

National and International Monitoring Mechanisms

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Introduction

Preliminary question: implementation

CRPD Monitoring system

- International monitoring mechanisms
- National monitoring mechanisms

International Monitoring Mechanisms

UN Committee on the Rights of Persons with Disabilities

- Background: UN treaty bodies, Reform (single unified treaty body)
- Composition
 - 12 members → 18 members (60th ratification)
 - High moral standing and recognized competence and experience in the field
 - Involvement of persons with disabilities
 - 4 years mandate (renewable once)

International Monitoring Mechanisms

- Functions
 - Examining State Report (Article 35 CRPD)
 - Handling complaints (OP CRPD)
 - Undertaking general enquiries (OP CRPD)
- OP CRPD (90 signatories, 60 ratifications)

International Monitoring Mechanisms

Complaints Procedure

'A State Party... recognizes the competence of the Committee... to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention.' (Article 1 (1) OP CRPD)

- from or on behalf
- individuals or groups of individuals

International Monitoring Mechanisms

- Admissibility criteria (Article 2 OP CRPD)
 - Anonymous
 - Abuse or incompatible with CRPD
 - Already examined
 - Non-exhaustion of domestic remedies
 - Ill-founded or not enough substantiated
 - Before entry into force (except for continuous facts)
- Reponse by the State (Article 3 OP CRPD)
- Interim measures (Article 4 OP CRPD)
- Recommendations (Article 5 OP CRPD)

International Monitoring Mechanisms

General enquiries

\ If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end submit observations with regard to the information concerned (Article 6 (1) OP CRPD)

- Grave or systematic violations

International Monitoring Mechanisms

- Recommendations (Article 6 (3) OP CRPD)
- Observations by the State (Article 6 (4) CRPD)
- Features
 - Confidential (Article 6 (5) CRPD)
 - Optional (*Opt-out*) (Article 8 OP CRPD)

National Monitoring Mechanisms

Article 33 CRPD

- Three-pillar structure:
 - State: Focal points and coordination mechanism
 - Watchdog: Independent mechanisms
 - Civil society: Persons with Disabilities
- Novelty: State level, OPCAT (specific mandate)

National Monitoring Mechanisms

Focal points

'States Parties, in accordance with their system of organisation, shall designate one or more focal points within government for matters relating to the implementation of the present Convention.' (Article 33 (1) CRPD)

- One or more focal points

National Monitoring Mechanisms

□ Functions

- State reporting procedure
- National action plans
- Interaction with civil society

□ Practice

National Monitoring Mechanisms

Coordination Mechanism

'[The States Parties] shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.' (Article 33 (1) CRPD)

- At highest possible level

National Monitoring Mechanisms

Independent mechanisms

'States Parties shall... designate or establish... a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States parties shall take into account the [Paris Principles].' (Article 33 (2) CRPD)

- Designation or establishment
- One or more independent mechanisms

National Monitoring Mechanisms

- Paris Principles
 - National Human Rights Institutions (NHRIs): types and functions
 - Accreditation by the International Coordinating Committee of NHRIs: A-, B- or C-Status
 - Independence: criteria
 - Pluralism: who and how
- Application to the independent mechanisms: interpretative questions

National Monitoring Mechanisms

□ Functions

- Promotion: raising awareness, research, training, education
- Protection: complaints handling, *amicus curiae*, assistance, representation (national and international)
- Monitoring: evaluation, opinions, general inquires, follow-up

□ Framework:

- Possible combinations
- No standard model ...

□ Practice

National Monitoring Mechanisms

Persons with Disabilities

'Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process' (Article 33 (3) CRPD)

- 'Nothing about us without us'

National Monitoring Mechanisms

- Multilevel involvement:
 - Advisory bodies
 - Independent mechanisms
 - capacity building

- Conditions

- Practice

Conclusion

- Most complete monitoring system ever in an international human rights treaty
 - National and international
 - Complementary functions
 - Participation of persons with disabilities

Closing the gap between international human rights standards and their practical application

Conclusion

Thank you for your attention!

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