Article 33: Illustrative indicators on national implementation and monitoring

Article 33: Illustrative indicators on national implementation and monitoring			
National implementation and monitoring			
Attribute/type of indicator	**Focal points and coordination mechanism**	**Independent monitoring framework**	**Participation of organizations of persons with disabilities[a]**
Structure	33.1: Legal and/or statutory appointment of one or more focal points within the Government (across all branches and levels of government and across all ministries and sectors) with sufficient authority to mainstream the rights of persons with disabilities for implementation of the Convention on the Rights of Persons with Disabilities[b] (see also indicator 1/4.7 on the Convention) 33.2: Legal and/or statutory appointment of a coordination mechanism within the Government to enhance implementation by facilitating related action across different sectors and levels, with a clear structure, mandate and leadership and sufficient authority to ensure mainstreaming and implementation of the Convention on the Rights of Persons with Disabilities[c] (see also indicator 1/4.8 on the Convention) 33.3: Adoption of regulations and/or protocols addressing public sector staff on the functioning of, and engagement and collaboration with, focal points and coordination mechanisms 33.4: Adoption of regulations and/or protocols addressing civil society organizations, notably organizations of persons with disabilities, on the functioning of, and engagement with, focal points and coordination mechanisms[d] 33.5: Legal and/or statutory requirement to adopt a marker on public spending aimed at ensuring the activity of the focal points and coordination mechanisms related to the	33.6: Framework to promote, protect and monitor the implementation of the Convention on the Rights of Persons with Disabilities, established in close consultation with civil society organizations and particularly with persons with disabilities and their representative organizations: • Including one or more independent mechanisms[e] that are appointed through the constitution or legislation • That respects the principles relating to the status and functioning of national institutions for the promotion and protection of human rights (the Paris Principles)[f] (includes Sustainable Development Goal indicator 16.a.1)[g] 33.7: Legal requirement of a marker related to the implementation and monitoring of the Convention on the Rights of Persons with Disabilities adopted and applied to public spending directed at the monitoring framework mechanisms	33.8: Legal or regulatory provisions that 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 on the Rights of Persons with Disabilities[h] (see also indicator 1/4.9 on the Convention) 33.9: Legal provisions requiring allocation of funds from the national budget to financially support the strengthening of organizations of persons with disabilities to participate in monitoring the implementation of the Convention on the Rights of Persons with Disabilities[i] (see also indicator 1/4.11 on the Convention)

	implementation of the Convention on the Rights of Persons with Disabilities		
Process	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 Convention on the Rights of Persons with Disabilities[j] 33.11: Number of training and awareness-raising activities and guidance documents issued among all relevant public sector staff on the existence of focal points and coordination mechanisms, their mandate and procedures/protocols for engagement; and proportion of population who gained access to those campaigns and activities, disaggregated by age, sex, disability and geographical location	33.12: Type and number of promotion activities, including awareness-raising, capacity-building and training initiatives, on the Convention on the Rights of Persons with Disabilities carried out by the independent monitoring framework, disaggregated by target audience (e.g. general public or public sector staff)[k] 33.13: Number of draft national laws, policies, strategies, administrative decisions and other administrative acts related to the rights of persons with disabilities reviewed by the independent monitoring framework, disaggregated by type of process and whether the review was upon request or not 33.14: Adoption of formal cooperation agreements between the monitoring framework mechanisms and the national and/or local statistics offices, including for the purposes of information exchange, mutual technical advice and so forth to strengthen human rights monitoring and protection, including of persons with disabilities[l] 33.15: Number and type of monitoring activities, including visits to institutions and other places where persons with disabilities are deprived of their liberty (by regulation or de facto), inspections of facilities that provide services to persons with disabilities, and evaluations of adopted laws and policies, disaggregated by type of institution, population served and age category 33.16: Number and proportion of reports issued by the independent monitoring framework, including contributions submitted to international and regional monitoring mechanisms (e.g. the Committee on the Rights of Persons with Disabilities and	33.17: Budget allocated and spent from the national budget and distributed among organizations of persons with disabilities for the purpose of participating in monitoring activities (see also indicator 1/4.16 on the Convention on the Rights of Persons with Disabilities) 33.18: Number of capacity-building activities funded by the State to strengthen the capacity of organizations of persons with disabilities for the purpose of implementing activities related to the monitoring of the Convention on the Rights of Persons with Disabilities (see also indicator 1/4.17 on the Convention) 33.19: Number and proportion of monitoring processes/activities related to the rights of persons with disabilities open to participation by organizations of persons with disabilities, disaggregated by type of process/activity and topic

		other treaty bodies), that address the rights of persons with disabilities	
Outcome	33.20: Number and proportion of disability focal points and coordination mechanisms, or cross-ministerial or cross-departmental government committees or working groups that meet regularly on the implementation of the Convention on the Rights of Persons with Disabilities	33.21: Number of persons or organizations seeking assistance from the independent monitoring framework in terms of their rights under the Convention on the Rights of Persons with Disabilities and methods of redress, and the proportion of referrals of collective cases to the justice system by the independent monitoring framework related to persons with disabilities[m] 33.22: Where applicable,[n] proportion of individual or group complaints submitted to the mechanisms of the monitoring framework alleging breaches of the Convention on the Rights of Persons with Disabilities 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[o]	33.23: Number of representative organizations of persons with disabilities participating in the independent monitoring framework, disaggregated by type of organization,[p] which particular group of persons with disabilities is represented and geographical location 33.24: Number of organizations of persons with disabilities with a role in the work of the government disability focal point or coordination mechanism, disaggregated by type of organization,[q] which particular group of persons with disabilities is represented and geographical location

[a] Article 33 (3) refers to civil society, in particular persons with disabilities and their representative organizations. For the present purposes, the indicators are focused on organizations of persons with disabilities. See Committee on the Rights of Persons with Disabilities, general comment No. 7 (2018); and report of the Special Rapporteur on the rights of persons with disabilities (A/HRC/31/62).

[b] 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 the obligations of non-discrimination must be the primary consideration. In addition, the focal points, either those within the structure of ministries (e.g. an office for disability) or those operating under the aegis of a ministry (e.g. an agency mandated with disability issues), must have sufficient authority to influence decision-making processes. 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 legislation and policies that directly or indirectly affect their lives.

[c] In addition to coordinating the implementation of obligations provided for in articles 5 to 30 and those related to international monitoring, the coordination mechanism should be mandated to fulfil the general and specific obligations set out in articles 4, 31 and 32.

[d] With respect to organizations of persons with disabilities, this indicator also contributes to assessing compliance with State obligations under article 4 (3) of the Convention on the Rights of Persons with Disabilities and should be considered jointly with related indicators under articles 1 to 4.

[e] States must respect the following criteria when establishing the framework:

- When the framework consists of a single entity such as a monitoring mechanism, it must be independent from the executive branch and be compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the 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 Guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities (CRPD/C/1/Rev.1, annex, para. 12).

[f] 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 the section on the composition and guarantees of independence and pluralism (1 (a)) of the Paris Principles)
- Have a stable institutional basis (set out in the constitution or legislation) that 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 in 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

[g] Framed for article 33 (2) of the Convention, indicator 33.6 includes Sustainable Development Goal indicator 16.a.1, namely: "Existence of independent national human rights institutions in compliance with the Paris Principles". See the accreditation system of the Global Alliance of National Human Rights Institutions.

[h] 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 independent monitoring framework or national human rights institution 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.

[i] Funding schemes should not compromise the independence of organizations of persons with disabilities in contributing to monitoring activities.

[j] 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 within the ministry of education, focus should be on article 24 on the right to inclusive education).

[k] This indicator, as well as the other process and outcome indicators under "independent monitoring framework", seek to evaluate the fulfilment of the mandate through the actions taken by the independent mechanisms within the framework.

[l] For example, memorandums of understanding have been concluded between national human rights institutions and national statistics offices with the support of the Office of the United Nations High Commissioner for Human Rights (e.g. in Kenya and in the State of Palestine). For further information and to gain access to a template memorandum of understanding, contact hrindicators@ohchr.org.

[m] 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 affecting persons with disabilities belonging to the most marginalized groups.

[n] The principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) suggest, but do not require, that national human rights institutions be 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."

[o] 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 affecting persons with disabilities belonging to the most marginalized groups.

[p] Explicitly including information on organizations of women with disabilities, children and youth with disabilities, and underrepresented groups such as indigenous persons with disabilities. See Committee on the Rights of Persons with Disabilities, general comment No. 7 (2018).

[q] Ibid.