



# **Understanding the UN Committee on the Rights of Persons with Disabilities**

The UNCRPD review process and how to  
provide input to the CRPD Committee



Marine Uldry  
Human Rights Officer  
European Disability Forum  
[Marine.Uldry@edf-fehp.org](mailto:Marine.Uldry@edf-fehp.org)

Autism Europe – 16 November 2019

# European Disability Forum

- Umbrella organisation of persons with disabilities
- 100 members accross Europe
- Based in Brussels
- Work on human rights, accessibility, international cooperation

# Objectives of the presentation

- ✓ Understand the role of the CRPD Committee and its different activities
- ✓ Identify how to use the work of Committee to advance the rights of persons with autism
- ✓ Know different ways to engage with the CRPD Committee

# The UN Committee on the Rights of Persons with Disabilities (CRPD Committee)

- 18 members
- In charge of monitoring the implementation of the UN Convention (CRPD)
- Meetings:
  - Sessions in Geneva, twice a year
  - Conference of States parties, in New York once a year (but not all the Committee members attend)

# The CRPD Committee



Left: Current Bureau of the CRPD Committee  
Right: Meeting of the Committee on the Rights of Persons with Disabilities in Geneva (Room XVII)



# The CRPD Committee members



Some Committee members at the 20<sup>th</sup> session, Geneva, September 2018

- 18 members
  - 4 year mandates eligible for reelection once
  - Serve as independent experts
- ‘Elected with consideration of equitable geographical distribution, representation of principal legal systems, gender balance, participation of experts with disabilities’

[New election in June 2020!](#)

# The CRPD Committee: activities

- Reviewing state reports
- Receive **individual communications** (Optional Protocol)
- Undertake **inquiries** into alleged violations of grave and systematic nature
- Hold thematic **General Comments** (Art 32.3)



ns

ons

Information  
Protocol)

adopt  
Art 4.3 and

# Engaging in the work of the CRPD Committee

1. State review



PARALLEL REPORT/  
BRIEF THE COMMITTEE

2. Individual communications/complaints  
Inquiries



LODGE COMPLAINTS/  
INITIATE INQUIRIES

3. General Comments  
Days of General Discussion



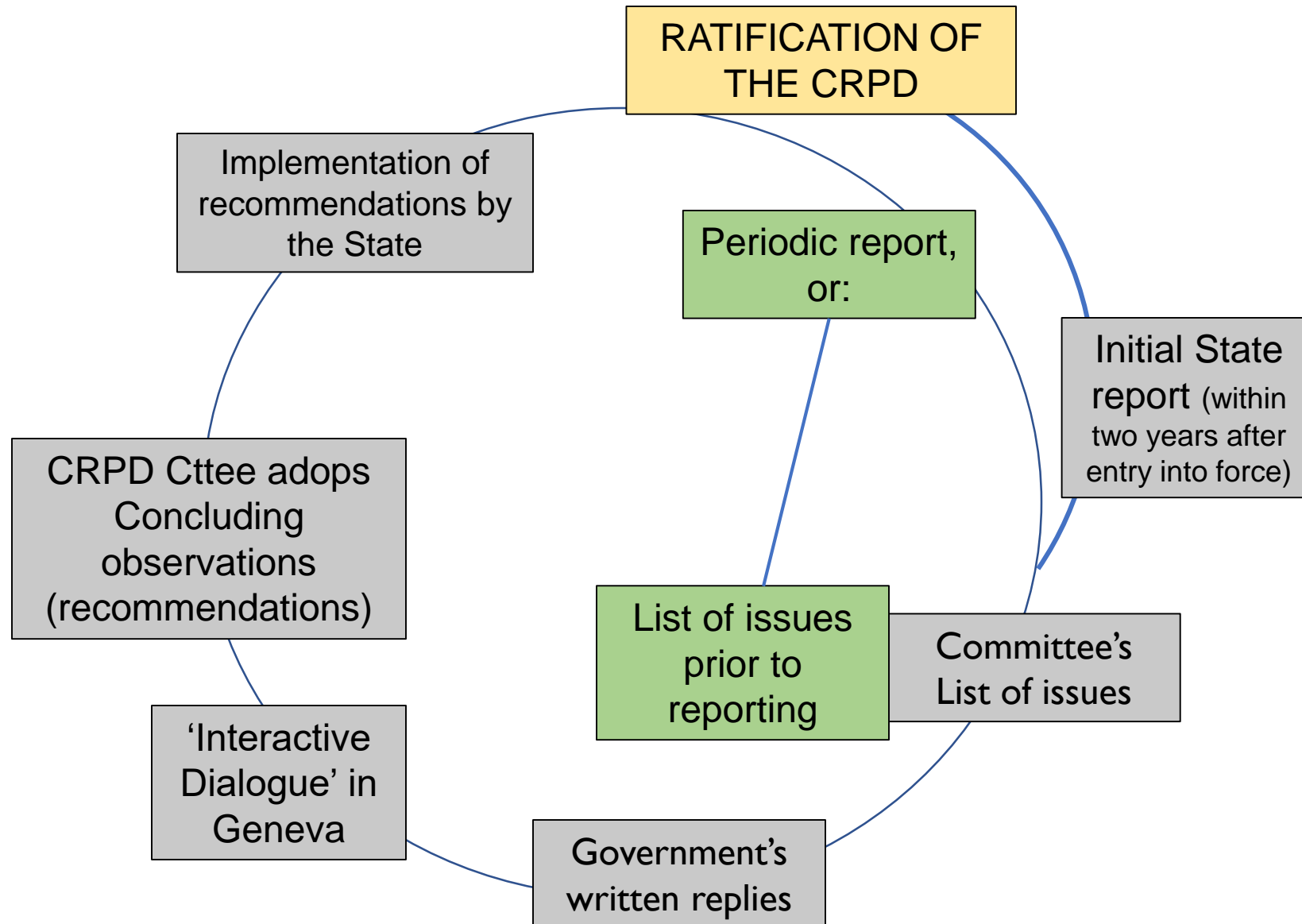
PARTICIPATION/  
SUBMISSIONS



# 1. Review process and alternative reporting

- CRPD Committee reviews the implementation of the Convention by countries that ratified the Convention
- Each country has to submit to the Committee **reports** on measures taken to give effect to its obligations under the convention and on the progress made
  - **Within two years** after the entry into force of the Convention in the country
  - After the initial report, subsequent reports (periodic reports) **at least every four years** and whenever the Committee requests it

# Review process: reporting cycle



## Review process: Concluding observations

After reviewing the State's report the Committee adopt a document called "Concluding observations" in which it gives **recommendations to the State to improve implementation of the CRPD.**

Structure of Concluding observations:

- I. Introduction
- II. Positive aspects
- III. Principal areas of concern and recommendations **(by article)**
- IV. Follow-up

# Review process: Concluding observations (Czechia example)

## Education (art. 24)

46. The Committee **notes with concern** that in spite of efforts made, significant number of boys and girls with disabilities, especially those with intellectual disabilities, **autism** and deaf-blind, still receive their education in special schools and classes, and outside of mainstream schools.

47. The Committee **recommends** the State party to implement the amended School Act and to embrace inclusive education as the guiding principle of the education system, and to ensure the admission in mainstream school of children with disabilities. in line with the article 24 of the Convention. The Committee calls upon the State party to intensify its efforts and allocate sufficient financial and human resources for reasonable accommodations that will enable boys and girls with disabilities, including intellectual disabilities, **autism** and deaf-blind, to receive inclusive quality education.

# Review process: **you have an important role to play!**

States Parties' reports:

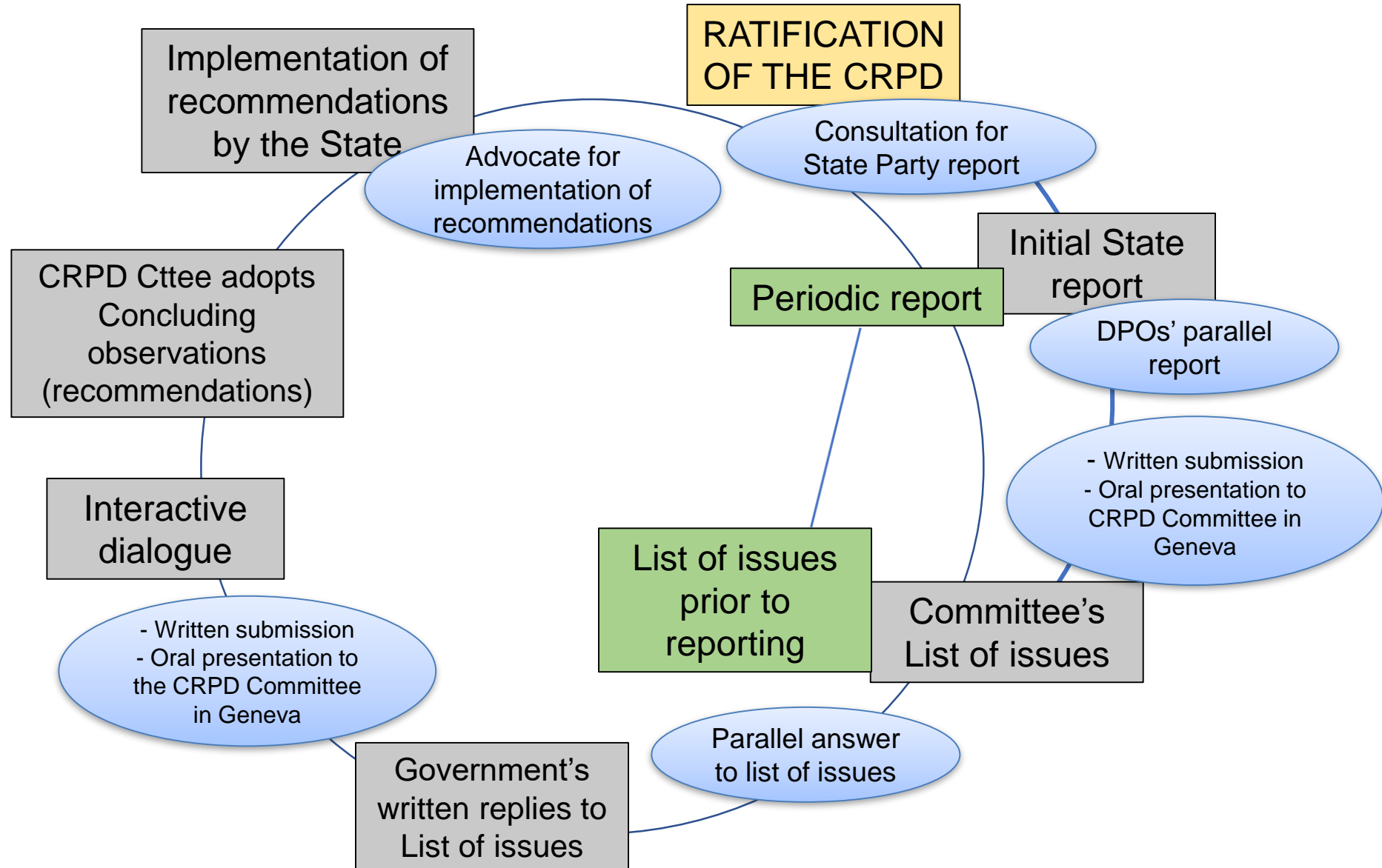
- May not reflect the situation in the country in the same way as persons with disabilities see it
- May be inaccurate
- May not mention people with autism

You have the opportunity to provide additional information to the CRPD Committee:

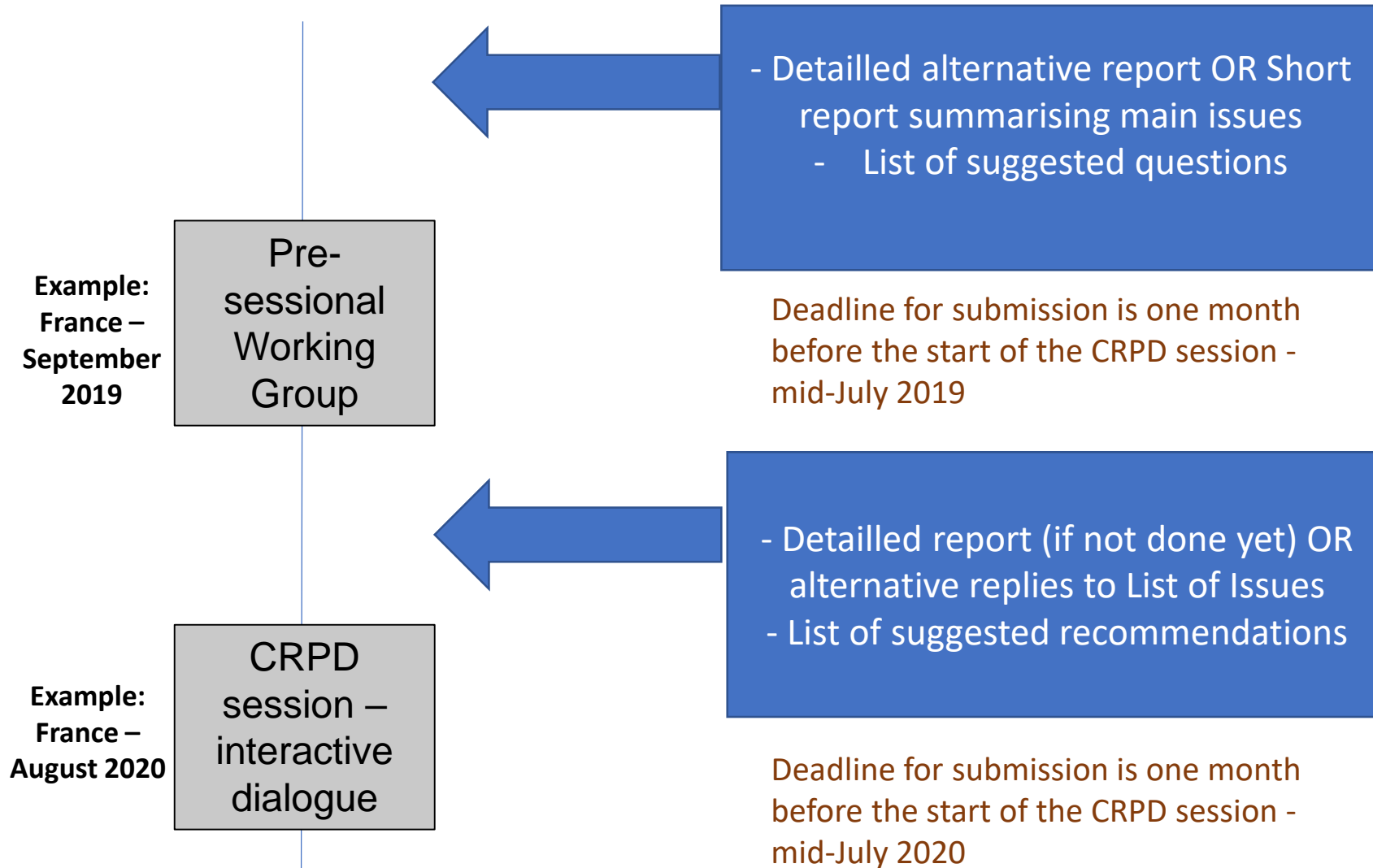
- > **Written submission** (alternative reporting)
- > **Oral briefing** (in Geneva or through video conference)
- > Informal meetings with Committee members in Geneva



# Review process: summary



# Alternative report: when and what?



# Alternative report: What to include?

1. Self introduction of your organisation
2. Executive summary of the most relevant issues
3. (Updated basic relevant information about the country itself)
4. **A critical analysis of the State Party report / situation of the country in light of the CRPD**
  - Divided by articles of the CRPD
  - Including suggested questions or recommendations

# Alternative report: example

## Alternative report on Australia looking at:

- General obligations (articles 1-4): e.g. shortcoming in addressing autism in the Disability Strategy
- Equality and non discrimination (article 5)
- Women with disabilities (article 6)
- Children with disabilities (article 7)
- Awareness raising (article 8)
- Equal recognition before the law (article 9)
- Freedom from torture (article 15)



Submission to the United Nations Committee on the Rights of  
Persons with Disabilities  
on  
**autistic Australians**  
and our actual Rights

*from Autism Aspergers Advocacy Australia*

July 2019

# Alternative report: example

## Alternative report on Australia looking at:

- Freedom from exploitation, violence and abuse (article 16)
- Independent living (article 19)
- Education (article 24)
- Health (article 25)
- Habilitation and rehabilitation (article 26)
- Work and employment (article 27)
- Participation in political life (article 29)
- Statistic and data collection (article 31)



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# Requirements

To be sent by e-mail by the deadline to [crpd@ohchr.org](mailto:crpd@ohchr.org), with as object **“Submission [name of your country]”**.

## **Words limit:**

- Alternative report: 10,700 words (excluding self-introduction and executive summary)
- Other submissions: 5,350 words

**Format:** accessible digital or electronic formats (e.g. Words or text) – NO PDF

**Language:** English

## Oral briefing and meeting CRPD Committee members

You have the opportunity to **formally** provide additional information to the CRPD Committee during a private oral briefing in Geneva:

- Before adoption of list of issues
- Before the constructive dialogue with the State and adoption of the concluding observations

You can also **informally** inform members of the committee during the session.

# Oral briefing and meeting CRPD Committee members



More information and example on the website of the United Nations Human Rights Office of the High Commission:  
<https://www.ohchr.org/en/hrbodies/crpd/pages/crpdindex.aspx>



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HUMAN RIGHTS  
OFFICE OF THE HIGH COMMISSIONER

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**The Committee**

[Introduction](#)[Membership](#)[Elections/ Conference of States parties](#)[Upcoming elections for all treaty bodies](#)

**Basic documents**

[Convention](#)[Optional Protocol](#)[Rules of procedure](#)[Working methods](#)[Biannual/Sessional reports](#)[CRPD Guidelines](#)

**The work of the Committee**

[Key documents related to](#)

**COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES**

The Committee on the Rights of Persons with Disabilities (CRPD) is the body of independent experts which monitors implementation of the Convention by the States Parties.

All States parties are obliged to submit regular reports to the Committee on how the rights are being implemented. States must report initially within two years of accepting the Convention and thereafter every four years. The Committee examines each report and shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward these to the State Party concerned.


The Optional Protocol to the Convention gives the Committee competence to examine individual complaints with regard to alleged violations of the Convention by States parties to the Protocol.

The Committee shall meet in Geneva and normally hold two sessions per year.

[More ...](#)

**Ratification of the Convention on the Rights of Persons with Disabilities**

**CRPD 10 years**



**CRPD10YEARS**  
disability rights are human rights

**Country-specific information**

Select a country

GO

**Meetings and deadlines**

[Sessions](#)[Calendar of country reviews by treaty bodies](#)[Deadlines for the submission of documentation](#)

Search

## 2. Complaints

The Committee may receive **complaints from individuals or groups of individuals about violation of their rights under the CRPD.**

Two important conditions:

- ✓ State must have ratified the Optional Protocol to the Convention
- ✓ The complaint must have been (unsuccessfully) brought to court

The Committee will then adopt “views on the communication” and might say that the national decision violated the CRPD.

Information on the complaint procedure are available on this website:

<https://www.ohchr.org/EN/HRBodies/TBPetitions/Pages/HRTBPetitions.aspx>



## 2. Complaints

### F v Austria - Case 21.2014 - 21.08.2015

- Austrian national who is **blind** and relies on public transportation for his daily activities
- When extending the railway network, **the company did not equip the new stops with the digital audio system to ensure accessibility of information.** The complainant could not use the transportation on an equal basis with others.
  - The CRPD Committee considered that the non-installation of the audio system constituted a violation of the rights to equality, non-discrimination and accessibility.

### 3. Inquiry

The Committee may also conduct inquiries on **systematic violations of the CRPD** in the State.

Two important conditions:

- ✓ State must have ratified the Optional Protocol to the Convention
- ✓ There must be “reliable information indicating that the rights contained in the Convention are being systematically violated by the State”

If after investigation the Committee considers that there are systematic violations, it will explain the major issues in a document called “report on inquiry” and urge the State to stop the violations.

### 3. Inquiry

So far, the Committee has examined two (2) inquiries:

- Inquiry against the United-Kingdom: **negative impact of social welfare reforms on the rights of persons with disabilities** to live independently and be included in the society, to an adequate standard of living and social protection, and to work and employment
- Inquiry against Spain: structural **exclusion and segregation of persons with disabilities from the mainstream education system**

More information on the inquiry procedure is available on the Committee's website:

<https://www.ohchr.org/EN/HRBodies/CRPD/Pages/InquiryProcedure.aspx>

# Complaints and inquiry: your role

If your country has ratified the **Optional Protocol of the CRPD**, you can:

- Encourage the use of individual communications by individuals
- Submit information about systematic violation for inquiry by the CRPD Committee – together with other organisations

If your country has not ratified the Optional Protocol, you need to **advocate** for it!

# Optional Protocol

**22 out of the 28 EU countries have ratified the Optional Protocol**

**European countries that did not ratified the Protocol:**

Bulgaria, Czech Republic, Ireland, Netherlands, Poland, Romania, Iceland, Liechtenstein, Norway and Switzerland + the European Union



## 4. General Comments

Documents explaining **how specific obligations of the Convention have to be interpreted.**

- General Comment 1 on [Article 12: Equal recognition before the law](#)
- General Comment 2 on [Article 9: Accessibility](#)
- General Comment 3 on [Article 6: Women and girls with disabilities](#)
- General Comment 4 on [Article 24: Right to inclusive education](#)
- General Comment 5 on [Article 19: Right to independent living](#)
- General Comment 6 on [Article 5: Equality and non-discrimination](#)
- General Comment 7 on [Article 4.3 and 33.3: Participation with persons with disabilities in the implementation and monitoring of the Convention](#)

Plain language / easy to read versions also available 😊

## 4. General Comments

- Before adoption: draft General Comments are discussed during days of general discussion and the Committee makes calls for written submission -> **you can influence the final text**
- After adoption: **you can use the General Comments in your advocacy**
  - For example: General Comment No. 4 for inclusive education, General Comment No. 19 for desinstitutionalisation, General Comment No. 7 for participation in decision-making mechanisms

# Extra tips:

- Don't work alone! Try to be involved in the work done by your national disability council.
- Contact EDF and/or the International Disability Alliance if you need help to prepare your alternative report.
- Connect with other actors in your country such as your equality body and national human rights institution.

**More details and tips:**

**Consult our [Guide on engagement of organisations of persons with disabilities with the CRPD Committee](#)**

**Any questions? 😊**