To the attention of:

Ms. Catalina Devandas-Aguilar

Special Rapporteur on the rights of persons with disabilities

C/o Office of the High Commissioner for Human Rights

United Nations Office at Geneva

Ch-1211 – Geneva 10

Switzerland

Vienna, 11 September 2015

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**Subject: Study of the Special Rapporteur on the rights of persons with disabilities on the right of persons with disabilities to participate in decision-making**

Dear Ms. Devandas-Aguilar,

I am pleased to provide you with the European Agency for Fundamental Rights’ (FRA) contribution to the above-mentioned call for submissions.

*Participation of persons with disabilities in monitoring the implementation of the CRPD*

[Five out of the 25 EU Member States](http://fra.europa.eu/en/publications-and-resources/data-and-maps/int-obligations/crpd), which have ratified the CRPD, have not yet designated a framework to promote, protect and monitor implementation of the Convention. In those countries where mechanisms have been established, FRA research shows that lack of sufficient resources is a recurrent concern ([FRA Annual Report 2014](http://fra.europa.eu/en/publication/2015/fundamental-rights-challenges-and-achievements-2014http%3A/fra.europa.eu/en/publication/2015/fundamental-rights-challenges-and-achievements-2014), p. 34-39), as well as lack of effective involvement of persons with disabilities and DPOs ([FRA Annual Report 2012,](http://fra.europa.eu/en/publication/2013/fundamental-rights-challenges-and-achievements-2012http%3A/fra.europa.eu/en/publication/2013/fundamental-rights-challenges-and-achievements-2012) p. 150).

*Involvement of persons with disabilities in the development of laws and policies which concern them*

In 2013 and 2014, FRA developed [28 human rights indicators on the right to political participation of persons with disabilities](http://fra.europa.eu/en/project/2013/political-participation-persons-disabilities). One of these indicators focuses on the involvement of disabled persons organisations (DPOs) in the development of laws and policies which concern them.

The research shows that 13 out of the 28 EU Member States have set up mechanisms established by law ensuring the consultation and involvement of DPOs in the development of laws and policies. This can take different forms, for example, through concrete legal provisions in their constitutions or specific disability-focused legislation or through general provisions requiring relevant parties concerned by new laws and policies to be involved in its drafting.

In another 11 EU Member States the consultation and involvement of DPOs is not provided for by law, but through various mechanisms put in place to ensure systematic consultation. These are, for example, consultative bodies that include members of DPOs or special codes of good practice requiring concerned groups to be closely involved.

In four Member States there is neither legislation nor systematic practices for ensuring such involvement in the development of laws and policies. (For concrete examples of modalities of involvement, see: [Indicator on Article 4 (3), CRPD “Are disabled persons’ organisations consulted and involved in the development of laws and policies?”](http://fra.europa.eu/en/publications-and-resources/data-and-maps/comparative-data/political-participation/dpo-laws).)

In the context of FRA’s [multi-annual project on the right to independent living](http://fra.europa.eu/en/project/2014/rights-persons-disabilities-right-independent-living) we have collected data in all 28 EU Member States on other relevant indicators, such as: are there mechanisms to involve DPOs in the design and delivery of specialised and general services; or is there a legal obligation to involve people with disabilities in the process of selecting living arrangements. Should the Special Rapporteur find such information useful for preparing this study, please let us know.

I hope that the information provided will be useful. Should you need any further information, please see the [thematic page on our website](http://fra.europa.eu/en/theme/people-disabilities) and do not hesitate to contact me.

Yours sincerely,

Nevena Peneva

Equality & Citizens’ Rights Department

European Union Agency for Fundamental Rights (FRA)

cc: Jan Jarab, Regional Representative for Europe, Office of the United Nations High Commissioner for Human Rights

Facundo Chávez Penillas, Human Rights & Disability Advisor, Office of the United Nations High Commissioner for Human Rights