Human rights indicators on the Convention on the Rights of Persons with Disabilities in support of a disability inclusive 2030 Agenda for Sustainable Development

Frequently asked questions on the human rights indicators on the Convention on the Rights of Persons with Disabilities

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HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

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1. What is an indicator? Why are there indicators on human rights?

An indicator is information that indicates a state or level of an object, event or activity. It is often based on some form of quantification or qualitative categorization and provides an indication of prevailing circumstances at a given place and a given point in time.

A human rights indicator is defined as specific information on the state or condition of an object, event, activity or outcome that can be related to human rights norms and standards, that addresses and reflects human rights principles and concerns, and that can be used to assess and monitor the promotion and implementation of human rights.

Human rights indicators enhance human rights implementation and measurement by:

1. Highlighting the practical content of norms;
2. Measuring progress;
3. Bringing transparency and accountability;
4. Strengthening follow-up to recommendations from human rights mechanisms;
5. Enabling national human rights institutions and civil society organizations to exercise more effective oversight.

2. What is the methodology of the Office of the United Nations High Commissioner for Human Rights for developing human rights indicators?

The primary objective of the human rights indicators on the Convention on the Rights of Persons with Disabilities is to guide States on actions and measures to be taken in implementing the Convention and facilitating an assessment of progress to that end. The indicators also serve as a tool for other stakeholders (national human rights institutions, civil society, international cooperation agencies, donors, etc.) to monitor a State's progress in implementation.

As such, through the human rights indicators, the Office of the United Nations High Commissioner for Human Rights (OHCHR) seeks to measure the commitments and efforts of States to meet their human rights obligations, as well as their direct results in the context of the enjoyment of human rights.

To produce the indicators, OHCHR draws from the normative content of each right based on international human rights standards described primarily in the relevant articles of treaties and general comments of treaty bodies. The methodology recognizes the interdependence and indivisibility of civil, cultural, economic, political and social rights and reflects cross-cutting human rights norms, such as non-discrimination and equality, participation and accountability. It identifies universally applicable indicators, both qualitative and quantitative,

which can be further adapted to specific local contexts. It seeks neither to prepare a common list of indicators to be applied across all States irrespective of their social, political and economic development nor to make a case for building a global measure for comparisons between States in terms of the realization of human rights.

Development of human rights indicators

The methodology used by OHCHR requires the following two-step approach:

1. Identify the attributes of the human right;
2. Develop structural, process and outcome indicators.

Attributes of a human right

The attributes of a human right are the core elements of a right.

By nature, human rights are interdependent and interlinked – standards overlap across rights. It is important to transcribe the narrative of a human right into a limited number of characteristics or attributes of that right, which are ideally mutually exclusive. As such, the attributes provide a snapshot of the specific right, distinguishing it from other rights.

Identifying attributes entails providing a clear, tangible categorization of the right, which facilitates the development of indicators corresponding to the different facets of the right. In this way, a link is made between the normative framework and the indicators.

For instance, the attributes identified for article 24 of the Convention on inclusive education cover all dimensions of the right and serve to better categorize and develop indicators on:

- An inclusive education system
- Quality, free primary and secondary education
- Access to tertiary education, vocational training and lifelong learning
- Inclusive teaching

Structural, process and outcome indicators[1]

Structural indicators help in capturing the acceptance, intent and commitment of a State to undertake measures in keeping with its human rights obligations. These indicators reflect the ratification and adoption of legal instruments and the development and existence of basic

[1] For a more comprehensive explanation of the conceptual framework of human rights indicators and the methodology of OHCHR on human rights indicators, consult *Human Rights Indicators: a Guide to Measurement and Implementation* (United Nations publication, 2012) and the updated illustrative tables of human rights indicators taking into account the global indicator framework adopted by the General Assembly in its resolution 71/313 to measure the implementation of the 2030 Agenda for Sustainable Development. These indicators, particularly when disaggregated by disability status, are also useful for reporting to and following up on recommendations of the Committee on the Rights of Persons with Disabilities.

institutional mechanisms deemed necessary for the promotion and protection of human rights. An example is legislation enacted that ensures inclusive education for all students, including students with disabilities in public and private settings across all levels of education (indicator 24.1).

Process indicators help in assessing a State's efforts, through its implementation of policy measures and programmes of action, to transform its human rights commitments into the desired results. These indicators should be used to assess the policies created and the measures taken to implement commitments on the ground. Examples are the proportion of schools with access to adapted infrastructure and materials for students with disabilities (indicator 24.11) and the budget allocated to ensure the right of persons with disabilities to inclusive education in mainstream settings, as compared to the budget allocated to segregated/separated education settings, whether in mainstream or in special schools (indicator 24.24).

Outcome indicators help in assessing the results of States' efforts to further the enjoyment of human rights. Outcome indicators capture results that reflect the level of enjoyment of human rights in a given context. Over time, an outcome indicator consolidates the impact of the efforts and measures taken to implement commitments. An example is the rates of persons with disabilities who are out of school, enrolled, attending, promoted by grade, completing and dropping out in mainstream primary, secondary or tertiary educational institutions, vocational training and lifelong learning courses, as compared to others, disaggregated by sex, age, disability, minority or indigenous background, grade and level of education (indicator 24.27).

3. How do the indicators on the Convention on the Rights of Persons with Disabilities relate to existing indicator frameworks?

The indicators on the Convention on the Rights of Persons with Disabilities build on, complement and add value to the existing list of illustrative indicators developed by OHCHR, as well as other existing indicator frameworks, such as the indicators on the Sustainable Development Goals (see frequently asked question (FAQ) 9 and the indicators on the rights of persons with disabilities developed by the European Union Agency for Fundamental Rights. The list of illustrative indicators developed by OHCHR addresses certain civil, cultural, economic, political and social rights and does not reflect any one human rights instrument. Those indicators also apply to persons with disabilities; however, given that the human rights-based approach to disability as enshrined in the Convention is not widely known and subject to frequent misinterpretation, there was a palpable need and demand to develop indicators on the Convention. The indicators on the Convention thus provide guidance on human rights standards applied to persons with disabilities and address the specific barriers and challenges that persons with disabilities face in enjoying and exercising their rights on an equal basis with others. While the indicators on the Convention overlap the illustrative indicators, the attributes of the same right may vary, as the indicators on the Convention are framed to

highlight the perspective of persons with disabilities. In such cases, it should be kept in mind that the indicator sets are compatible and complementary.

4. What do indicators help to assess? What are their limits and how is it possible to overcome these limits?

Human rights indicators are a tool for tracking progress in the realization of rights and can contribute to identifying gaps in implementation. They provide prescriptive guidance on the core elements of the rights and how to ensure their implementation. While the indicators must be sufficiently comprehensive to appropriately reflect human rights standards, they must also be limited in number to ensure feasibility and usability by States and stakeholders. They are meant to provide an indication on the implementation of a particular right and identify gaps in implementation.

Gathering data at a given moment will not on its own provide an indication of progress of implementation. Many of the indicators will require ongoing data collection and monitoring to track progress. That said, the numbers and changes to the numbers over time may not always serve to accurately identify progress. Indicators should not be used in fragments or in isolation; they have more meaning when looked at holistically. Furthermore, indicators and other monitoring tools are complementary and it is necessary to use them in conjunction to better assess and understand the overall picture of implementation.

For example, where an indicator refers to the proportion of received complaints (concerning a right or topic) that have been investigated and adjudicated relating to a right, these numbers and the proportion (whether low or high) cannot alone indicate progress or gaps in the implementation of that right. A low number of complaints does not necessarily reflect respect for rights, just as a higher number does not reflect a higher incidence of rights violations. Information provided through other indicators and other monitoring tools may reveal that complaint mechanisms are not accessible, that they are not functioning or not reliable, that persons with disabilities are not aware of their rights, or all of the above. Further analysis and information will be required, which can be attained through the use of other indicators and other monitoring tools, to provide a better understanding of implementation and gaps therein (see FAQ 19).

Human rights indicators are one type of monitoring tool – they can be useful in measuring certain aspects of implementation, yet they have their limits. They cannot and should not be used on their own to reflect a comprehensive overview of the implementation of the Convention on the Rights of Persons with Disabilities. They should be used in conjunction with other monitoring tools and methodologies, such as interviews and focus group discussions, case studies, and academic and participatory research.

5. Who should use the indicators?

The primary objective of the indicators is to guide States on actions and measures to be taken in implementing the Convention on the Rights of Persons with Disabilities and in facilitating an assessment of the progress in doing so. Legislators, policymakers and other decision makers across all levels of government can benefit from these indicators, which can inform the type of steps that should be taken to transform the legal, policy and budgetary framework, as well as which specific measures need to be taken to appropriately implement that framework in compliance with the Convention.

The indicators also serve as a tool for any organization or body to assess a State's implementation of the Convention under a given right or a provision of the Convention. As such, they may provide guidance to such stakeholders as national human rights institutions, civil society (including organizations of persons with disabilities), international cooperation agencies, United Nations entities and donors in terms of monitoring a State's progress, and are tools for State accountability processes.

While the indicators are proposed as guidance material for all States, when incorporating them in their practice, States and other public authorities should consider the context in order to facilitate and specify their use at the local level (e.g. by referring to ongoing public policies and programmes or to targeted population groups); the indicators should be adapted and tailored to that end. For example, disaggregation by indigenous background might not be relevant in countries where there are no groups self-identifying as indigenous. The contextualization process is also the occasion for the determination of acceptable methods for data collection (see FAQs 10–14) and the frequency of measurement for each indicator. (For more information on putting indicators into context, see *Human Rights Indicators: a Guide to Measurement and Implementation* (pp. 44 and 85–87).)

6. How can the indicators be used in reporting processes to human rights treaty bodies and other processes to review compliance with the Convention on the Rights of Persons with Disabilities?

Indicators have frequently been promoted for use by monitoring mechanisms, such as in country reviews conducted by United Nations treaty bodies or the universal periodic review carried out by the Human Rights Council, and they have figured in recommendations by these bodies to States parties.

Given that the indicators are based on international human rights standards as set out primarily in the Convention on the Rights of Persons with Disabilities and by the jurisprudence of the Committee on the Rights of Persons with Disabilities (including general comments, views on communications and recommendations arising from reviews of States), they provide an overview of the measures and actions that will be examined by the Committee when assessing a State's progress in the implementation of a given right or provision.

The Committee on the Rights of Persons with Disabilities was consulted in the process of developing these human rights indicators and has expressed its willingness to adopt them in the context of country reviews to help to guide States in their reporting obligations. The indicators thus serve as tools to guide States in those obligations, to identify the information and data necessary to demonstrate compliance with the obligations contained in the Convention.

Other treaty bodies and monitoring mechanisms can also make use of these indicators where their mandates encompass the rights of persons with disabilities. In this vein, the indicators are aimed at aligning interpretations in conformity with those of the Committee on the Rights of Persons with Disabilities and at strengthening the implementation of the rights of persons with disabilities in line with the Convention.

7. How do human rights indicators on the Convention on the Rights of Persons with Disabilities address cross-cutting issues?

Human rights are intrinsically interrelated and interdependent. For example, while equality and non-discrimination are enshrined in article 5, they necessarily cut across all provisions of the Convention on the Rights of Persons with Disabilities. Article 6 on women and girls with disabilities traverses all Convention rights, as does article 4 (3) on the obligation to closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations. The interrelation and overlap serve to strengthen implementation by reminding States of their obligations across several provisions of the Convention. At the same time, this overlap poses a challenge when it comes to ensuring the succinctness of the human rights indicators and adherence to the methodology of OHCHR, which prescribes attributes to be mutually exclusive.

Given the Convention's unique design, this challenge is magnified. As one of the youngest human rights instruments, its design benefited from the lesson of previously adopted human rights treaties, namely, to include provisions to strengthen implementation. As such, the Convention incorporates provisions that do not commonly figure in other human rights instruments,[2] such as article 8 on awareness-raising, article 31 on data collection and disaggregation, article 32 on international cooperation and article 33 on national implementation and monitoring. While these implementing measures have a great impact on upholding human rights, they are not human rights themselves. Thus, applying human rights indicators to these provisions cannot always be done in accordance with the methodology of OHCHR, which primarily targets and measures the enjoyment of a particular right. In these cases, the indicators are focused on the specific implementing measure and its core elements, as set out in the attributes.

[2] There are exceptions, for example, articles 23 (4) and 28 (3) of the Convention on the Rights of the Child (on international cooperation) and part IV of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on national preventive mechanisms.

Overall, efforts have been made to strike a balance between incorporating cross-cutting rights and implementing measures into each indicator table while keeping the focus on the core aspects of each article. However, in order to achieve this balance, it has not always been possible to include all cross-cutting concerns within each indicator table, and efforts were made to prevent overlap among the indicator tables to ensure their usability and practicality. This is not an exact science and it is advised that the indicators be used holistically and in conjunction with other monitoring tools.

8. Do the human rights indicators take into account the indicators on the Sustainable Development Goals?

Yes – the indicators on the Sustainable Development Goals have been incorporated into the human rights indicator tables, where relevant. Where they have been incorporated, this is indicated in parentheses following the indicator. For instance, under article 5 of the Convention on the Rights of Persons with Disabilities (on equality and non-discrimination), many indicators on the Goals have been included as outcome indicators to capture the enjoyment of the right to equality and non-discrimination by persons with disabilities.

Most indicators on the Sustainable Development Goals do not have a particular focus on persons with disabilities. For this reason, in many of the human rights indicators, the indicators on the Goals have been expanded to make them more appropriate for reporting and monitoring on the implementation of the rights of persons with disabilities under the Convention. For example, an indicator on a Goal may call for data disaggregation by sex and age and not by disability. In such cases, "disaggregation by disability" has been added to the indicator on the Goal (see FAQs 12 and 13).

This also reflects the general commitment under target 17.18 to significantly increase the availability of high-quality, timely and reliable data disaggregated by several characteristics, including disability. As States take on this commitment and expand their disaggregation, data and statistics on persons with disabilities will increasingly be made available.

A limited number of indicators on the Sustainable Development Goals that have been incorporated into the human rights indicators may bear the wording "based on SDG indicator" and the number. This signifies that the original text of the indicator on the Goal has been modified for broader analysis; for example, human rights indicator 16.28 is based on Sustainable Development Goal indicator 5.2.2. The original wording of indicator 5.2.2 reads: "Proportion of women and girls aged 15 years and older subjected to sexual violence by persons other than an intimate partner in the previous 12 months, by age and place of occurrence"; however, human rights indicator 16.28 does not limit collecting data on the proportion of women and girls aged 15 years and older subjected to sexual violence – it calls for collecting data on women and girls regardless of age, which in any case will be disaggregated by age as set out in the original indicator on the Goal.

9. Can the indicators be used to monitor the Sustainable Development Goals?

As stated in FAQ 6, the indicators provide an avenue for States to assess and report on their progress in implementing the rights of persons with disabilities. This also applies to reporting within the framework of the voluntary national review at the high-level political forum on sustainable development and monitoring progress towards achieving the Sustainable Development Goals in the national context.

The Sustainable Development Goals cannot be achieved if they are not inclusive of persons with disabilities; nor can they be achieved if they do not promote and protect their human rights. The indicators on the Convention on the Rights of Persons with Disabilities serve also as a guide on how the Goals should be achieved for persons with disabilities. For example, Goal 5 on gender equality is achieved for women and girls with disabilities in accordance with article 6, as well as other related articles, of the Convention. By incorporating the indicators on the Goals in the human rights indicators, it becomes evident that gathering data on the Goals also serves to assess the implementation of the Convention and vice versa. The two instruments are inextricably linked and efforts made for one necessarily serve efforts to implement the other.

10. Where can the data be found to populate the indicators?

In order to provide guidance on how to populate the human rights indicators, data sources guidance has been developed to offer concrete examples of existing data sources that are linked to the outcome indicators. The guidance also identifies gaps in current data collection and disaggregation where further efforts are required (see FAQ 11). It also provides an avenue for policymakers to link the Sustainable Development Goals and their corresponding targets and indicators to the relevant article(s) of the Convention on the Rights of Persons with Disabilities.

11. What can be done if the data do not already exist?

It is likely that some of the data required to develop indicators are not available in many countries due to limited data collection and/or disaggregation. The data sources guidance highlights examples of existing data sources where information can be found to populate the outcome indicators. These data sources can also serve as models for countries working to improve their data collection on persons with disabilities.

The implementation of article 31 of the Convention on the Rights of Persons with Disabilities and the achievement of target 17.18 of the Sustainable Development Goals, as well as measures responding to recommendations by treaty bodies calling for enhanced data collection

and disaggregation by disability, should lead to the greater availability of data and statistics on persons with disabilities. The human rights indicators thus also serve as a call to States to progressively ensure this data collection and disaggregation and render persons with disabilities visible within statistics for evidence-based policymaking.

12. Why are data collection and disaggregation "by disability" key for the indicators?

Data collection and disaggregation by disability are key to identifying patterns of exclusion and discrimination of persons with disabilities, compared to other persons, and among different groups of persons with disabilities. They facilitate the assessment and monitoring of the impact of measures and serve as an evidence base to reshape policy approaches.

As part of the 2030 Agenda for Sustainable Development, States explicitly pledged to leave no one behind and committed to more systematic data collection and disaggregation, including by disability, to help to achieve and measure the Sustainable Development Goals (target 17.18). Similarly, article 31 of the Convention on the Rights of Persons with Disabilities requires the collection of appropriate information, including statistical and research data, to enable States to formulate and implement policies to give effect to the Convention, and states that the information collected in accordance with this article is to be disaggregated, as appropriate.

Throughout the table of indicators, disaggregation by disability refers to the type of impairment in accordance with the Convention and the jurisprudence of the Committee on the Rights of Persons with Disabilities (i.e. persons with physical disabilities, blind persons, deaf persons, deafblind persons, hard-of-hearing persons, persons with intellectual disabilities, persons with psychosocial disabilities, persons with autism, persons living with HIV, persons with chronic health conditions, etc.). This implicitly encompasses actual or perceived impairment, which refers to the person's condition itself or the perception of it by others. An example would be the case of deprivation of liberty on the basis of actual or perceived impairment, owing to the fact that it is the person's impairment or the perceived impairment that underlies the deprivation of liberty, contrary to article 14 of the Convention.

For simplicity and consistency with the Sustainable Development Goals, the term used when calling for disaggregation is "by disability". States can and should take steps to disaggregate by type of disability to know and better respond to the situation of different groups of persons with disabilities and to live up to the commitment to reach the furthest behind first.

13. Do the indicators require data collection and disaggregation by grounds other than disability?

In addition to disability, most of the indicators on the Convention on the Rights of Persons with Disabilities require disaggregation by age and sex, which are always relevant to identify

gaps, trends and disadvantages on those grounds. Geographical location is another ground that has been included in many indicators and can be used throughout the indicators to identify disparities between urban and rural areas, as well as across different regions. (For more information on the application of indicators across different levels and branches of government, see FAQ 18.)

Disaggregation by other grounds can prove helpful and important in identifying situations of structural discrimination and gaps relating to specific groups that should be addressed through policymaking. The selection of grounds relevant for disaggregation should be determined in the process of the contextualization of the indicators at the national and local levels depending on the sociocultural and historical background. For example, States with a historical background of racial discrimination should prioritize the inclusion of disaggregation by race, while others might prioritize such grounds as religious or political affiliation or language, based on their local contexts. The most common grounds for disaggregation that should be considered are sex; age; race; language; national, ethnic, indigenous or social origin; sexual orientation and gender identity; intersex variation; religious and political affiliation; migrant status; impairment group; and birth and health status.

14. Do the indicators provide guidance on data collection and disaggregation methods?

The indicators are not aimed at providing guidance on methods of data collection; however, they do call for systematic data disaggregation by disability, as required by the Convention on the Rights of Persons with Disabilities and the jurisprudence of the Committee on the Rights of Persons with Disabilities (see FAQ 12). As the data required to report on many of the human rights indicators may still not be the object of a Government's data collection efforts, the indicators serve to call for further developments to ensure that the data relating to persons with disabilities are appropriately collected and disaggregated.

Disability data collection methods and tools are a matter of current technical debate, and development and disaggregation by disability may require different approaches, depending on the type of information sought and the method deployed. These methodological issues are resolvable and require further discussion by relevant professionals designing tools for data collection, including statistical data and administrative data.

In this context, under article 31 of the Convention (on statistical and research data), the Committee on the Rights of Persons with Disabilities has consistently recommended the use of the Washington Group Short Set of questions on disability, which has been designed to be integrated into national censuses and household surveys. This data instrument has been widely tested by countries and is supported by the Committee, United Nations entities and other organizations as a tool ready for use to secure a baseline for comparison to measure the impact of the Sustainable Development Goals on persons with disabilities.

More broadly, OHCHR proposes a human rights-based approach to data in order to ensure that the quality, relevance and use of data are consistent with international human rights

norms. This approach is focused on several key principles to guide data collection and disaggregation, namely, participation, data disaggregation, self-identification, transparency, privacy and accountability. It should be incorporated into data collection and disaggregation efforts by States to facilitate the implementation of the Convention.

For more information, consult the data sources guidance.

15. Structural indicators commonly refer to the adoption of a strategy, policy or plan inclusive of persons with disabilities. What are the main elements to consider in assessing whether this indicator is met?

Several structural indicators refer to national strategies, policies or plans that should be adopted as a key step in the implementation of a given article of the Convention on the Rights of Persons with Disabilities. In order to ensure effective strategies, policies or plans accessible to and inclusive of persons with disabilities, they should be adopted in close consultation with and with the active involvement of persons with disabilities (see FAQ 17), including through their representative organizations, and contain, as a minimum, the following elements:

- Clear lines of responsibility, measurable goals and a timetable for implementation
- Mechanisms for cross-ministerial cooperation
- An allocated budget
- Monitoring and enforceability mechanisms, including effective remedies for non-compliance
- Criteria requiring physical and informational accessibility

16. What does it mean when the indicators refer to a "mainstream" policy/programme and a "disability-specific" policy/programme?

Some indicators refer to "mainstream" (as well as "general" or "regular") policies and "disability-specific" policies (or "targeting persons with disabilities"), reflecting the twin-track approach to disability, which entails ensuring inclusion of the rights of persons with disabilities in broader or "mainstream" programmes and policies, and adopting specific programmes and policies that focus on persons with disabilities.

"Mainstream" policies are where implementing the rights of persons with disabilities under the Convention on the Rights of Persons with Disabilities means ensuring that general policies or measures do not discriminate against but are inclusive of persons with disabilities. For instance, under article 24 of the Convention, the education system is to be made inclusive.

Thus, "mainstream" ("general" or "regular") schools and their operations must respond to the needs of all students, including students with disabilities, among others.

"Disability-specific" policies are where the Convention may require States to have measures that target persons with disabilities. This includes, for instance, specific measures to achieve de facto equality for persons with disabilities under article 5 of the Convention, which seeks to reduce pervasive inequalities in the enjoyment of rights by persons with disabilities, as compared to others. Another example can be found under article 28 on social protection and an adequate standard of living, which requires that social protection schemes take into account and cover disability-related costs, which only persons with disabilities incur.

17. Do indicators assess compliance with the obligation to closely consult with and actively involve persons with disabilities in the design and implementation of legislation and policies that concern them?

Yes – article 4 (3) of the Convention on the Rights of Persons with Disabilities provides that, in the development and implementation of legislation and policies to implement the Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States parties are to closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

This obligation applies across the board to all indicators, notably structural indicators (commitments) and process indicators (efforts). Therefore, whenever an indicator refers to legislation enacted, a national strategy adopted, resource or budget allocation (in budget legislation), awareness-raising campaigns, or training provided on issues relating to the Convention and so forth, it is always implicit that this must be done in close consultation with and with the active involvement of persons with disabilities, in accordance with the guidance developed by the Committee on the Rights of Persons with Disabilities in its general comment No. 7 (2018). This requires that the views of organizations of persons with disabilities be given priority[3] in decision-making and reflected in the motivation for the decisions adopted, notably of the group of persons with disabilities particularly affected by the measure under discussion.

In addition, where the process indicator relies on consultation processes being undertaken on the design, implementation and monitoring of laws, regulations, policies and programmes, and the proportion of persons with disabilities who participated in these processes being disaggregated by age, sex, disability and geographical location, States are required to verify their concrete activities, including consultation meetings, technical briefings, online consultation surveys, and calls for comments on draft legislation and policies, among other methods of participation. The outreach efforts made must be contained in the reports, as they

[3] This means priority over other stakeholders, such as organizations *for* persons with disabilities or service provider-led organizations.

may determine whether the main rights holders are given priority and access to participate. For example, consultations limited to a national umbrella organization can prevent other organizations that are not affiliated with the national umbrella group from participating and sharing their input. Assessing the level of satisfaction of persons with disabilities with respect to consultation processes and their outcomes will be instrumental in continuously improving practices.

18. Do indicators apply to all levels and branches of governments?

Yes – for States parties to the Convention on the Rights of Persons with Disabilities, including regional integration organizations as referred to in article 44, the obligations and standards are applicable to and mandatory at all levels and branches of government within the scope of their competencies and in accordance with the constitutional and legal framework.

When applying and adapting the proposed human rights indicators within a State, stakeholders need to consider the structure of the State and the distribution of competences among the different levels and branches of government. All levels and branches of government must implement the Convention, in accordance with the State's constitutional and legal framework. Furthermore, the rights of persons with disabilities are a cross-cutting issue within legislation and policymaking and are thus not limited to a level of government or a specific sector.

For federal States, article 4 (5) of the Convention provides that the provisions of the Convention are to extend to all parts of federal States without any limitations or exceptions. The federal structure of a State is therefore responsible for non-compliance at any level, and each federal unit (e.g. a state or province) must comply with the obligations and standards set out in the Convention. For example, within a federal State, education may be regulated by both federal and state law. Federal and state law and the actions of federal and state units must comply with and enforce inclusive education as set out in the Convention. Federal units are also implicated in country reviews and must be prepared to submit information and respond to the Committee on the Rights of Persons with Disabilities on its implementation efforts and outcomes.

19. How should the indicator on the number and proportion of complaints be interpreted?

Most tables of indicators include a process indicator on the proportion of received complaints (concerning a right or topic) that have been investigated and adjudicated, the proportion of those found in favour of the complainant, and the proportion of the latter that have been complied with by the Government and/or duty bearer. Each is disaggregated by type of mechanism.

The specific context is key to interpreting the information collected for each indicator. For instance, an increase in the proportion of complaints relating to a right does not necessarily mean that the general situation has become worse thereby resulting in an increase of violations. The number of complaints simply reflects the fact that more complaints are being submitted. This could be due to increased awareness about one's rights or about the complaint mechanism, improved access to (and accessibility of) the mechanism, improved registration of complaints, improved data collection on complaints and so forth. In all cases, the information captured by the indicator cannot alone unveil the economic, political and social factors that determine access to complaint mechanisms and is limited to showing a trend that calls for further inquiry. As such, the data collected through this indicator could complement case studies documented by complainants or by organizations of persons with disabilities gathering information directly from complainants, courts, national human rights institutions or other stakeholders.

For example, for each type of complaint mechanism (e.g. courts or the complaint mechanism of a national human rights institution or equality body), the indicator is limited to capturing the data referred to in table 1, reflecting the proportion of the type of action following a complaint in a given period.

Table 1. Type of data required on complaint mechanisms

Type of data required	Sample numbers
(a) Number of complaints submitted relating to a particular right (received complaints)	100
(b) Number of complaints that led to a decision/recommendation (that have been investigated and adjudicated)	50
(c) Number out of (b) found in favour of the complainant	20
(d) Number out of (c) that have been acted upon and complied with by the government or duty bearer	10

Based on the information contained in table 1, reporting against the indicator is shown in table 2.

Table 2. Reporting on indicators relating to complaint mechanisms

Indicators	Data
(a) Proportion of received complaints (concerning a right or topic) that have been investigated and adjudicated	50/100 = 50%
(b) Proportion of (a) that were found in favour of the complainant	20/50 = 40%
(c) Proportion of (b) that have been complied with by the government or duty bearer	10/20 = 50%

Together with other factors, such as the quality of complaints, the data on each indicator can contribute to the assessment of different aspects of the complaint mechanism to improve it over time, for example, the efficiency in the processing of complaints, the trend in the level of protection of rights and the responsiveness of the government and/or duty bearer (i.e. the effectiveness of the mechanism).

Any further disaggregation would be valuable to better identify trends and gaps in protection (see, for example, human rights indicator 5.15 and its footnote). For instance, disaggregation by disability (type of disability) could help to identify different levels of awareness and/or accessibility of complaint procedures among different groups of persons with disabilities. In the same vein, further disaggregation of categories relating to procedural issues (e.g. decisions on admissibility or legal standing) could shed more light on the functioning of the mechanism and the technical quality of the complaints submitted.



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