I. Introduction and background

At the invitation of the Committee on the Rights of Persons with disabilities (Committee), the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC) on 4 April 2014 formally met with Committee members to discuss ways and opportunities for strengthening the cooperation between national human right institutions (NHRIs) and the Committee.

In the statement presented to the Committee, the ICC offered initial suggestions and recommended the development by the Committee of guidelines for the participation of NHRIs in the Committee’s work in close consultation with NHRIs.

In implementing this recommendation, the Committee in partnership with the ICC and the Office of the High Commissioner for Human Rights (OHCHR) hosted a meeting between the Committee, NHRIs, independent monitoring mechanisms designated under article 33.2 (IMMS) of the Convention on the Rights of Persons with Disabilities (Convention) and organisations of persons with disabilities (DPOs) to exchange views.

The meeting, which brought together 100 participants from NHRIs, IMMs and DPOs from all regions, concluded with a final Outcome document and concrete proposals towards the development of guidelines with a focus on:

- the scope of article 33.2 of the Convention, including the formal appointment of a monitoring framework and the compliance of the Monitoring framework with the Paris Principles;
- participation of NHRIs and IMMs in the proceedings of the Committee; and
- the Committee’s support to monitoring activities at the national level.

Following the meeting, the Committee appointed two rapporteurs among its members to carry out this task.
A number of subsequent consultations and meetings took place including:

- a meeting between the Committee Chairperson Maria Soledad Cisternas Reyes and the ICC Chairperson and NHRI:s participating at the 8th Conference of State Parties to the Convention on the Rights of Persons with Disabilities (COSP) in New York in June 2015;
- a public event on the COSP sidelines with the participation of the CRPD Vice Chairperson Diane Kingston, on 9 June 2015; and
- the Tripartite partnership annual seminar series with the participation of the CRPD Chairperson on 12 June 2015.

II.  The Survey

In July-August 2015, the Committee Secretariat in cooperation with the ICC conducted a survey and invited all NHRI:s and national monitoring mechanisms for comments on the I) development of guidelines; and ii) a mapping exercise.

The questionnaire was structured in two parts:

- In Part I, NHRI:s were consulted about:
  - a proposed consultation process,  
  - a proposed timeline and  
  - a proposed content of the Guidelines.
  The aim of this first section was to ensure that the drafting process of the Guidelines met the expectation of NHRI:s and IMMs.

- In Part II, additional information on the engagement of NHRI:s with the Committee and national monitoring activities of the Convention, was requested in order to have an overview of the current NHRI:s' engagement with the Committee and the implementation of the articles 33.2 and 37.2 of the Convention.

The survey was sent by the ICC to all NHRI:s. A total of 15 responses were received from NHRI:s across all regions, including two responses from B Status NHRI:s.

III. Analysis of the answers:

Part I

1. Proposed consultation process

Survey participants were invited to comment on the suggested three-staged consultation process:
- the definition of the outline of the draft guidelines;  
- the first draft guidelines after their endorsement by the Committee; and  
- the subsequent drafts produced by the Committee.

NHRI:s expressed general support for the proposed participation process and provided the following main suggestions:
The need to document the consultation process in both websites, the Committee’s and ICC’s;

The need to ensure that the consultation process involves all stakeholders, including: national monitoring mechanisms, DPOs, not organised civil society, academia, State authorities, etc.; and

A consultative meeting to be organised for validation and adoption of the Guidelines.

2. Proposed timeline:

It was suggested that:
- a consultation round on the draft outline and the final version of the outline would take place in 2015;
- the drafting of the Guidelines would take place during the last quarter of 2015 and first months of 2016, and
- that the consultation on the first draft and the adoption of the guidelines could occur in 2016.

NHRIs expressed general support for this proposed timeline and provided the following additional main suggestions:

- The need to ensure an early notice regarding dates that require travel; and
- Requested a report of the consultation exercise, to be published prior to the session at which the guidelines will be adopted.

3. Proposed content:

Participants at the 2014 September meeting indicated that the Guidelines should contain information at least on the three main Chapters identified below. NHRIs expressed general support for the proposed structure of the content and provided the following main suggestions (main comments received under each chapter in italics):

- Chapter I: scope of article 33.2 of the Convention (including: the formal appointment of a monitoring framework and the compliance of the Monitoring framework with the Paris Principles):
  - Define the compliance of the monitoring framework with the Paris Principles, and how the Principles apply to members of the monitoring framework that are not NHRIs;
  - Identify and define how the national implementing/enforcement mechanism (art. 33.1) and the national monitoring mechanism (art. 33.2) should interact for a proper and efficient harmonization of the Convention in the country;
  - Provide guidance on the relationship between national, regional and local monitoring mechanisms within a State where existent, including the need for a coordinating power; and
  - Include the need to provide the national monitoring framework with adequate funding and resources to perform its tasks.

- Chapter II: Participation of NHRIs and IMMs in the proceedings of the Committee (Participation in reporting procedures: general reporting procedure and simplified reporting procedure; and Participation in optional protocol procedures: communications and inquiries):
  - Regarding the participation in the reporting procedure, provide separate information on: guidance on written submissions, participation at the pre-session, at the session, and
the simplified reporting procedure. During the constructive dialogue with the State party, provide for the need to ensure NHRI’s separate participation from the State delegation and provide different models of interaction clarifying the relationship of the NHRI in relation to other actors that may be declared to be part of the framework;

- Provide information on participation in other Committee activities: drafting of General Comments (via submission, working group, etc.), participation in Days of General Discussion; and
- Include a description on how the IMM (art.33.2) should work and interact with DPOs (art.33.3).

- Chapter III: Support to monitoring activities at the national level (Participation in activities under the capacity building mandate (art.37.2) and Guidance on assessing the implementation of the Convention at the national level).

- Provide guidance on assessing the implementation of the Convention at the national level of particular relevance to the work of NHRI as IMMs, including practical steps on how to conduct an effective monitoring activity and making references to appropriately disaggregated monitoring indicators (structural, process, outcome) where available within the UN System;
- Identify the need for NHRI to be assisted by UN agencies in the areas of monitoring the implementation of the Convention at national level and preparing parallel reports;
- Provide guidance on assessing the implementation of the Committee’s Concluding Observations; and
- Consider providing guidance on the adoption of work plans by the monitoring framework.

Part II. Participation of NHRI in the proceedings of the committee

The responses provide the following overview of NHRI’s current engagement with the Committee articles 33.2 and 37.2 of the Convention.

Chapter I: scope of article 33.2 of the Convention

- Out of fifteen NHRI, eleven are part of the independent framework under art. 33.2 of the Convention.

- Nine of those NHRI have been formally appointed by the Government as part of the independent monitoring framework.
• Five NHRIs appointed as a monitoring body informed that there are additional bodies within the monitoring framework. Identified compositions of the monitoring framework include:
  - three cases where other bodies within the framework are institutions similar to NHRIs (ombudsperson, equality commission, Councils of persons with disabilities), which are not ICC accredited;
  - the NHRI jointly with DPOs, and
  - the NHRI jointly with the local and regional human rights institutions.

• In those cases where there are similar institutions to NHRIs within the monitoring framework, the enabling norm identifies these institutions as independent, however, there is not a mechanism to verify the compliance with the Paris Principles.

• Regarding the engagement of the NHRIs with the Office of the High Commissioner for Human Rights (OHCHR) and the Committee, eight out of fifteen NHRIs have engaged in the proceedings of the Committee in a variety of ways:
  - Providing parallel reports to the Committee and participating in formal and informal meetings with the Committee; and
  - Participating in OHCHR surveys and studies on the rights of persons with disabilities; among others.

• Regarding the engagement with the Government, the majority of the NHRIs:
  - provide advice to their governments,
  - request information from them on the status of implementation of the Convention,
  - exchange communications, and
  - hold meetings with the Government, among other activities.
  - Two NHRIs have worked together with their respective Government to develop an action plan for implementation and monitoring of the Convention.

• Regarding the engagement with DPOs and ensuring their participation in monitoring activities, NHRIs informed of a wide range of initiatives, including:
  - trainings and capacity building activities;
  - workshops and nationwide events to consult and hear the views of DPOs and persons with disabilities, including on-line consultations;
  - cooperation and consultation with DPOs in the development of parallel reports;
  - regular meeting with DPOs;
  - consultations with DPOs in developing the priorities and activities of the NHRI;
  - forums, joint advocacy and public awareness raising, inter alia.

Chapter II: Participation of NHRIs and IMMs in the proceedings of the Committee

• Seven out of fifteen NHRIs informed that the Committee had examined their respective states.
Seven informed that they had sent a submission to the Committee.

Regarding NHRIIs’ participation during the dialogue between the State party and the Committee:
- three NHRIIs participated in their independent capacity and were allocated a separate speaking slot;
- one NHRI participated as part of the delegation of the State party;
- two NHRIIs participated in a private briefing with the Committee;
- one of the NHRIIs participated through video/phone/ or skype conference; and
- none of the NHRIIs participated in a private briefing of the Committee, along with DPOs and civil society organizations.

Among those NHRIIs that indicated that they did not participate in the dialogue:
- three indicated that they did not participate because of lack of awareness of the possibility to participate,
- three indicated that they did not participate because of lack of financial resources to attend the meeting in Geneva, and
- one indicated it was because of insufficient time in order to get prepared.

Five NHRIIs, whose jurisdictions had not yet been examined by the Committee, are preparing for examination.

None of the NHRIIs participating in the survey had provided assistance to individuals in making individual complaints to the Committee under the Optional Protocol. Among other reasons put forward, this was due to:
- the fact that the respective states of some NHRIIs had not yet ratified the Optional Protocol; or
- that this activity did not fall within the NHRIIs’ mandate.

None of the NHRIIs participating in the survey had submitted information indicating grave or systematic violations to the Committee to initiate an inquiry under Article 6 of the Optional Protocol. One NHRI indicated that the institution provides reports to the Attorney-General regarding breaches of the Convention, and following which these reports are being tabled in Parliament.

Chapter III: Support to monitoring activities at the national level

- Thirteen out of fifteen NHRIIs indicated that they are aware of the capacity building mandate of the Committee under Article 37(2) of the Convention.

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<td>Count</td>
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| Percent| 86.7% | 13.3% | 0%

- NHRIIs suggested that the third chapter of the Guidelines should encompass the following main ideas in terms of capacity building activities of the Committee:
  - consider the establishment of a source of information where IMMs can seek the Committee members’ views on particular matters relating to the monitoring and implementation of the Convention; and
provide guidance on capacity building relating to the reporting procedure, monitoring mechanisms, and regarding mainstreaming of disability rights.

- Five NHRIIs are in the process of developing a particular system for monitoring the Convention at the national level, such as a set of baselines, indicators, benchmarks, surveys or questionnaires.

- Seven NHRII have published reports regarding the implementation of the Convention within their jurisdiction or on specific issues relating to specific articles of the Convention. Concrete examples include: national reports on identified issues with concrete proposals and recommendations, national inquiries, or Annual Reports brought before the Parliament which include information on the rights of persons with disabilities.

- Seven NHRIIs collate and retain statistics relevant to monitoring the activities of their respective states. One informed that this is done on an ad hoc basis. One NHRII stressed the need for a capacity building exercise in order to be able to undertake this function effectively.

IV. Moving forward: implementing the results of the survey

Informed by the results of the survey, the Committee and the ICC agreed on the following drafting and consultation process for the Guidelines:

1. The Committee is currently drafting a first version of the guidelines based on the answers received in the survey. The first draft will be considered and endorsed by the Committee during the Committee's forthcoming 15th Session, which will be held in Geneva from 29 March to 21 April 2016.

2. A lunch briefing for representatives of NHRIIs, IMMs and CSOs, who plan to attend the 15th Session, will be held as part of the consultation process. The exact date and time will be communicated by the Committee Secretariat at an early stage.

3. After the Committee’s endorsement of the first draft of the guidelines, the draft will be shared with NHRIIs for consultation round between mid-April to mid-June 2016.

4. The consultation process will be documented in both CRPD and ICC websites to ensure that it involves all interested stakeholders including: NHRIIs, IMMs, DPOs, not organised civil society, academia, State authorities, etc.

5. A further consultative meeting with representatives of NHRIIs for validation of the Guidelines will be considered.

6. A report of the consultation exercise will be published prior to the 16th Session of the Committee (15 August–2 Sept. 2016).

7. The formal adoption of the guidelines will take place during the Committee’s 16th session.
ANNEX I. Survey questionnaire

Survey on the drafting process of the Guidelines on the participation of National Human Rights Institutions and independent monitoring mechanisms in the work of the Committee

I. Survey

Background information: In September 2014 the Committee on the Rights of Persons with Disabilities held a meeting with National Human Rights Institutions and Independent Monitoring Mechanisms to explore ways to increase the interaction and cooperation among international and national monitoring bodies of the Convention. One of the outputs of this meeting was the proposal for preparing guidelines on the participation of NHRIs and IMMs in the proceedings of the Committee. The Committee endorsed this proposal and appointed two rapporteurs to carry out this task.

Between September 2014 and June 2015 several informal consultations took place which involved, inter alia, the Chairperson of the Committee, the appointed rapporteurs of the Committee, the secretariat of the Committee, and several NHRIs from different regions including at a joint meeting on the sidelines of the Conference of State Parties to CRPD, in June 2015 New York. As a result of this informal consultations three set of proposals were made and preliminary agreed: (1) on the consultation process; (2) on the timeline and (3) on the content of the guidelines.

Proposed consultation process
NHRIs and IMMs participating in the September 2014 meeting emphasized the desirability that the drafting process of the guidelines is participatory, transparent and inclusive. In order to implement this goal it was widely perceived that NHRIS and IMMS can provide inputs and comments at least in the three main stages of the process: the definition of the outline of the draft guidelines; the first draft guidelines after their endorsement by the Committee, and the subsequent drafts produced by the Committee.

Question:
Please provide further comments on how the consultation process could be carried out to ensure that it is transparent and inclusive.

Proposed timeline for the adoption of the guidelines
It is suggested that a consultation round on the draft outline and the final version of the outline would take place in 2015, that the drafting of the Guidelines would take place during the last quarter of 2015 and first months of 2016, and that the consultation on the first draft and the adoption of the guidelines could occur in 2016.

Question:
Please provide any further comments you deem appropriate on the proposed timeline.

Proposed content of the Guidelines
NHRIs and IMMs participating in the September 2014 meeting indicated their opinion that the Committee (1) clarifies the scope of article 33.2 of the Convention; (2) clarifies
how NHRIs and IMMs can contribute to the work of the Committee; and (3) provides more guidance on how to monitor the Convention at the national level.

In order to ensure that the draft guidelines include the above-mentioned proposals, it is suggested that they include at least the following chapters:

- Chapter I: scope of article 33.2 of the Convention
  - Formal appointment of a monitoring framework
    - Monitoring framework and compliance with the Paris Principles

- Chapter II: Participation of NHRIs and IMMs in the proceedings of the Committee
  - Participation in reporting procedures: general reporting procedure and simplified reporting procedure
    - Participation in optional protocol procedures: communications and inquiries

- Chapter III: Support to monitoring activities at the national level
  - Participation in activities under the capacity building mandate (art.37.2)
    - Guidance on assessing the implementation of the Convention at the national level

Questions:
Please provide further comments on the proposed content of the Guidelines, particularly on additional topics and items, which should be included in the guidelines. Please indicate up to three priority issues you would like to see reflected or included in the guidelines

II. Additional information on the engagement of NHRIs with the Committee and national monitoring activities of the Convention

NHRIs are invited to provide the following additional information, which will provide an overview of the current NHRIs’ engagement with the Committee and the implementation of the article 33.2 and 37.2 of the Convention.

Chapter I: scope of article 33.2 of the Convention
1. Does your institution compose part of the independent framework under Article 33.2 of the UNCRPD for your jurisdiction? Yes/No
2. Has your institution been formally appointed by the Government as part of the independent framework? Yes/No
3. Are there other bodies within the framework? Yes/No
   If so please list them and explain their status.
4. Does the monitoring framework comprises one or more mechanisms that are independent pursuant to the Paris Principles?
5. In this context, how does your institution engage with:
   a) the OHCHR and the Committee?
   b) the Government?
   c) Persons with disabilities and their organizations? How does your institution ensure their participation in its promotion, protection and monitoring activities (article 33.3)?

Chapter II: Participation of NHRIs and IMMs in the proceedings of the Committee
1. Has the State Party been examined by the UNCRPD Committee? Yes/No
2. Did your institution make a submission or submissions to the Committee? Yes/No
3. Did your institution participate in the dialogue between the State party and the Committee? Yes/No
   - Yes, the institution participated and had a separate speaking slot
   - Yes, the institution participated as part of the delegation of the State party
   - Yes, the institution participated in a private briefing with the Committee
   - Yes, the institution participated in a private briefing of the Committee, along with DPOs and civil society organizations
   - Yes, through video/phone/ or skype conference.
   - No, please explain main challenges for participating:
     - Lack of awareness of the possibility to participate
     - Lack of financial resources to attend the meeting in Geneva
     - Insufficient time on resources for getting prepared.

4. If the answer is yes to any of the above please provide your views on this experience and please provide views on how any of these processes can be improved.

5. If your jurisdiction has not yet been examined by the UNCRPD Committee have you sought to prepare for the examination, if so have you been able to find information about the examination process and reporting guidelines.

6. Has your institution assisted individuals in making individual complaints to the Committee under the Optional Protocol? Yes/No/Other

7. Has your institution submitted information indicating grave or systematic violations to the UNCRPD Committee to initiate an inquiry under Article 6 of the Optional Protocol? Or assisted complainants in doing so. Yes/No/Other

**Chapter III: Support to monitoring activities at the national level**

1. Is the NHRI aware of the capacity building mandate of the Committee under Article 37(2) of the Convention? Yes/No/Other
2. What in your view should this chapter encompass in terms of capacity building activities of the Committee? Yes/No/Other
3. Has your institution developed any particular system for monitoring the Convention at the national level, such as a set of baselines, indicators, benchmarks, surveys or questionnaires? Please consider providing concrete information on the baseline, indicators or benchmarks, surveys or questionnaires developed by your institution.
4. Has your institution published reports into the implementation of the Convention or specific Articles of the Convention in the jurisdiction? Yes/No/Other
5. Does your institution collate and retain statistics relevant to monitoring the activities of the State Party? Yes/No/Other