

# Article 33:

## List of illustrative indicators on national implementation and monitoring

ADVANCE VERSION

© 2020 United Nations

The *Human Rights Indicators on the Convention on the Rights of Persons with Disabilities (CRPD)* are a component of the [SDG-CRPD Resource Package](#) developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR). This is an advance version of the SDG-CRPD Resource Package. A final version will be issued upon completion of OHCHR review processes.

The *Human Rights Indicators on the CPRD* were produced with the financial support of the European Union. Its contents are the sole responsibility of OHCHR and do not necessarily reflect the views of the European Union.



**National implementation and monitoring**

Attributes/ Indicators	Focal points and coordination mechanism	Independent monitoring framework	Participation of organizations of persons with disabilities *
<b>Structure</b>	<p>33.1 Legal and/or statutory appointment of one or more focal points within government (across all branches and levels of government, ministries, and sectors) with sufficient authority to mainstream the rights of persons with disabilities for implementation of the Convention.<sup>i</sup> (idem 1/4.7)</p> <p>33.2 With a view to enhancing national implementation, legal and/or statutory appointment of a coordination mechanism within government to facilitate related action across different sectors and levels, with a clear structure, mandate, leadership, and sufficient authority to ensure mainstreaming and implementation of the Convention .<sup>ii</sup> (idem 1/4.8)</p> <p>33.3 Adoption of regulations and/or protocols addressed to public sector staff on the functioning of, and engagement and collaboration with focal points and coordination mechanisms.</p> <p>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.<sup>iii</sup></p> <p>33.5 Legal and/or statutory requirement to adopt a marker on public spending aimed at ensuring the activity of the focal point(s) and coordination mechanism(s) related to CRPD implementation.</p>	<p>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:</p> <ul style="list-style-type: none"> <li>• including one or more independent mechanism(s)<sup>iv</sup> that are appointed through the Constitution or legislation ; and</li> <li>• which respects the Principles relating to the status and functioning of national institutions for protection and promotion of human rights,<sup>v</sup> (includes SDG indicator 16.a.1)<sup>vi</sup></li> </ul> <p>33.7 Legal requirement of a marker related to CRPD implementation and monitoring adopted and applied to public spending directed to the mechanism(s) of the monitoring framework.</p>	<p>33.8 Legal or regulatory provision(s) which establish inclusive and accessible procedures and mechanisms for the involvement of persons with disabilities, including children with disabilities, and their representative organizations, across all disability constituencies, in monitoring the implementation of the Convention.<sup>vii</sup> (similar 1/4.9)</p> <p>33.9 Legal provision(s) requiring allocation of funds from the national budget to financially support the strengthening of organizations of persons with disabilities to participate in monitoring of CRPD implementation.<sup>viii</sup> (similar 1/4.11)</p>

**National implementation and monitoring**

Attributes/ Indicators	Focal points and coordination mechanism	Independent monitoring framework	Participation of organizations of persons with disabilities *
<b>Process</b>	<p>33.10 Number and proportion of public sector staff belonging to or appointed as focal points, and/or belonging to the coordination mechanism trained on the CRPD.<sup>ix</sup></p> <p>33.11 Number of training and awareness raising activities and guidance documents issued among all relevant public sector staff on the existence of focal point(s) and coordination mechanism, their mandate and procedures/ protocols for engagement.</p>	<p>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 target audience (e.g. general public, public sector staff, etc.).<sup>x</sup></p> <p>33.13 Number of draft national laws, policies, strategies, administrative decisions and other administrative acts, etc., relating to the rights of persons with disabilities, reviewed by the independent monitoring framework, disaggregated by kind of process and whether review was upon request or not.</p> <p>33.14 Adoption of formal collaboration/cooperation agreements between the mechanism(s) of the monitoring framework and the national and/or local statistics offices, including for the purposes of information exchange, mutual technical advice, etc., to strengthen human rights monitoring and protection including of persons with disabilities.<sup>xi</sup></p> <p>33.15 Type and number of monitoring activities, including visits to institutions and other places where persons with disabilities are deprived of their liberty,(by regulation or de facto), inspection of facilities of providers of services to persons with disabilities, evaluations of adopted laws and policies.</p> <p>33.16 Number and proportion of reports issued by the independent monitoring framework, including contributions submitted to international and regional monitoring mechanisms (e.g. CRPD Committee and other treaty bodies), which address the rights of persons with disabilities.</p>	<p>33.17 Budget allocated from the national budget and distributed among organizations of persons with disabilities for the purpose of participating in monitoring activities. (similar 1/4.16)</p> <p>33.18 Number of capacity building activities funded by the State on the CRPD to strengthen the capacity of organizations of persons with disabilities for the purpose of taking part in monitoring activities.</p> <p>33.19 Number and proportion of monitoring processes/activities relating to the rights of persons with disabilities, open to participation by organizations of persons with disabilities, disaggregated by type of intervention/process and topic.</p>

**National implementation and monitoring**

Attributes/ Indicators	Focal points and coordination mechanism	Independent monitoring framework	Participation of organizations of persons with disabilities *
<b>Outcome</b>	33.20 Number of meetings among disability focal point and coordination mechanism, or cross-Ministerial or cross-departmental government committees or working groups related to CRPD implementation.	<p>33.21 Number of persons or organizations seeking assistance from the independent monitoring framework about their rights under the CRPD and methods of redress, and proportion of referrals to the justice system of collective cases by the independent monitoring framework related to persons with disabilities.<sup>xii</sup></p> <p>33.22 Where applicable,<sup>xiii</sup> proportion of received complaints of individual or group complaints submitted to the mechanism(s) of the monitoring framework alleging breaches of the Convention that have been investigated and adjudicated; proportion of those found in favour of the complainant; and proportion of the latter that have been complied with by the government and/or duty bearer.<sup>xiv</sup></p>	<p>33.23 Number of representative organizations of persons with disabilities participating in the independent monitoring framework, disaggregated by kind of organization,<sup>xv</sup> constituency represented among persons with disabilities and geographical location.</p> <p>33.24 Number of representative organizations of persons with disabilities with a role in the work of the government disability focal point and/or coordination mechanism, disaggregated by kind of organization,<sup>xvi</sup> constituency represented among persons with disabilities and geographical location.</p>

- \* Article 33.3 refers to “civil society, in particular persons with disabilities and their representative organizations”. For the present purposes, the indicators keep their focus on organizations of persons with disabilities. See the CRPD Committee’s [general comment no 7](#) on articles 4(3) and 33(3) of the CRPD, and the report on participation of the Special Rapporteur on the rights of persons with disabilities, [A/HRC/31/62](#).
- i When designating either one general or primary focal point, or any within a ministry or agency, knowledge on the human rights based approach to disability and obligations of non-discrimination 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. agency mandated with disability issues), 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 all their diversity, in the development and implementation of legislations and policies that directly or indirectly impact their lives.
- ii In addition to coordinating the implementation of obligations provided in articles 5-30 and those related to international monitoring, the coordination mechanism should be mandated to fulfill general and specific obligations set out in Articles 4, 31 and 32.
- iii With respect to organizations of persons with disabilities, this indicator also contributes to assessing compliance with State obligations under Article 4(3) of the CRPD and should be considered jointly with related indicators under Articles 1 to 4.
- iv 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 entities must be independent from the executive branch and at least one must be compliant with the Paris Principles.
- See CRPD Committee, Guidelines on Independent Monitoring Frameworks and their participation in the work of the Committee (2016), see [Annex to CRPD Rules of Procedure - CRPD/C/1/Rev.1](#), para. 12.
- v Mechanism(s) of the independent monitoring framework should:
- be independent from the executive branch of the State party.
  - have appropriate funding and resources (including appropriate technical expertise among staff) through allocations from the national budget with autonomy over planning and management.
  - have members who are appointed in a public, democratic, transparent and participatory manner, with mandates for a fixed duration.
  - consider ensuring “the presence of representatives of” organizations of persons with disabilities (See Paris Principles, section “Composition and guarantees of independence and pluralism”, 1(a)).
  - have stable institutional basis (set out in the constitution or legislation) which allows it to operate independently and sustainably.
  - 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.
  - where a complaints mandate exists, hear and consider complaints put forward by individuals or groups alleging that their rights under the Convention have been violated.
- vi Framed for Article 33(2) of the CRPD, 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](#).
- vii Provisions should mandate members and staff of the independent monitoring framework to involve civil society in the planning and implementation of monitoring activities. For instance, officers of the IMF or NHRI should undertake inclusive and accessible consultation processes to determine priorities for the framework’s planning of monitoring activities for the year. As for joint-activities, organizations of persons with disabilities and civil society organizations should be invited to participate in inspections of existing residential facilities and services for persons with disabilities to detect cases of violations of their rights.
- viii Funding schemes should not compromise the independence of organizations of persons with disabilities in contributing to monitoring activities.
- ix Trainings should include, as a minimum, a general overview and main principles and concepts of the Convention, including the human rights based approach to disability, non-discrimination and the provision of reasonable accommodation, universal design, accessibility (including accessible information and communications), the obligation to consult with and actively involve persons with disabilities and their representative organizations, and more 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).

- <sup>x</sup> This and the following process and outcome indicators under “Independent monitoring framework” seek to evaluate fulfilment of the mandate through the actions undertaken by the independent mechanisms within the framework.
- <sup>xi</sup> For example, memorandums of understanding have been concluded between NHRIs and national statistics offices with the support of OHCHR (e.g. in Kenya and Palestine). For further information and to access a template memorandum of understanding, please contact [hrindicators@ohchr.org](mailto:hrindicators@ohchr.org).
- <sup>xii</sup> Referrals of group complaints should be classified by right/article infringed and disaggregated by sex, age, disability, and other relevant criteria, in order to identify and further address trends impacting persons with disabilities belonging to the most marginalized groups.
- <sup>xiii</sup> The “Principles relating to the status and functioning of national institutions for protection and promotion of human rights” suggest and do not require that NHRIs are 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.”
- <sup>xiv</sup> Individual and group complaints should be classified by right/article infringed and disaggregated by sex, age, disability, and other relevant criteria, in order to identify and further address trends impacting persons with disabilities belonging to the most marginalized groups.
- <sup>xv</sup> Including explicitly information on organizations of women with disabilities, children and youth with disabilities, and underrepresented groups such as indigenous persons with disabilities. See CRPD Committee’s [General comment no 7](#) on Articles 4(3) and 33(3) of the CRPD.
- <sup>xvi</sup> Including explicitly information on organizations of women with disabilities, children and youth with disabilities, and underrepresented groups such as indigenous persons with disabilities. See CRPD Committee’s [General comment no 7](#) on Articles 4(3) and 33(3) of the CRPD.