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| **Article 33 - List of illustrative indicators on National implementation and monitoring** | | | |
| **National implementation and monitoring** | | | |
| **Attributes/**  **Indicators** | **Focal points and coordination mechanism** | **Independent monitoring framework** | **Participation of organisations of persons with disabilities [[1]](#endnote-1)** |
| **Structure** | 33.1 Legal and/or statutory appointment of one or more focal points within government (i.e. in all branches and levels of government; all ministries, etc.) with sufficient funding and authority to mainstream the rights of persons with disabilities for implementation of the Convention.[[2]](#endnote-2)  33.2 To enhance national implementation, legal and/or statutory appointment of a coordination mechanism within government to facilitate related action in different sectors and levels, with a clear structure, mandate, leadership, and sufficient funding and authority to ensure disability mainstreaming throughout general policies and overall implementation of the Convention.[[3]](#endnote-3)  33.3 Adoption of regulations and/or protocols on the functioning of and engaging and collaborating with focal points and coordination mechanisms, addressed to governmental staff  33.4 Adoption of regulations and/or protocols addressed to civil society organizations, notably organizations of persons with disabilities, on the functioning of and engagement with focal points and coordination mechanisms.[[4]](#endnote-4)  33.5 Legal and/or statutory requirement of a marker on public spending aimed at ensuring the activity of the focal point(s) and coordination mechanism(s). | 33.6 in close consultation with civil society organizations, and particularly with persons with disabilities and their representative organizations, establishment of a framework to promote, protect and monitor the implementation of the Convention:  - including one or more independent mechanism(s)[[5]](#endnote-5) that are appointed through the Constitution or legislation ; and  - which respects the Principles relating to the status and functioning of national institutions for protection and promotion of human rights,[[6]](#endnote-6) (includes SDG indicator 16.a.1)[[7]](#endnote-7)  33.7 Legal requirement of a marker on public spending aimed at ensuring the activity of the mechanism(s) of the monitoring framework, related to CRPD implementation and monitoring | 33.8 Legal or administrative provision(s) which establish(es) fully inclusive and accessible procedures and mechanisms for the involvement of persons with disabilities, including children with disabilities, and their representative organizations, across all groups of persons with disabilities, in monitoring the implementation of the Convention.[[8]](#endnote-8)  33.9 Legal provision(s) requiring allocation of funds from national budget to financially support the strengthening of organizations of persons with disabilities to participate in monitoring.[[9]](#endnote-9) |
| **Process** | 33.10 Number and proportion of governmental staff part of or appointed as focal points, and/or part of the coordination mechanism, who have received training on the CRPD.[[10]](#endnote-10)  33.11 Number of training and awareness raising activities and information dissemination (deliverables) among all relevant governmental staff on the existence of focal point(s) and coordination mechanism, their mandate and procedures/protocols for engagement. | 33.12 Type and number of promotion activities, including awareness raising activities, capacity building and training initiatives on the Convention carried out by the independent monitoring framework, disaggregated by targeted audience (e.g. general public, governmental staff, etc.).[[11]](#endnote-11)  33.13 Number of draft national laws, policies, strategies, administrative decisions and other administrative acts, etc., reviewed by the independent monitoring framework, disaggregated by kind of process and whether review was upon request or not.  33.14 Adoption of formal collaboration agreements between the mechanism(s) of the monitoring framework and the national and/or local statistics offices, including information exchange, mutual technical advice, etc.[[12]](#endnote-12)  33.15. Type and number of monitoring activities, including i.e., visits to institutions and other places where persons with disabilities are deprived of their liberty either by regulation or de facto, inspection of facilities of providers of services to persons with disabilities, evaluations of policies implemented.  33.16 Number and proportion of reports issued by the independent monitoring framework, including contributions submitted by the independent monitoring framework to international and regional monitoring mechanisms (e.g. CRPD Committee and other treaty bodies), which address the rights of persons with disabilities. | 33.17 Budget allocated from national budget and distributed among organizations of persons with disabilities, for the purpose of participating in monitoring activities.  33.18 Number of capacity building activities funded by the State on the CRPD to strengthen the capacity of organisations of persons with disabilities for the purpose of taking part in monitoring activities.  33.19 Number and proportion of monitoring processes/activities open to participation by civil society, disaggregated by type of intervention/process and topic. |
| **Outcome** | 33.20 Consultations and related activities undertaken to ensure the close consultation and active involvement persons with disabilities, including through their representative organisations, in the development and implementation of measures to comply with the Convention undertaken by the focal point(s) and the coordination mechanism.  . | 33.21 Number of persons participating in promotion activities, including awareness raising activities, capacity building, research and training initiatives on the Convention carried out by the independent monitoring framework, disaggregated by type of activity, age, sex, disability and other relevant criteria.  33.22 Number and proportion of monitoring processes/activities by the independent monitoring framework, which involved organizations of persons with disabilities, disaggregated by kind of organization of persons with disability[[13]](#endnote-13) and constituency represented among persons with disabilities.  33.23 Where applicable,[[14]](#endnote-14) number and percentage of individual or groups complaints submitted to the mechanism(s) of the monitoring framework alleging breaches of the Convention received, investigated and adjudicated in favour of the complainant and proportion of these complied with by the relevant public authority.[[15]](#endnote-15)  33.24 Number and proportion of referrals of individual and collective cases by the independent monitoring framework related to persons with disabilities to the justice system.[[16]](#endnote-16) | 33.25 Number and proportion of representative organizations of persons with disabilities, taking part in monitoring processes of the implementation related to the CRPD, disaggregated by kind of organization of persons with disability[[17]](#endnote-17), constituency represented among persons with disabilities and geographical location. |

**ANNEX**

1. Article 33.3 refers to “civil society, in particular persons with disabilities and their representative organizations”, however for substantive and practical reasons; the present indicators will keep their focus on organizations of persons with disabilities. [↑](#endnote-ref-1)
2. When designating either one general or primary focal point, or in any within a ministry or agency, knowledge on the social model of disability and obligations of non-discrimination and universal human rights must be the primary consideration. In addition, the focal points, either those within the structure of ministries (i.e. Office for Disability) or those operating under the aegis of a Ministry (i.e. disability agency), must have sufficient authority to influence decision-making processes. It must be noted that the establishment of government led disability agencies including representatives of organizations of persons with disabilities does not exhaust State obligations under article 4(3) to closely consult persons with disabilities, through their representative organizations, in the development and implementation of legislations and policies that directly or indirectly impact their lives. [↑](#endnote-ref-2)
3. The coordination mechanism should have specific mandates to fulfill general and specific obligations specified in Articles 4, 31 and 32 in addition to coordinate obligations found in substantive articles 5-30 and those related to international monitoring. [↑](#endnote-ref-3)
4. In connection with organizations of persons with disabilities, this indicator also contributes to assess compliance of State obligations under Article 4.3 of the CRPD, and should be considered jointly with related indicators under Articles 1 to 4. [↑](#endnote-ref-4)
5. States must follow the following criteria when establishing the framework:

   When the framework consists of a single entity as a monitoring mechanism: it must be independent from the Executive Branch and comply with Paris Principles.

   When the framework consists of one or more mechanisms, all must be independent from the Executive Branch and at least one must be compliant with the Paris Principles. [↑](#endnote-ref-5)
6. Mechanism(s) of the independent monitoring framework:

   - should be independent from the executive branch of the State party;

   - have appropriate funding and resources (technical expertise within staff) through allocations from the national budget and autonomy in planning and managing;

   - have members which are appointed in a public, democratic, transparent and participatory manner, with stable mandates for a specific duration; considering ensuring “the presence of, representatives of” OPDs. (PP B.2); whose appointment process supports pluralism and independence; endorsed by parliament (highly recommended)

   - have stable institutional basis (constitutional or legal) which allows it to operate appropriately and sustainably.

   - have appropriate funding and resources (technical and human expertise) through allocations from the national budget and autonomy in planning and managing;

   - exercise autonomy in deciding and considering which issues fall under its consideration;

   - have expeditious and full access to information, databases, records, facilities, and premises, both in urban and rural or remote areas;

   - have unrestricted access to and interaction with any persons, entities, organizations or governmental bodies or entities;

   - ensure training is available to its staff on a continuous basis.

   - may hear and consider complaints put forward by individuals or groups alleging that their rights under the Convention have been violated. [↑](#endnote-ref-6)
7. Framed for Article 33.2 of the CRPD, this indicator 33.5 includes SDG indicator 16.a.1, which reads: “Existence of independent national human rights institutions in compliance with the Paris Principles. See, Global Alliance of National Human Rights Institution, Accreditation Chart, available [here](https://nhri.ohchr.org/EN/AboutUs/GANHRIAccreditation/Documents/Status%20Accreditation%20Chart.pdf). [↑](#endnote-ref-7)
8. Provisions should mandate officers of the independent monitoring framework to involve civil society in planning and implementation of monitoring activities. For instance, officers of the IMF or NHRI should undertake consultations processes, inclusive and accessible, to determine priorities and focus for planning monitoring activities for the year. As for joint-activities, OPDs and CSOs should be invited to participate in inspections of current residential services for persons with disabilities to detect cases of forced detention contrary to Article 14 of the CRPD. [↑](#endnote-ref-8)
9. Funding schemes should not compromise the independence of organizations of persons with disabilities in contributing to monitoring activities nor the accountability of public authorities whose activity is to be monitored. [↑](#endnote-ref-9)
10. Trainings should include, as a minimum, a general overview and main principles and concepts of the Convention, and in depth consideration of the areas of the Convention relevant for the mandate of each focal point (e.g. for a focal point of the Ministry of Education, focus should be on Article 24 on the right to inclusive education). [↑](#endnote-ref-10)
11. This and the following process and outcome indicators under “One or more independent monitoring mechanism(s)” seek to assess the action developed by the independent mechanisms within the framework. [↑](#endnote-ref-11)
12. For example, memorandums of understanding have been concluded between NHRIs and national statistics offices with support of OHCHR, for example in Kenya and Palestine. For further information on a template memorandum of understanding, please contact [hrindicators@ohchr.org](mailto:hrindicators@ohchr.org). [↑](#endnote-ref-12)
13. For this, see general comment 7, on Articles 4(3) and 33(3) of the CRPD. [↑](#endnote-ref-13)
14. The “Principles relating to the status and functioning of national institutions for protection and promotion of human rights” do not require but only suggests that NHRIs could entrusted with complaint mechanisms: “A national institution *may be* authorized to hear and consider complaints and petitions concerning individual situations. Cases may be brought before it by individuals, their representatives, third parties, non-governmental organizations, associations of trade unions or any other representative organizations.” [↑](#endnote-ref-14)
15. Individual and groups complaints should be classified by right/article infringed and disaggregated by age, sex, disability, and other relevant criteria, in order to identify and further address trends, notably impacting persons with disabilities from the most marginalized groups. [↑](#endnote-ref-15)
16. Referrals of Individual and group complaints should be classified by right/article infringed and disaggregated by age, sex, disability, and other relevant criteria, in order to identify and further address trends, notably impacting persons with disabilities from the most marginalized groups. [↑](#endnote-ref-16)
17. For this, see general comment 7, on Articles 4(3) and 33(3) of the CRPD. [↑](#endnote-ref-17)