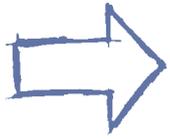




Toolkit on the Review process of the UN CRPD



# Executive Summary

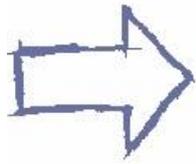
This toolkit aims to bring together practical information for our members who would like to know more about, and perhaps contribute to, the review process of the Convention on the Rights of Persons with Disabilities.

As the Committee on the Rights of Persons with Disabilities (the Committee) and the Convention have made the meaningful participation of civil society a possibility at various stages in the process, it is important for NGOs to be aware of the mechanisms and to know how to use them.

With this toolkit MHE hopes to facilitate the work of our members who wish to participate in the State review process and contribute to the enforcement of the Convention at national level. There are four different stages of the review process during which civil society can participate: the reporting stage, the list of issues, the constructive dialogue and the concluding observations.

As the CRPD is at the very core of our work at MHE, this toolkit is predominately aimed at advocacy surrounding the State review process of the Committee on the Rights of Persons with Disabilities however it may also be used as guidance for advocacy in respect of review processes of the other UN human rights treaty bodies which are often largely similar.

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## 1. Introduction

Human rights is a very useful policy tool for promoting the rights of the persons with mental health problems but can also be helpful when advocating for better services and reforms. There is a range of international human rights treaties which are relevant for persons with mental health problems including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention against Torture, Cruel, Inhumane and Degrading Treatment (CAT), the Convention on the Elimination of Discrimination against Women (CEDAW) and the Convention on the Rights of the Child (CRC). However, perhaps the most important for persons with protracted or severe mental health problems which could be considered a psychosocial disability (the term used by the Committee on the Rights of Persons with Disabilities), is the most recently adopted international human rights treaty -the Convention on the Rights of Persons with Disabilities (CRPD). This ground-breaking document requires a paradigm shift away from the 'medical' model to disability to the 'social' model which views persons with disabilities as individual rights-holders rather than objects in a paternalistic or charitable system. The Convention does not intend to lay down rights to which only persons with disabilities are entitled but rather to advance an understanding of human rights which allows such persons to fully enjoy their rights and eliminate the societal barriers to doing so. The cornerstones of this approach are the principles of inclusion, independence, equality of opportunity, non-discrimination, autonomy, reasonable accommodation and accessibility.

The CRPD has been signed by all Member States of the EU and ratified by a majority of European countries. At the time of writing, Netherlands and Ireland are the only Member States who have yet to ratify the UNCRPD and the Optional Protocol (OP).<sup>1</sup> Even if your country has only signed the CRPD it is bound under international law not to enact any laws or policies which run contrary to the CRPD in the intervening period between signature and ratification. If your country has ratified the CRPD, it will be obligated to report to the Committee on the Rights of Persons with Disabilities (the Committee) within two years of the entry into force of the Convention in the State concerned as well as have their human rights record on disability reviewed in front of the Committee in Geneva. The Committee is a body of 18 independent experts who serve in their personal capacity and are tasked with reviewing the implementation of State Parties of the UN CRPD. It is worth remembering that Committee members are unpaid individuals who often have full-time jobs outside of their UN commitments.<sup>2</sup>

This toolkit focuses on the review process of the UNCRPD. Although is worth briefly mentioning two other useful mechanisms regarding the enforcement of human rights: the complaint procedure and the UPR.

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<sup>1</sup> For a list of those States who have signed and ratified the CRPD please see the following: [https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-15&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-15&chapter=4&lang=en).

<sup>2</sup> For more on the Working Methods of the Committee, please see the following: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/5/4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/5/4&Lang=en) and for more on the rules of procedure of the Committee, you can find the most recent document at the following: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/042/41/PDF/G1404241.pdf?OpenElement>.

### 1.1. Complaint Procedure

Treaty bodies such as the Committee also have a complaints procedure mechanism which enables individuals to complain about violations of their rights in an international arena. The CRPD may consider individual communications alleging violations of the Convention only by States parties to the OP.<sup>3</sup> Like other treaty bodies equipped with complaints mechanisms, the Committee is not a court with judicial powers; the OP provides a quasi-judicial procedure in which the resultant decisions of the CRPD Committee are not legally enforceable. If a violation is found, the views of the Committee are transmitted to the State party and constitute recommendations that need to be implemented by the State party and reported on to the Committee within six months. While technically they may not be legally binding, the decisions of the Committee are considered to be authoritative interpretations of the CRPD, and beyond the realm of application within the State party involved in a complaint, decisions will be of great value in the exercise of implementing provisions on the ground in all States parties to the CRPD.

Ultimately, the effectiveness of the complaint procedure depends on the political will of the State party to recognise the competence of the Committee and to abide by their decisions. Yet initially, the use of this procedure will depend on sufficient awareness of the instrument and the capacity of individuals, organisations of persons with disabilities (DPOs) and NGOs to identify victims, recognise violations and to lodge complaints to the CRPD Committee in accordance with the provisions of the OP.

### 1.2. UPR

Another process which is separate from the treaty bodies and functions as a peer review process among States, is the Universal Periodic Review (UPR) which civil society may also contribute to, albeit in a more limited manner.<sup>4</sup> The UPR is a peer review process in which Member States of the UN all review each other's human rights record every four years. The UPR is broader than other review processes and deals with all human rights as opposed to the treaty bodies mentioned earlier which usually focus on specific types of rights or rights-holders (women, migrants' workers etc.). MHE would encourage members who have the capacity to do so to engage in other UN human rights processes as the more recommendations received from treaty bodies relating to a certain topic, the more pressure is placed on a Member State to implement that recommendation. Many recommendations received during the UPR process are simply repeated recommendations from previous reviews by other human rights treaty bodies

### 1.3. The CRPD Review Process

The CRPD review process provides a great opportunity for civil society involved in promoting the rights of persons with disabilities to engage with their government and UN level human rights advocacy. The reviews can serve as springboards for change and it is well known that many human rights reviews have resulted in real changes on the ground.<sup>5</sup> The following paragraphs will lead you through the different stages of the review process and define the concrete actions that civil societies can undertake in order to contribute to the process.

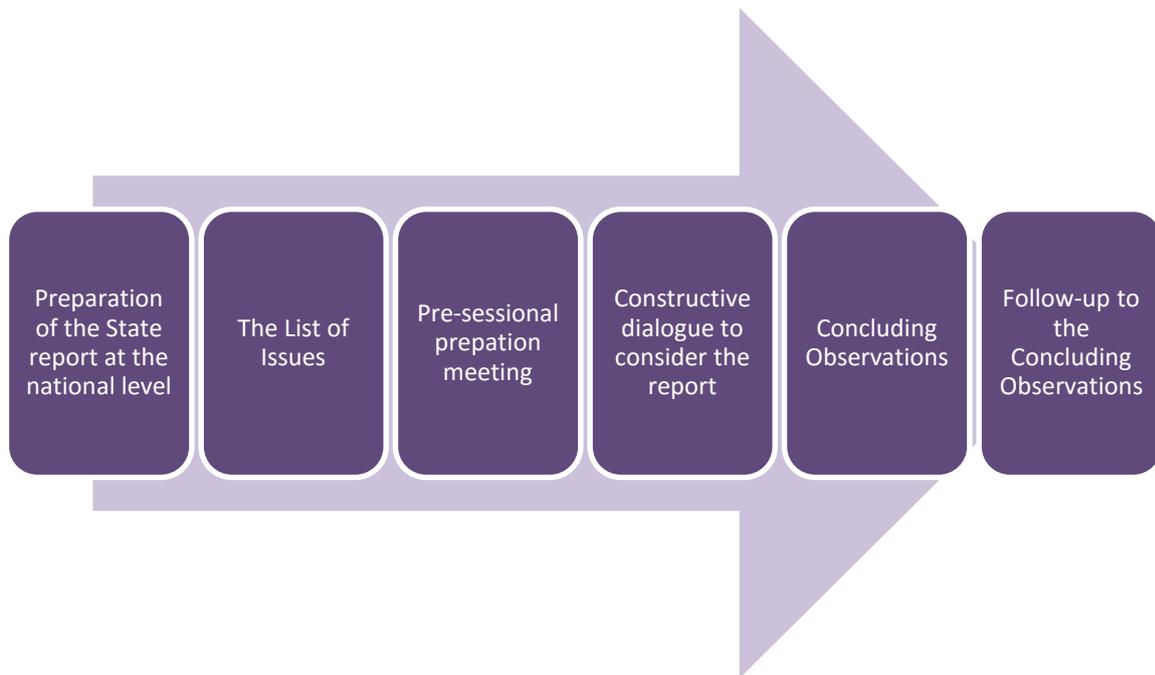
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<sup>3</sup> List of state parties to the Optional Protocol <http://www.un.org/disabilities/countries.asp?id=166>

<sup>4</sup> You can read more about the UPR process at the following: <http://www.upr-info.org/en>.

<sup>5</sup> See the Report from UPR info "Beyond promises" for examples [http://www.upr-info.org/sites/default/files/general-document/pdf/2014\\_beyond\\_promises.pdf](http://www.upr-info.org/sites/default/files/general-document/pdf/2014_beyond_promises.pdf)

## 1.4. The reporting cycle



There are four stages where national NGOs can engage in the review process:

- Before or after the state party submits its report
- Before the adoption of the list of issues
- After the state party has submitted its replies to the list of issues and before the constructive dialogue
- Before the Committee adopts the list of issues within the framework of its simplified reporting procedure

Moreover, once the concluding observations have been adopted, national NGOs are among the best placed to follow-up on those recommendations, to exert pressure on State Party to ensure that they are implemented and, accordingly, update the Committee on ongoing progress in this regard.

The UNCRPD has published a Guidance for Human Rights Monitors which introduces the key role of human rights monitoring and civil societies.<sup>6</sup> It may be useful to read it if you are not familiar with the content of the UNCRPD and the Committee's work. Before each session, an informative note is also published on their website for stakeholders' participation, which describes the modalities for the participation of National Human Rights Institutions and independent monitoring mechanisms in the work of the Committee during the session.<sup>7</sup>

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<sup>6</sup> For the Guidance, see the following: [http://www.ohchr.org/Documents/Publications/Disabilities\\_training\\_17EN.pdf](http://www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf)

<sup>7</sup> Example of informative note for the 15<sup>th</sup> session, see the following: <http://www.ohchr.org/Documents/HRBodies/CRPD/15thsession/INotestakeholders.doc>

## 2. How can my organisation get involved with the Committee Review Process?

### 2.1. The State Report

The first step in the review process is usually the initial Report from the State to the Committee.<sup>8</sup> Under Article 35 of the CRPD, states are obligated to provide a report on implementation of the CRPD within two years of the entry into force of the Convention for the State concerned, and thereafter at least every four years and whenever the Committee so requests.<sup>9</sup> In practice, many countries, particularly smaller countries, have difficulty meeting their treaty body reporting obligations and many States, including European Member States, lag behind on this key human rights duty. Having said this, if your country is behind on its treaty body reporting you should keep in contact with them on when they intend to submit a report and encourage them to submit overdue reports as soon as reasonably possible. You should keep in mind the timeframe of the review process for your country on the basis of the ratification date which you can see [here](#).

Civil society, particularly Disabled Persons Organisations (DPOs), disability allied NGOs, and national human rights institutions should be consulted during the preparation of the State Report. This process takes place at national level and should be as broad and inclusive as possible. States are often criticised by the Committee at constructive dialogue stage if concerns have been raised about the consultation process. So the first way that you can influence the review process is getting involved in the consultation on the national report. Contact your government to see if and when a consultation might take place on the CRPD Report.

To see a list of all the impending deadlines regarding reporting you can go [here](#). NGOs, should be consulted when a State report is being prepared. For more information on what should be contained in the State Report you can read the Reporting Guidelines<sup>10</sup> adopted by the Committee [here](#).

### 2.2. Alternative Reports

As NGOs and DPOs have a monitoring role within the CRPD they are meant to be consulted by State parties when policies and programmes intended for persons with disabilities are designed. In relation to national monitoring, the Convention expressly stipulates that civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process (see Convention Article 33.3). Moreover, persons with disabilities are considered experts by experience and their input is welcomed by the Committee which encourages their participation in the process.<sup>11</sup> The Convention recognizes that this role must continue, requiring States parties to “closely consult with” and “actively involve” persons with disabilities in decision-making processes which concern them (art. 4 (3)). In particular, the Convention requires that “civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process” (art. 33 (3)). This has implications for both process and

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<sup>8</sup> If a state is far behind in its reporting obligations there is also a different simplified procedure, for more information please see the following: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Simplifiedreportingprocedure.aspx>. In addition, some of the treaty bodies have allowed for the submission of two or more periodic reports if a State has been delayed.

<sup>9</sup> The other treaty bodies have varying reporting periods which range from between 2 years (ICERD) to 5 years (CRC and CAT).

<sup>10</sup> Please note that many of the core treaty body documents are written in all or most of the official languages of the UN – English, French, Spanish, Russian, Arabic and Chinese.

<sup>11</sup> Persons with disabilities and their representative organizations played an integral role in the formulation and negotiation of the Convention under the slogan “Nothing about us without us!”

substance. In terms of process, persons with disabilities must be involved in monitoring activities, for example by having persons with disabilities represented in the monitoring mechanism. By way of substance, the voices and experiences of persons with disabilities must be central in monitoring reports in recognition of the fact that persons with disabilities are the experts in relation to their own situations.

While State Parties are obliged under the Convention to submit reports, NGO reports are highly valued by the CRPD and are often called 'alternative' or 'shadow' reports. One of the best ways to contribute to a review process is to submit your own 'alternative' report to the CRPD, provided your organisation has the capacity to do so. These reports can provide the Committee with vital information for the review and represent a different narrative to that given by the State. Many disability communities come together to provide comprehensive alternative reports addressing each article on the basis of their individual expertise which means that all aspects of disability can be represented in one document. Usually there is a lead organisation appointed to co-ordinate this work in order to collect input and then put the alternative report together. This can be very helpful as smaller NGOs often find writing such reports time consuming. NGOs may also submit their own individual reports as well where they can go into more depth on their own interest group or key issues of concern to them.

In terms of format, alternative reports should follow the [Reporting Guidelines](#) issued by the Committee. Accordingly, the initial report should not exceed 10,700 words, and subsequent Convention-specific documents should be limited to 5,350 words. Paragraphs should be numbered sequentially. Concerning the language, the report must be submitted in one of the working language of the UN - Arabic, Chinese, English, French, Russian and Spanish. In terms of timeline, the Committee advises that submissions should be made as early as possible up to three weeks before the opening of the session.

Are you part of a disability network in your country? If so, contact the network and see if there are plans to contribute to a joint alternative report. The European Disability Forum (EDF) website is a good source for information on national disability councils or platforms and you can check [here](#) for the disability networks or platforms in your own country. If there is no disability platform in your country, you might like to work on creating a network to write an impactful and comprehensive alternative report by contacting other organisations who work on disability issues.

Unfortunately, sometimes the perspective of persons with psychosocial disabilities is not well represented in national disability councils. As stated above, persons with psychosocial disabilities as well as their carer's and family members, are experts by experience; they know the system, they know the services, and can act as an important barometer of the situation on the ground. If you are a mental health organisation working on human rights issues, you should ensure that you collaborate with persons with psychosocial disabilities, and their carer's and family members, either through user and carer organisations or individually, in order to include their perspective on implementation of the CRPD in your country. If you are a user and/or carers' group, it could be useful to contact other user and carer organisations to collaborate on a joint alternative report. Many organisations write their own individual report as well as contribute to joint alternative reports. This can serve to amplify your voice and make persons with psychosocial disabilities, and the problems they face, more visible in the process.

#### *What to raise in an alternative report?*

The State Report usually has a self-interest in promoting a positive outlook on how implementation of the CRPD is going and will often provide a list of all the laudable actions that the State has taken to implement the CRPD. This is not necessarily a bad thing as the Committee and the review process is also

intended to highlight positive best practices. However, this is why alternative reports by NGOs are so important as they can balance the narrative between the view of the State and the rights-holders.<sup>12</sup> It is important to go through the State Report carefully and if there is information included, or conclusions drawn, with which you do not agree you should try to counter this in your report. Your report should be an honest reflection of the situation on the ground which is supported by facts and statistics where possible. However, do not worry if figures and facts are not available, the lack of statistics and facts is also a key area of concern for the Committee which often recommends that States collect disaggregated data on persons with disabilities to give a better picture of how the CRPD is being implemented.<sup>13</sup> Another thing to remember is that there might be a significant period of time between the report and the review. Therefore, your alternative report to the Committee should include up-to-date information including the following:

- Available statistics,
- Recently adopted legislation;
- Parliamentary inquiries or reports;
- State policies and programmes relating to the implementation of legislation as well as budgets;
- Decisions of judicial and quasi-judicial bodies such as courts and national human rights institutions;
- Media reports, studies and research from academia or other research centres and civil society organizations.

Every State has its own unique history and culture as well as human rights issues and you should ensure that your report provides this much needed context to the Committee who may have little or no previous knowledge of the issues facing persons with psychosocial disabilities in your country.

### *Important Articles*

Having said this, some human rights trends are evident across Europe including: discrimination and stigma; forced treatment and detention; institutionalisation and the limiting or total denial of legal capacity which may lead to violations of a whole host of rights including, among others, the right to vote, the right to family life and privacy and property rights. Invoking the right Articles of the Convention in your alternative report is of the utmost importance and can help the Committee to write targeted recommendations. For organisations or individuals working on issues relating to persons with psychosocial disabilities, the following Articles will be of particular interest (click for the link):

[Article 5 - Equality and non-discrimination](#)

[Article 6 - Women with disabilities](#)

[Article 7 - Children with disabilities](#)

[Article 8 - Awareness-raising](#)

[Article 9 - Accessibility](#)

[Article 10 - Right to life](#)

[Article 12 - Equal recognition before the law](#)

[Article 13 - Access to justice](#)

[Article 14 - Liberty and security of person](#)

[Article 15 - Freedom of torture or cruel, inhuman or degrading treatment or punishment](#)

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<sup>12</sup> In the international human rights framework, human beings are the rights holders and State Parties are seen as duty-bearers who are obligated to protect, respect and fulfil the human rights of rights holders.

<sup>13</sup> Article 31: Statistics and data collection obligations.

[Article 16 - Freedom from exploitation, violence and abuse](#)  
[Article 17 - Protecting the integrity of the person](#)  
[Article 18 - Liberty of movement and nationality](#)  
[Article 19 - Living independently and being included in the community](#)  
[Article 21 - Freedom of expression and opinion, and access to information](#)  
[Article 22 - Respect for privacy](#)  
[Article 23 - Respect for home and the family](#)  
[Article 24 - Education](#)  
[Article 25 - Health](#)  
[Article 26 - Habilitation and rehabilitation](#)  
[Article 27 - Work and employment](#)  
[Article 28 - Adequate standard of living and social protection](#)  
[Article 29 - Participation in political and public life](#)

### *Using the jurisprudence of the Committee*

If you are writing about a particular issue or Article you might wish to see what the Committee has written on the subject. The human rights treaty bodies can adopt General Comments and guidelines expounding on the interpretation of the Convention. It should be noted that these documents are seen as 'authoritative' interpretations rather than binding pieces of jurisprudence.

As Article 12 is a central Article of the Convention which is often a pre-condition for the enjoyment of many other rights, the Committee decided to write the first General Comment on Article 12. Much of this General Comment focuses on issues which affect the rights of persons with psychosocial disabilities. If you are intending to address this subject in your report, you should read [General Comment No 1](#) on Article 12: Equal recognition before the law. You might also like to see the following work adopted by the Committee: [General comment No. 2](#) (2014) on Article 9: Accessibility, [Guidelines on Article 14](#) of the Convention on the Rights of Persons with Disabilities: The right to liberty and security of persons with disabilities and the [Guidelines on the Participation of Disabled Persons Organizations](#) (DPOs) and Civil Society Organizations in the work of the Committee.

Reading through the Concluding Observations, the outcome document of the review, of other States which have already gone through the review process can give you an idea of what the Committee likes to raise and what the Committee thinks about certain issues. You can find all the Concluding Observations [here](#). Another source of information is the jurisprudence from the Committee on individual complaints taken under the complaints procedure which is available [here](#).

### *Dissemination*

After putting all this effort into writing your report, you should use it as a policy tool both internationally and domestically. The first target of your report is the Committee but it should be sent to your government and relevant Ministries as well as widely publicised in your country. For this reason, having a joint alternative report with other participating NGOs can mean greater publicity and outreach. Many NGO Coalitions choose to do press conferences and press releases in order to draw the attention of the media to their publications and also to raise-awareness about the review process. Media coverage can be crucial to holding governments to account post-review.

For more information on alternative/shadow reports you might like to see this [useful guide from the Disability Council International](#).

### 2.3. The List of Issues

After the State has submitted its report, the Committee will then consider it and will usually prepare a List of Issues (LoI) to which the State Party should respond within a specified timeframe, usually 3 months. It is important to note that if there is a Committee member who is from your country they will be excluded from considering the Report as well as participating in the constructive dialogue. The LoI is a list of questions put together by the Committee to address key issues of concern and NGOs have an opportunity to propose their own list of questions which they think the Committee should ask.<sup>14</sup> Consideration of the State Report may not take place for a significant amount of time following submission, sometimes up to a year after the submission, so the LoI also allows the Committee to ask for updates from the State. Usually a Country-Rapporteur is designated from among the Committee members to take the lead in a specific country review process and they are primarily responsible for drafting the LoI for that State as well as other obligations related to that review, on which more below. The LoI can often provide a good indication of some of the key concerns that the Committee will raise and in this respect it helps the State to prepare for its review. However, other issues which do not appear in the LoI can be raised by the CRPD during the review, so don't worry if some of your issues have gone unaddressed, some targeted contact with members can sort that out!

This stage also provides two opportunities for NGOs to engage. Firstly, NGOs can submit a draft LoI to the Committee for their consideration when they draft the official LoI for the State in question. If you are drafting an LoI be sure to ask questions that address the most pressing human rights issues and require a maximum amount of information from the State. For example, if your country has a problem with institutionalisation, you could ask for information about how many institutions are in operation in your country, how many persons with psychosocial disabilities have been deprived of their liberty and for how long, and whether mental health laws support rather than help to combat institutionalisation.

Secondly, if your organisation has the capacity, you could also provide an alternative response to the LoI submitted by State parties. This alternative response to the LoI can be sent to the Committee members and also provides you with another opportunity to inform them of the most recent and up-to-date information on the human rights situation in your country before the actual review takes place. Submissions need to be made up to three weeks before the opening of the session. In the case of the adoption of list of issues within the framework of the simplified reporting procedure, submissions need to be received by the Secretariat up to 4 months prior to the beginning of the session in which the list of issues will be adopted.

To see some examples of LoIs received by other States you can go [here](#).

### 2.4. The constructive dialogue

#### *Attending the Review in Geneva*

After all this advocacy work you need to ensure it pays off on the day when the Committee will review the State Party or State under Review (SuR) in a 'constructive dialogue' at the Offices of the High Commissioner for Human Rights located at Palais Wilson in Geneva. Trips to Geneva can be expensive and this should be kept in mind when making advocacy plans for the review process. With this in mind, we have included a section below on the practicalities of travelling and staying in Geneva including some

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<sup>14</sup> National NGOs have an opportunity to submit their own draft list of questions that the Committee may consider when adopting its list of issues. It is also an opportunity to sum up for the Committee, the issues that represent major areas of concern for those national NGOs.

handy information such as hotel recommendations. Having said this, it should be noted that cost aside, lobbying the Committee Members during the week of the review can be invaluable and has often led to the Committee giving recommendations which they might not have otherwise. They will be aware of your alternative report but Committee Members are often very busy individuals with full-time jobs who commit to work with the Committee for free. The Secretariat of the Committee does valiant work but is also under-staffed. This is why verbal and personal communication with Committee Members can be crucial to achieving your advocacy goals. Even if you did not submit an alternative report, you still have the possibility to attend and express your concerns during the discussion of the Committee in Geneva.

Concerning the language, the discussion must take place in one of the working language of the UN (Arabic, Chinese, English, French, Russian and Spanish) in order to ensure that translation will be provided. According to the guidelines on the review process, the SuR can bring their own translators with the permission of the Committee but in general it is not the norm. Bear in mind that in order to attend the review at the Palais Wilson that, although you do not need to be accredited with the Economic and Social Council of the UN to attend, you will need to contact the Committee and transfer your personal information.<sup>15</sup> It is important to get there early as it can take time to get through security.

#### *When will the review take place?*

First things first, you need to know when the review will take place.<sup>16</sup> This depends on a number of factors including whether or not your country has submitted its initial report to the Committee. As the CRPD is a relatively new human rights treaty, having entered into force in 2008, a majority of States have yet to even undergo their first review.

#### *Member outreach*

Many NGOs do targeted outreach to members of the Committee who are knowledgeable in relation to their interest group or Committee members who speak the same language. This sort of outreach can be the difference between the SuR receiving a recommendation or not on your issue. E-mailing Committee members with summaries of the main points and recommendations in your alternative report can be very helpful.

Planning to be there a day before the review in order to meet with members of the Committee can be of huge benefit. Committee Members can ask you questions directly, seek clarification on the situation in your country, and you can advise on what issues you think should be prioritised. Knowing the members to contact in this context is important so read-up about their specific interests and see who is best to meet with. 9 members of the Committee will be elected in June of this year; more information on the election process is available [here](#).

#### *Side Events*

During the review sessions, NGOs are also allowed to organise side events in the form of thematic briefings which take place during non-official meeting time. You can apply to organise such side events by sending a note to the CRPD Secretariat at [crpd@ohchr.org](mailto:crpd@ohchr.org). The request should include the following information: the organisation(s) you represent, the day and time of the event, the content of the event and the number of speakers who will participate. The aim of the event should be to provide additional

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<sup>15</sup> For the Information Note on accreditation to attend treaty bodies session, see the following:

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Accreditation.aspx>

<sup>16</sup> For the calendar of the States reviews by the UNCRDP, see the following:

[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=En)

information to Committee members and focus on a specific theme.<sup>17</sup> Please keep in mind that such request must be sent maximum one month before the start of the session.

### *Pre-review dialogue with civil society*

Visiting civil society from the SuR are normally given a short session with the Committee Members prior to the beginning of the review on the first day.<sup>18</sup> This is the last opportunity at which civil society will be able to raise their concerns. This session may also involve civil society from other SuR who are to be reviewed during the same session so it is a good idea for you to get in early and get a seat in the front. As the time for the dialogue with civil society is usually quite short, it is important that there is co-ordination between NGOs and DPOs about who is going to address what issue or Article. It is a good idea for the NGOs to meet beforehand to prepare who will say what and in what order. If there is a lead organisation who coordinated the alternative report, then usually this NGO should take the lead and introduce the organisations as well as the order in which they will speak. If collaboration between NGOs in-country is more loose and informal, you should still try to ensure that there is an opportunity to discuss co-ordination before the NGO meeting with the Committee.

### *How the review works*

All the treaty body reviews usually take place in the same chamber in Palais Wilson. Each review lasts a total of 6 hours divided into two sessions. Generally, it is split over two days so that the SuR is given time to respond fully to questions. The [Guidance Note to State Parties on the constructive review process](#) states that the Committee can convene another three-hour meeting if deemed necessary; although in practice this would be exceptionally applied so do not expect an extra three hours' even if you think that vital issues were left out!

During the review itself the SuR will normally be present although if the State in question does not send a delegation, the Committee can go on with the review in its absence. This scenario is rare and usually only arises in the context of State Parties who are hostile to the human rights treaty bodies. The dialogues are chaired by the Chair of the Committee who ensures that sessions are conducted in an interactive, effective, efficient and respectful manner.

The SuR will usually have time allotted for their introductory remarks, usually between 15-30 minutes, and a further 10 minutes for their concluding remarks. The Articles are usually addressed in blocks in chronological order of the Articles with the members taking the floor to ask questions on different blocks of Articles. The Chair will then hand the floor back to the SuR to respond to questions. The time keeping is generally quite strict and the Chair usually does not allow the time allocated to overrun, even by a few minutes. There is usually a 15-30 minute break during the three hour sessions at which the SuR can co-ordinate its responses.

## 2.5. The Concluding Observations

The Concluding Observations are the real end product of the review process and are comprised of recommendations to the SuR on how they can best improve implementation of the Convention as well

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<sup>17</sup> For examples of side events previously organised, see the following:

<http://www.internationaldisabilityalliance.org/en/crpdsession>

<sup>18</sup> Informative note on the participation of organization of persons with disabilities, civil society organizations, National Human Rights institutions and independent monitoring mechanisms in the 13th session and 3rd pre-sessional working group of the Committee (the same rules apply to each session).

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/NoteonCivilSocietyParticipation.aspx>

as commendations on positive activities that the SuR has carried out to implement the Convention. A recommendation on one of your issues can be used as leverage for many years to come! The review cycle is meant to take place every four years. However, as the schedule of the Committee is packed and many States who have already been reviewed may not come up for review again for quite some time, it is important that recommendations highlight the problems faced by persons with psychosocial disabilities.<sup>19</sup>

The Country-Rapporteur will usually be responsible for the first draft of the Concluding Observations which is then discussed among the Committee in a private meeting. Before the Concluding Observations are published they are also sent to the SuR. The Concluding Observations are usually issued a few weeks from the last day of the review. The period varies and depends on the work load of the Committee. The document is first sent to the authorities before being made public.

It is important to bear in mind that the recommendations are not actually legally binding but are intended to provide authoritative guidance from the Committee on how the State can best implement its obligations. Indeed, recommendations may go unimplemented or partially implemented for years with the same recommendations appearing time and time again at the various treaty body reviews. In this respect, civil society have a key role in publicising and disseminating the recommendations, and holding the State to account. Many recommendations from treaty bodies have led either in whole or in part to important reforms which implement human rights principles. On the other hand, it is also essential that you manage expectations in relation to implementation of the recommendations. Human rights are, for all States, a work in progress and implementation should be seen as an evolving process. The paradigm shift required by the Convention might take many years to properly implement at a global and national level.

## 2.6. Follow-up

### *How to use the Concluding observations in your work?*

Follow-up to the Concluding Observations and recommendations can have a real impact on the human rights situation on the ground including through encouraging reforms, the adoption of programmes, the training for a host of actors as well as funding for various services. NGOs should use these recommendations to their fullest advantage and should make reference to these recommendations in their policy work, campaigns and projects and use it as a basis for the development of their positions.

### *Follow-up reporting to monitor implementation of recommendations*

Once the Concluding Observations have been adopted, national NGOs are well placed to follow-up on those recommendations, to exert pressure on the state party to implement them and, accordingly, to update the Committee on ongoing progress in this regard. The Committee has adopted a follow-up procedure whereby it identifies a number of specific recommendations of concern in its Concluding Observations and requests the State party to provide additional information, within a period of up to one year, on implementation of those concerns. The Committee may appoint one of its Members to serve as Rapporteur to follow-up, who will then submit a follow-up report to the Committee within two

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<sup>19</sup> For example, the EU was reviewed by the Committee in August 2015 and is not schedule for review again until 2021! You can find the schedule [here](#). The committee holds 2 sessions a year, in April and September. In 2015, 14 state reports were reviewed and 8 LoI were adopted.

months of receiving the information from the State party. Civil society should be consulted again during this stage.<sup>20</sup>

### *Recent & future Sessions*

The Committee held its 15th session from 29 March to 21 April 2016. The Committee examined the initial reports of Lithuania, Portugal, Serbia and Slovakia. It planned to adopt a General Comment on Article 6 (Women and Girls with Disabilities) and continued the work on the drafting of a General Comment on Article 24 (the right to inclusive education). The Committee also held a day of general discussion on Article 19 (the right to live independently and be included in the community) during the session. The 16<sup>th</sup> session will take place on the 15 August to the 2 September 2016.<sup>21</sup>

When the Committee starts the process of drafting a General Comment, it usually opens a public consultation on its website and invites civil society to submit written submissions to the Committee on the Article in question. In February, MHE submitted a contribution to the call on Article 19 in which we provided our views on independent living and the challenges for persons with mental health problems to be included in the community.<sup>22</sup>

### *Deadlines for submission 2016<sup>23</sup>*

| <u>COUNTRY</u>         | <u>Document type</u>    | Sessions                           | Start Date  | End Date    |
|------------------------|-------------------------|------------------------------------|-------------|-------------|
| Armenia                | List of issues          | CRPD Pre-Sessional Working Group 6 | 05 Sep 2016 | 09 Sep 2016 |
| Bosnia and Herzegovina | List of issues          | CRPD Pre-Sessional Working Group 6 | 05 Sep 2016 | 09 Sep 2016 |
| Cyprus                 | List of issues          | CRPD Pre-Sessional Working Group 6 | 05 Sep 2016 | 09 Sep 2016 |
| Italy                  | Concluding observations | CRPD Session 16                    | 15 Aug 2016 | 02 Sep 2016 |
| Italy                  | List of issues          | CRPD Pre-Sessional Working Group 5 | 21 Mar 2016 | 24 Mar 2016 |
| Lithuania              | Concluding observations | CRPD Session 15                    | 29 Mar 2016 | 21 Apr 2016 |
| Portugal               | Concluding observations | CRPD Session 15                    | 29 Mar 2016 | 21 Apr 2016 |
| Republic of Moldova    | Concluding observations | CRPD Session 16                    | 15 Aug 2016 | 02 Sep 2016 |
| Republic of Moldova    | List of issues          | CRPD Pre-Sessional Working Group 5 | 21 Mar 2016 | 24 Mar 2016 |
| Serbia                 | Concluding observations | CRPD Session 15                    | 29 Mar 2016 | 21 Apr 2016 |
| Slovakia               | Concluding observations | CRPD Session 15                    | 29 Mar 2016 | 21 Apr 2016 |
| Jordan                 | List of issues          | CRPD Pre-Sessional Working Group 6 | 05 Sep 2016 | 09 Sep 2016 |

<sup>20</sup> For the 2016 expected date of state's consideration, see the following:

[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=en](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/MasterCalendar.aspx?Type=Session&Lang=en)

<sup>21</sup> For the informative note for stakeholders' participation to the 16<sup>th</sup> session, see the following:

[http://www.ohchr.org/Documents/HRBodies/CRPD/16thsession/INote\\_Stakeholders\\_16thsession\\_ENG.doc](http://www.ohchr.org/Documents/HRBodies/CRPD/16thsession/INote_Stakeholders_16thsession_ENG.doc)

<sup>22</sup> To find the full submission, see the following: [http://www.mhe-sme.org/fileadmin/Position\\_papers/MHE\\_Contribution\\_-\\_Art.\\_19\\_UNCRPD.pdf](http://www.mhe-sme.org/fileadmin/Position_papers/MHE_Contribution_-_Art._19_UNCRPD.pdf)

<sup>23</sup> List of countries which are due to follow-up can be found at the following link:

[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CRPD&Lang=en](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/FollowUp.aspx?Treaty=CRPD&Lang=en).

### 3. Practical Information

If you plan to attend the review, then it might be useful to know a little bit about Geneva. Unfortunately, Geneva is known to be one of the most expensive cities in Europe so we have tried to include cost-saving information in our Practical Information. Switzerland has three official languages: French, German and Italian. French is the main language spoken in Geneva, but most people you will meet on the street speak English.

The currency in Switzerland is the Swiss Franc (CHF, SFr). Most of the restaurants, bars, cafes and clubs will accept Euros, but expect to pay a premium rate.

#### *Transport*

- Free travel from the airport

Free tickets for public transport will be available from a machine in the baggage collection area (on the left hand side just before passing customs) at Geneva International Airport (Information GIA). This Unireso ticket allows you free use of public transport in Geneva for a period of 80 minutes. In the event of a ticket inspection on the Transports Publics Genevois, CFF (Swiss Railways) or Mouettes Genevoises (municipal ferries), anyone holding this type of ticket may be asked to show their airline ticket. If you are staying at a hotel, youth hostel or campsite, the establishment will offer you a “Geneva Transport Card”, which allows you to use public transport in Geneva free of charge during the period of your stay. (More information is available from [Genève Tourisme](#)).

There are also buses and trams that go from the airport to the city centre (Bus 5) and there is a train which runs direct to Gare Cornavin (main train station).

- Public transport (Transports Publics Genevois)

In Geneva, public-transport tickets (TPG) must be purchased prior to boarding a tram, bus or ferry. Ticket machines are available at most stops. Travel cards or passes can be purchased at the main TPG centres (Rive, Cornavin and Bachet de Pesay) and at newsstands (including at the “Naville” kiosk in the Palais). Please note tickets are not available on the bus itself.

The review session of the Committee will be held at the United Nations Office at Geneva, at Palais Wilson (52 rue des Pâquis). In order to get there, you can take:

- Bus line 1 or 25, stop “gautier”
  - Bus line 15, stop “Butini”
  - It is 15 minutes’ walk from the train station « Cornavin »
- Taxis

Taxis are readily available from the airport. They are metered, so costs will vary, but the journey from the airport into the city centre will usually cost around CHF 30.

#### *Hotels*

- Ibis Geneve Centre Gare
- Ibis Geneve Centre Nations

- Hotel des Alpes
- Hotel Admiral

#### *Restaurants*

- Cottage café (Address: Rue Adhémar-Fabri 7, Rive Droite, Geneva)
- Les Brasseurs (Place Cornavin 20, Cornavin, Geneva)
- Chez ma cousine (Place du Bourg-de-Four 6, Old Town, Geneva)
- Bains de Pacquis (famous for its fondue and very close to Palais Wilson)

For more information, please contact Alva Finn, Policy Manager,  
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