

April 2024

Legal Harmonisation

Guidance for organisations of persons with disabilities

Part 3: Monitoring of implementation of the Convention on the Rights of Persons with Disabilities and reporting to the United Nations



Note: This document is Part 3 of a series of three guides, and helps clarify the monitoring and reporting processes under CRPD, and the opportunities for people with disabilities and OPDs to participate in those processes. Part 1 relates to the relationships between CRPD and domestic law, and Part 2 relates to law reforms to align with CRPD.

These documents should be read together.

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All links were correct at the time of publication.

Introduction



Summary

The Convention on the Rights of Persons with Disabilities ('CRPD'), is the international law on the rights of persons with disabilities that sets out the obligations of States (i.e., Countries) to promote and protect the rights of persons with disabilities. This includes appropriate steps to ensure that the CRPD is incorporated into domestic law and that domestic laws are in harmonisation with the CRPD.

In many countries across the world, legal and policy frameworks often provide insufficient protection or inadequately address the rights and inclusion of persons with disabilities in society. Sometimes, laws may perpetuate discrimination, may prohibit rights from being realised, or may otherwise harm persons with disabilities.

Persons with disabilities and their representative organisations play a key role in ensuring that laws and policies are inclusive, responsive to the needs of persons with disabilities, and reflect the diverse perspectives of the disability community. Monitoring laws, policies and procedures is an important role that they can play to ensure national implementation of the obligations contained in the CRPD. They also have a unique opportunity to report to the UN on their countries' (States') performance.



Purpose

The purpose of this guidance is to provide an understanding of domestic (national) and international monitoring of CRPD, reporting processes, and the potential role for Organisations of Persons with Disabilities (OPDs) in each of these processes.

It is supported by a glossary of key terms, as well as a list of resources and technical guidance available for further information.

Monitoring of the CRPD

What is monitoring?

- Monitoring is an important way to ensure that States are doing what they promised to do, when they joined up to the CRPD.
- When States become party to the CRPD they agree to the obligations contained in the Convention, and agree to be legally bound by those obligations.
- Monitoring requirements and processes are outlined in the CRPD itself.

How is the CRPD monitored?

The CRPD requires monitoring at both domestic and international levels.

At a domestic level, States are required to establish or designate national implementation and monitoring structures (Article 33).

- The form of these structures varies and can be different in each country i.e., human rights commissions, or an Ombudsman's Office, or a specific oversight agency. Whatever structure is created it must be independent and have the power to criticise Government.

At an international level, the CRPD has a Committee on the Rights of Persons with Disabilities ¹ which reviews reports submitted by States on the steps they have taken to implement the Convention. These reports are required on a periodic basis.

- These reports are called 'periodic State reports' the first of which (called the initial State report) is due within two years after a State becomes party to the Convention (through ratification or accession). After the initial report, State reports are due every four years.
- Many States fall behind on their reporting date. In these circumstances, the Committee can allow them to roll several years' reporting in one report i.e., covering 2 or more reporting periods.
- A simplified reporting procedure was also introduced to allow States to fast track the process of reporting. This simplified procedure means that the UN or the Committee independently researches implementation of the CRPD obligations by the State, drawing on a wide range of reports and information. The draft report would then be shared with the State, and with civil society. The State has the opportunity to debate the report. Many countries have adopted the simplified procedure.
- The Committee can also examine complaints from individuals and conduct independent inquiries in relation to the Optional Protocol to CRPD ² .
- [The UN ratifications database](#) lists all countries and all human rights treaties, including CRPD, in one place. You can see when any country signed, ratified or acceded to any human rights Convention

What is the role of OPDs in CRPD monitoring?

OPDs have an important role to play in CRPD monitoring at both domestic and international levels.

At a domestic level, States are required to establish or designate national implementation and monitoring structures (Article 33).

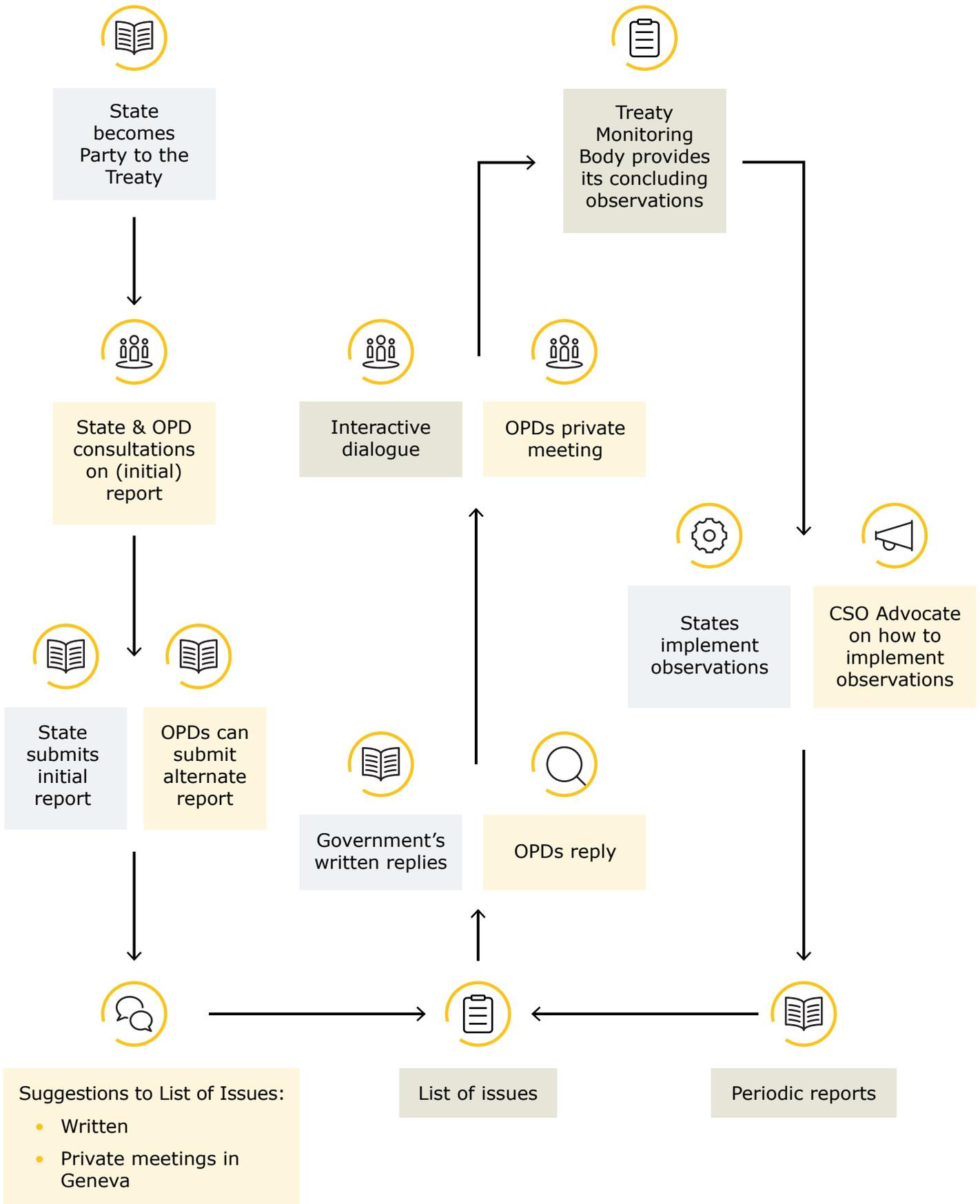
- The form of these structures varies and can be different in each country e.g., human rights commissions, or an Ombudsman's Office, or a specific oversight agency. Whatever structure is created it must be independent and have the power to criticise Government.
- OPD roles
 - OPDs have an important role to play in monitoring and advocating for implementation of the obligations at National, sub-national (Provincial) and local levels.
 - OPDs can collect evidence of compliance (or lack of compliance) with CRPD, (through story-telling, case studies, photos/videos, and documentation).
 - OPDs can leverage their networks to influence decision makers.
 - OPDs have a key role to play in awareness raising, encouraging collective action, and empowering people with disabilities to advocate for themselves.

At an international level, OPDs can also be involved in the reporting process, either as part of the State report, or by submitting a separate report (known as a 'shadow report').

- Shadow Reports allow the Committee to have the fullest picture possible of the implementation of the Convention and situation for persons with disabilities in-country.
- States are also invited to give due consideration to consulting with and actively involving persons with disabilities and OPDs when nominating experts to the Committee (Article 35(3)).

Diagram 1: Treaty Monitoring Processes and OPD entry points for participation

The diagram below illustrates the reporting process. State roles are indicated in gray, Opportunities for OPD involvement are indicated in yellow and Treaty Monitoring Body are indicated in stone.



The table below articulates the different roles and processes of States and OPDs in international monitoring processes.

State	OPD
Ratification or accession to CRPD	OPDs can make a statement to the CRPD Committee, for the record, on the ratification or accession of a State
State develops initial report within 2 years of ratification/ accession, through a process of data collection, analysis and consultations	OPDs can and should participate fully and equally in State reporting processes, but can also prepare separate and independent 'shadow' reports to the CRPD Committee. OPDs can wait until the initial report has been submitted and therefore respond to that report, or it can develop a shadow report at the same time as the State report. The OPD shadow report should be a result of a consultative process, representative of the views of the diversity of disabilities. Consultations should start at least 2 years before the report is due.
State submits its initial report	OPDs submits their 'shadow' report
The CRPD Committee reviews both the State and shadow reports, and writes a 'List of Issue' (LOI) to be sent to the State and OPDs	The CRPD Committee reviews both the State and shadow reports, and writes a 'List of Issues' (LOI) to be sent to the State and OPDs
State submits a written response to the List of Issues	OPDs reply (in writing or orally) to the list of issues
The CRPD Committee invites the State to a discussion on its report and the State's responses to the LOI.	The CRPD Committee invites OPDs to a private meeting to discuss its report and responses to the LOI. Funding can be available for OPD attendance at these meetings.
The CRPD Committee (also described as the Treaty Monitoring Body – TMB) publishes its 'Concluding Observations' on the State report.	On agreement with the OPD, the CRPD Committee publishes the OPD shadow report (but if this presents a risk to the OPD it would not be published)
The State implements actions to address the CRPD Committee's Concluding Observations.	OPDs advocate for, and monitor implementation of, the State's actions to implement the Concluding Observations.
The cycle repeats – the State prepares for its next report 4 years after submission of its initial report. OPDs participate as above	The cycle repeats – the State prepares for its next report 4 years after submission of its initial report. OPDs participate as above

Glossary of Key Terms

- **Accession:** the formal act of expressing consent to be bound by a treaty that a State was not originally a signatory to. By acceding, the State becomes a party to the treaty and accepts the rights and obligations under the treaty as if it had been an original signatory.
- **Committee on the Rights of Persons with Disabilities:** The body of independent experts established under the CRPD to monitor its implementation by States and provide guidance on promoting and protecting the rights of persons with disabilities.
- **Convention on the Rights of Persons with Disabilities or 'CRPD':** An international human rights treaty adopted by the United Nations in 2006, aiming to protect and promote the rights and dignity of persons with disabilities while ensuring their full and equal participation in society.
- **Duty bearers (as distinct from 'rights holders'):** Individuals, groups, or institutions that are responsible for upholding and fulfilling specific rights or obligations under national or international law.
- **Optional Protocol:** A supplement to the CRPD providing a mechanism for individuals or groups to submit complaints to the Committee of Persons with Disabilities regarding violations of their rights under the CRPD.
- **Organisations of Persons with Disabilities or 'OPDs':** Groups or associations formed by individuals with disabilities to advocate for their rights, interests, and inclusion in society.
- **Ratification:** The formal adoption of a treaty, by a State that is already a signatory to a treaty, confirming its final commitment and intention to be bound by its provisions.
- **Rights holders (as distinct from 'duty bearers'):** Individuals or groups who possess legal entitlements and protections under national or international law, granting them specific rights and benefits.
- **Shadow Reports:** alternative reports submitted by non-government organisations and civil society groups to the Committee on the Rights of Persons with Disabilities, providing additional information and insights on implementation of the CRPD by States.

Key technical advice resources

National Legislation

- UNDESA. (2023). [Disability Laws and Acts by Country / Area](#)
- W3C. (2023). [Web Accessibility Laws and Policies by country](#)

UN Reports

- UNECOSOC. (2021). [Harmonization of National Laws with the Convention on the Rights of Persons with Disabilities: Asia-Pacific trends in selected topics in the ESCAP region](#)
- UNESCAP. (2022). [Harmonization of National Laws with the Convention on the Rights of Persons with Disabilities: Overview of trends in Asia and the Pacific](#)
- UNESCAP. (2021). [Inequality, Discrimination and Exclusion: Assessing CRPD Compliance in Pacific Island Legislation](#)
- UNOHCHR. (2009). [Key legal measures for the ratification and implementation of the Convention on the Rights of Persons with Disabilities](#)
- UNOHCHR. (2009). [Thematic Study by the Office of the United Nations High Commissioner for Human Rights on enhancing awareness and understanding of the Convention on the Rights of Persons with Disabilities](#)

Thematic Studies

- UNESCAP. (2020). [Employment for persons with disabilities](#)
- UNOHCHR. (2018). Report of the Special Rapporteur on the rights of persons with disabilities. [Thematic study on the right of persons with disabilities to equal recognition before the law and legal capacity and supported decision-making](#)
- UNOHCHR. (2017). [Right to access to justice under article 13 of the Convention on the Rights of Persons with Disabilities](#)
- Report of the Special Rapporteur on the rights of persons with disabilities. (2016).
- UNOHCHR. (2016). [Equality and non-discrimination under article 5 of the Convention on the Rights of Persons with Disabilities](#)

UN General Comments and Recommendations

- Committee on the Rights of Persons with Disabilities. (2018). [General Comment No. 7 on the participation of persons with disabilities, inclusion children with disabilities, through their representative organisations, in the implementation and monitoring of the Convention](#)
- Committee on the Rights of Persons with Disabilities. (2018). [General Comment No. 6 on Equality and Non-Discrimination](#)
- Committee on the Rights of Persons with Disabilities. (2017). [General Comment No. 5 on living independently and being included in the community](#)
- Committee on the Rights of Persons with Disabilities. (2016). [General Comment No. 4 on the right to inclusive education](#)
- Committee on the Rights of Persons with Disabilities. (2016). [General Comment No. 3 on Article 6 – Women and Girls with Disabilities](#)
- CEDAW Committee. (2015). [General Recommendation No. 33 on Women’s Access to Justice](#)
- Committee on the Rights of Persons with Disabilities. (2014). [General Comment No 2 on Article 9 – Accessibility \(adopted 11 April 2014\)](#)
- Committee on the Rights of Persons with Disabilities. (2014). [General Comment No. 1 on Article 12 – Equal Recognition Before the Law \(adopted 11 April 2014\)](#)

UN Other Guidance

- Special Rapporteur on the Rights of Persons with Disabilities. (2020). [International Principles and Guidelines on Access to Justice for Persons with Disabilities](#)
- UNDP. 2020. [Report on Reviewing Viet Nam’s Law on Persons with Disabilities in comparison with the Convention on the Rights of Persons with Disabilities and International Best Practices](#)
- UNDSPS and UNDESA. (2016). [Toolkit on Disability for Africa, Legislating for Disability Rights](#)
- ILO. (2014). [Achieving Equal Employment Opportunities for People with Disabilities through Legislation: Guidelines](#)
- UNDESA, OHCHR and the Inter-Parliamentary Union. (2007). [From Exclusion to Equality: Realizing the Rights of Persons with Disabilities](#)

Articles

- Beqiraj, J., McNamara, L. and Wicks., V. (2017). Access to justice for persons with disabilities: [From international principles to practice, International Bar Association](#) (Chapter 3 – Legal Barriers (pages 22 to 26))
- University of Minnesota Human Rights Center. (2012). [Using Human Rights. Yes! Action and Advocacy on the Rights of Persons with Disabilities](#) (2nd edition)
- Ortoleva, S. Inaccessible Justice. (2011). [Human Rights, Persons with Disabilities and the Legal System, 17 ILSA Journal of International and Comparative Law, 281](#)
- Lewis, O. (2010). [The Expressive, Educational and Proactive Role of Human Rights: An Analysis of the UN Convention on the Rights of Persons with Disabilities in Rethinking Rights Based Mental Health Laws](#)
- Lord, J. and Stein, M. (2008). [The Domestic Incorporation of Human Rights Law and the United Nations Convention on the Rights of Persons with Disabilities, \(83 University of Washington Law Review 449-479\)](#)

Notes

- 1 [Contact the Committee](#)
- 2 The Optional Protocol to CRPD gives individuals a way to make a complaint about their State directly to the CRPD Committee. The procedure is known as an “individual communications procedure”. It can be quite complex, and requires that complainants exhaust all legal avenues for redress before submitting a complaint through this process. [Find guidance on the procedure.](#)