPR is a **political peer-review process** and is based on an **interactive dialogue between the State under review and UN member States**, with the latter making recommendations on how the State under review can strengthen the implementation of their human rights obligations and commitments.

The UPR Working Group meets **three times per year**, and at each session, **14 Member States** are reviewed. Since the first UPR session in April 2008, there have been three cycles, so every UN member State has been reviewed 3 times. The 4th cycle of the UPR begins in November 2022, and information including the calendar listing States under review can be found at the OHCHR website.

2.1 What is the key documentation for the UPR?

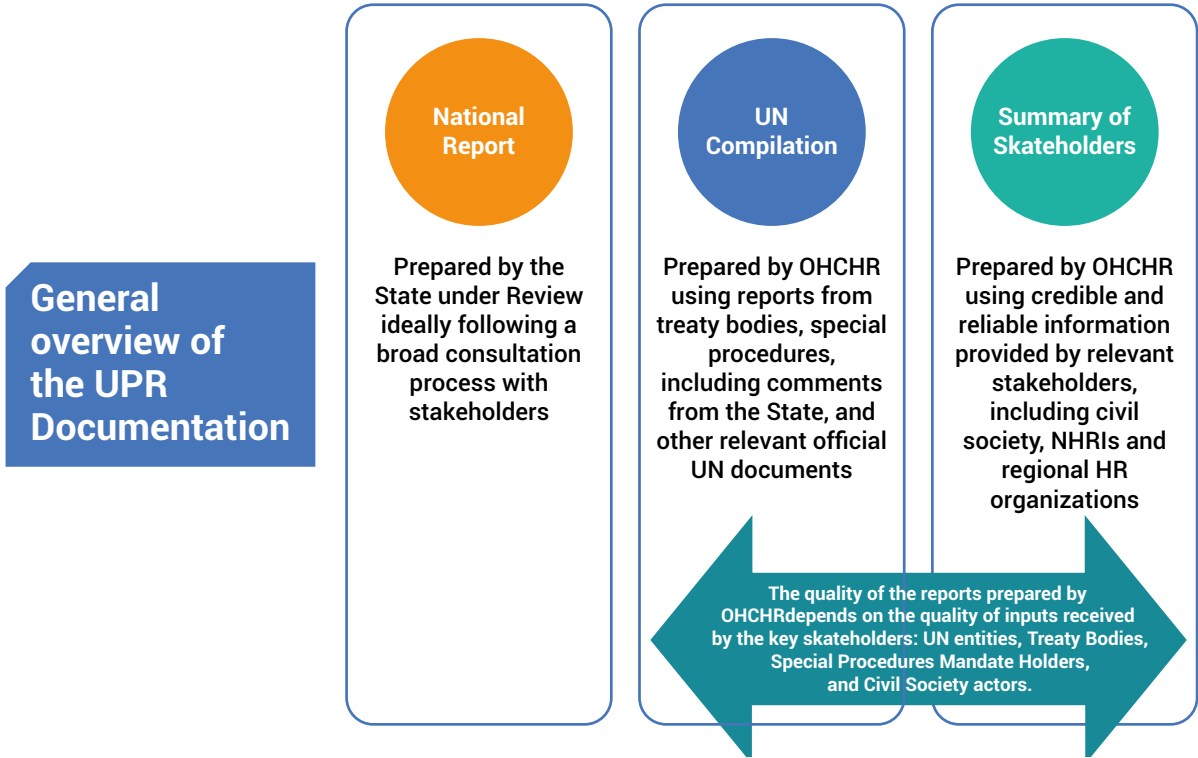


Figure 37: Graphic chart with a general overview of the UPR documentation to be outlined below

The UPR is **based on three documents**: a **national report**, a **compilation report of information** from the United Nations and a **summary of other stakeholders' information**. Each State is encouraged to prepare a national report through a **broad, national consultation process** with all relevant stakeholders.

OPDs should encourage you State to hold early consultations and provide for an open, active and ongoing dialogue with the State in the preparation of its national report. The consultation should give you an opportunity to lobby the State to include information on the rights of persons with disabilities in its report.

The Office of the High Commissioner for Human Rights (OHCHR) prepares a compilation of information contained in reports of the Treaty Bodies, Special Procedures, observations and comments by the State and any other relevant official UN documents. Information previously submitted by OPDs under those mechanisms may be highlighted in this compilation. OHCHR also prepares a summary of information provided by other stakeholders such as OPDs, other CSOs, and national human rights institutions.

2.2 What are the key phases of the UPR?

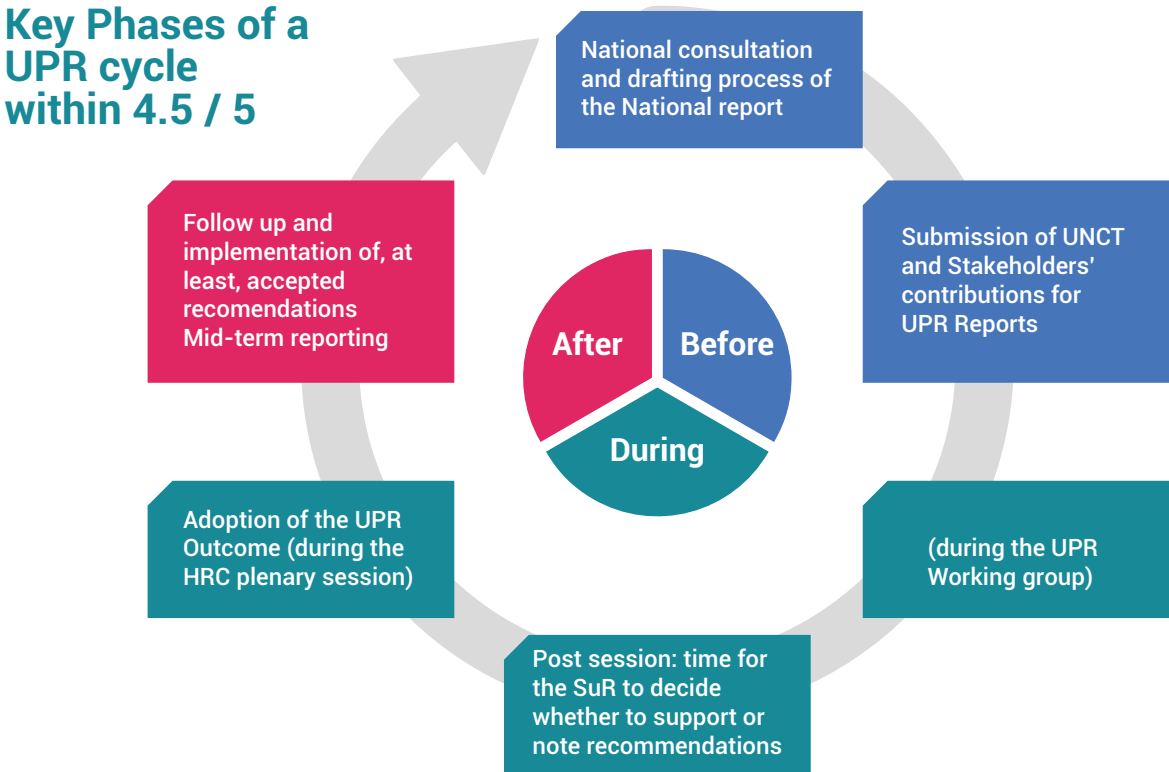


Figure 38: Diagram of the key phases of a UPR cycle to be outlined below

UPR process and beyond

The Working Group on the UPR, which is composed of all members of the HRC, conducts a **three-hour interactive dialogue with the State** under review, with all UN Member States participating. Following the interactive dialogue, an outcome document is prepared which includes a summary of the proceedings, conclusions and recommendations. The **outcome document** is adopted by the Working Group within 48 hours and the State under consideration may or may not comment on the document at that time. OPDs should encourage the State to accept the recommendations that have been made by the Working Group at this stage, or at the next HRC session when the report is adopted.

The **outcome document is then considered by the HRC at its next session**. The State under review presents its views on the conclusions and recommendations of the outcome document and must indicate whether it accepts or notes (rejects) the recommendations. Other States may also comment on the outcome document and stakeholders, including CSOs with consultative status with ECOSOC, may make general comments. As only an hour is allocated for the adoption of the report by the HRC, time available for CSO statements is extremely brief (only a handful of NGOs might get to speak) and OPDs are encouraged to make joint statements with a CRPD coalition or a UPR alliance.

States are responsible for implementing the conclusions and recommendations of the outcome document. However, other stakeholders are also asked to play a role in the implementation of the conclusions and recommendations.

OPDs should try to meet with governmental officials to discuss the conclusions and recommendations and suggest ways in which they can assist the State in implementing the recommendations. OPDs should also seek that the recommendations are made available to the media and that awareness-raising campaigns are held at the national level. OPDs should continue to monitor the human rights situation to hold the government accountable for its record and to be able to submit information for the next periodic review.

2.3 How can OPDs contribute to the UPR?

While it is a **State-centric process** and civil society organisations (CSOs) cannot formally participate in the UPR sessions, OPDs can contribute to the review through:

- ➔ the submission of stakeholder information;
- ➔ doing outreach and advocating for member States to make certain recommendations to the (your) State under review;
- ➔ following up in-country on the conclusions and recommendations once the review is completed.

States under review either accept or 'note' (reject) the recommendations, and many States report on their progress in implementing the recommendations they accepted in mid-term reports, approximately 2 years after the review. States undertaking the review have a very short time for statements (approximately 45 – 90 seconds), and generally make three recommendations that are general in nature. There has been a trend towards more detail in the recommendations, but it is not comparable to a Treaty Body review process or recommendations from other UN experts such as the special procedures.

One month before the UPR session there is an informal UPR 'pre-session' facilitated by the NGO 'UPR-Info'. The pre-sessions began in 2012 as a way to facilitate contact between CSOs and States. For more information on how OPDs can participate, see the UPR Info guide '[The Civil Society Compendium. A comprehensive guide for Civil Society Organisations engaging in the Universal Periodic Review \(2017\)](#)'. OHCHR has also published [tips for engagement at the country level](#), since much of the contribution of CSOs happens before (stakeholder reports) and after (advocacy on implementation of recommendations) the UPR process itself.

OPDs are strongly encouraged to contribute to the UPR through the submission of stakeholder information to the **Office of the High Commissioner for Human Rights**. Although they may submit their own report under the UPR, it is often more strategic to work within an OPDs coalition or a UPR alliance in order to decide which issues should be included in the stakeholder report and the most strategic way to ensure that this information is considered. Only a summary of the information will be included in the stakeholder's report.

Information OPDs should consider when preparing Submissions for the UPR³⁷

➔ Content:

1. Include a one-paragraph executive summary which highlights a limited number of key issues and recommendations.
2. Constructive approach, with a focus on two or three key points: summarise the problem and make concrete recommendations for change.
3. OPDs and other CSOs are encouraged to follow the [General guidelines for the preparation of information under the UPR](#).

➔ **Non-confidentiality:** Information submitted by stakeholders is not confidential and cannot be submitted anonymously.

➔ **Length:** no longer than 5 pages for individual submissions / For coalitions of stakeholders: up to 10 pages.

➔ **Languages:** any UN official language, but preferably in English, French or Spanish (due to translation time constraints).

➔ **Deadline:** approximately 6 months prior to the review. Confirm the precise date on the [UPR Webpage for the participation of other stakeholders](#).

➔ **Platform:** upload the submission on the [OHCHR Online UPR Submissions Registration System](#).

➔ **Attention:** Longer submissions, late submissions or submissions in languages other than the official UN languages will not be considered.

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37. OHCHR, *Information and guidelines for relevant stakeholders' written submissions*.

