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Europe  
Regional Office

**Study on the Implementation  
of Article 33 of the UN  
Convention on the Rights of  
Persons with Disabilities in  
Europe**

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## Executive Summary

Article 33 CRPD is arguably the most complete provision on national level implementation and monitoring ever in an international human rights treaty. Given its novelty, there is little experience to draw from on the implementation of this provision. In order to help States Parties to the CRPD in fulfilling their new obligations, the present Study provides a comprehensive overview and a comparative analysis of the implementation of Article 33 CRPD in Europe. It gives a detailed account of practices in implementing Article 33 (1), Article 33 (2) and Article 33 (3) CRPD. It analyses the various solutions adopted to implement Article 33 CRPD, compares practices in implementing Article 33 CRPD and discusses the main challenges in setting up the bodies under Article 33 CRPD.

The territorial scope of the present Study is the EU member States Parties to CRPD. It therefore covers 17 States: Austria, Belgium, the Czech Republic, Denmark, France, Germany, Hungary, Italy, Latvia, Lithuania, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. Practices in implementing Article 33 CRPD are examined in each of them and compared with those in other States. The Study, however, does not focus on those bodies whose appointment has yet to be decided, although any official steps taken by States towards implementing Article 33 CRPD are highlighted.

Information on the implementation of Article 33 CRPD has been gathered both from official sources and through questionnaires. It takes into account the States' main features in the evaluation of the strengths and weaknesses of the various solutions adopted. This applies in particular to federal States. The date of ratification of CRPD is also taken into account. States that have ratified the Convention more recently will generally be less advanced in implementing Article 33 CRPD.

The Study aims to provide States with detailed information on the bodies set up under Article 33 CRPD so that they can take stock of the experiences of other States. It also purports to assist international human rights mechanisms, including the UN Committee on the Rights of Persons with Disabilities, in providing guidance on the implementation of Article 33 CRPD and in examining compliance with this provision by States Parties to the Convention. This Study will be updated as practice on the implementation of Article 33 CRPD in Europe develops and more information on the issue becomes available.

### A. Article 33 (1) CRPD

#### *Theory*

Article 33 (1) CRPD provides that:

States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention.

Focal points are an issue of internal public administration. The purpose is to appoint a governmental department for handling matters relating to the implementation of CRPD. The focal points should both have the necessary resources to carry out their function and be sufficiently accessible to persons with disabilities. States may also designate several focal points or sub-focal points.

Article 33 (1) CRPD also provides that:

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.

Coordination mechanisms aim to boost cooperation between ministries and to avoid that policymakers adopt isolated measures. The establishment or designation of a coordination mechanism, however, is not a legal obligation. It is optional.

### Practice

In all EU member States Parties to CRPD, the focal points are the ministries responsible for persons with disabilities. These ministries are almost always either the ministries of social affairs or ministries with broader competences including that of social affairs. This is no surprise. The designation of ministries responsible for persons with disabilities will most often simply confirm existing responsibilities, while adding a human rights perspective to their mandate. In other words, the major change is that these ministries will now have to focus on CRPD. Since almost all the focal points have been designated and since they have already started their activities, it will be possible to evaluate the impact of this practice within the coming years.

Latvia designated several focal points. This contributes to mainstreaming the Convention and facilitates involvement by all ministries. Belgium and Germany designated sub-focal points. In the United Kingdom, focal points were designated in the devolved administrations of Northern Ireland, Wales and Scotland. The designation of sub-focal points is thus particularly useful in federal States or States with devolved administrations in which responsibilities for matters relating to the implementation of the Convention are shared between the different layers of government.

The great majority of EU member States Parties to CRPD have established or designated a coordination mechanism. The coordination mechanisms are, in most cases, also the focal points. This is the case with Austria, Belgium, the Czech Republic, Italy, Lithuania, Romania and the United Kingdom. Provided they have the capacity to liaise with other ministries, there is no obstacle to giving focal points the additional role of coordination mechanism. Some States have established or designated coordination mechanisms which are different to the focal points. A distinct coordination mechanism can further boost cooperation between ministries. The Inter-ministerial Committee of civil servants on disability matters in Denmark, the *Comité interministériel du handicap* (CIH) in France, the Federal Government Commissioner for Matters relating to Persons with Disabilities in Germany, the National Disability Council in Spain and a High Level Interministerial Working Group in Sweden are especially entrusted with coordinating all matters relating to the implementation of the Convention.

Bigger States have a greater need to designate additional focal points in ministries other than those responsible for persons with disabilities as well as establishing or designating a coordination mechanism, because these ministries are not as close to each other as is the case in smaller States, where such arrangements would not be necessary. Federal States will benefit from designating sub-focal points in addition to a coordination mechanism. This also applies to States with a devolved system of government or which have regions with autonomous powers where regional authorities also have responsibilities in matters relating to the implementation of the Convention.

Some States are equipped with broad advisory bodies consisting of representatives of both ministries and organizations of persons with disabilities. They assist the focal points and coordination mechanism in the implementation of CRPD. This is the role of the Federal Disability Advisory Board (BBB) in Austria, the Government Board for People with Disabilities in the Czech Republic, the National Council of Disability Affairs (NCDA) in Latvia, the Inclusion Committee in Germany, the National Council for the Rehabilitation and Integration of the People with Disabilities in Portugal (which has no focal points however), the Council for the Analysis of the Problems of Disabled Persons in Romania and the Committee for Persons with Disabilities in Slovakia. The broad advisory bodies provide advice to government and make recommendations on disability issues.

## B. Article 33 (2) CRPD

### Theory

Article 33 (2) CRPD provides that:

States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, 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 principles relating to the status and functioning of national institutions for protection and promotion of human rights.

States have to create independent mechanisms in line with the principles relating to the status and functioning of national institutions for protection and promotion of human rights, which are commonly called the Paris Principles. The Paris Principles outline the responsibilities, composition and working methods of national human rights institutions (NHRIs). In addition to setting out the functions of NHRIs, they place emphasis on two fundamental principles: independence and pluralism. NHRIs are granted A-, B- or C- Status by the International Coordinating Committee of NHRIs according to their full, partial or non-compliance with the Paris Principles. In this Study, by NHRIs is understood only those NHRIs that were granted A-Status.

Independence means that NHRIs should be free from governmental interference. To guarantee this, the Paris Principles provide that the independent mechanisms must be created by law. In addition, they stipulate that representatives of ministries may only participate in an advisory capacity. The Paris Principles also require that NHRIs have sufficient funding in order to be able to choose their own staff and to determine their priorities.

Pluralism links NHRIs with civil society. The Paris Principles require that organizations of persons with disabilities should either be represented in the independent mechanisms or be able to cooperate closely with these mechanisms. It is advisable that persons with disabilities be appointed to their board. According to the Paris Principles, other actors, such as trade unions, social and professional organizations as well as experts, should also be involved.

Article 33 (2) CRPD provides that States designate or establish 'a framework including one or more independent mechanisms'. The task of the independent mechanisms is to promote, protect and monitor the implementation of CRPD. States have the choice to either designate existing bodies or establish new *ad hoc* bodies. Depending on their existing bodies, they may also either designate or establish a single independent mechanism or designate or establish several independent mechanisms. How States have to designate or establish a 'framework', however, has still to be clarified.

### *Practice*

There is great diversity in the solutions adopted to implement Article 33 (2) CRPD by EU member States Parties to CRPD. No framework including one or more independent mechanism is identical from one State to another. As confirmed by the term 'as appropriate', this is not a problem, since the promotion and protection of human rights need to take into account local realities. Broadly speaking, three options can be identified: 1) NHRIs and/or national equality bodies; 2) Ombudsmen and; 3) other bodies, either new or existing ones. These options are usually adapted according to the State's constitutional structure and are often combined with each other, which means that many States fall into more than one category simultaneously. Every situation, therefore, is different. There are no similar scenarios in EU member States Parties to CRPD and each solution therefore has to be evaluated on a case-by-case basis.

It is also worth recalling that many EU member States Parties to CRPD still have to designate or establish their framework including one or more independent mechanisms. We are currently in the middle of a process, a learning process. States will continue to revise their solutions to implement Article 33 (2) CRPD. The comparative analysis of the implementation of Article 33 (2) CRPD is therefore only based on an incomplete picture of the situation of the EU member States Parties to the Convention.

Three States have designated their NHRIs. Denmark designated the Danish Institute for Human Rights (DIHR). Germany designated the German Institute for Human Rights (GIHR). The United Kingdom designated three NHRIs: the Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC) and the Northern Ireland Human Rights Commission (NIHRC). NHRIs have a special position among independent mechanisms, since the rules governing their composition, mandate and working methods – the Paris Principles – are the criteria to evaluate these mechanisms. Their designation can therefore be considered as the safest option in order to have them comply with the Paris Principles. This does however not mean that NHRIs automatically meet all the requirements set out in Article 33 (2) CRPD. While their accreditation by the International Coordinating Committee of NHRIs means that it is highly likely that these institutions meet the Paris Principles, it must also be verified that they are able to promote, protect and monitor the implementation of the Convention. It might therefore be preferable to combine the designation of

NHRIs with that of national equality bodies to guarantee that protection is entirely covered by their mandate.

Two States have designated their equality bodies. Belgium designated the Centre for Equal Opportunities and Opposition to Racism. The United Kingdom designated an equality body, the Equality Commission for Northern Ireland (ECNI) (in addition to the Northern Ireland Human Rights Commission (NIHRC)), as far as Northern Ireland is concerned. The advantage of this combination is that it benefits from the mutual expertise of both the NHRI and the equality body. The Danish Institute for Human Rights (DIHR) and the Equality and Human Rights Commission (EHRC) are both NHRIs and national equality bodies, something which broadens their mandate and powers.

Two States have designated their Ombudsmen. Latvia designated the Latvian Ombudsman. Lithuania designated the Equal Opportunities Ombudsman (in addition to the Council for Disability Affairs). Depending on the mandate of the Ombudsman, this option can take advantage of his or her expertise in the protection of the rights of persons with disabilities. This is especially true if the Ombudsman is also a national equality body, as is the case with the Latvian Ombudsman and Lithuania's Equal Opportunities Ombudsman.

Seven States have designated or established bodies other than their NHRIs and/or national equality bodies and their Ombudsmen. Austria created the Independent Monitoring Committee which consists of representatives of organizations concerned with the rights of persons with disabilities. Spain designated the Spanish Committee of Representatives of People with Disabilities (CERMI) which only represents organizations of persons with disabilities. Four States gave the role of independent mechanism to broad advisory bodies which consist of representatives of ministries and organizations of persons with disabilities. Hungary designated the National Council of Disability (NCD). Italy established the National Observatory on the Situation of Persons with Disabilities. Lithuania designated the Council for Disability Affairs (in addition to the Equal Opportunities Ombudsman). Slovenia established the Council for Persons with Disabilities of Slovenia. The function of independent mechanisms, however, is not just to advise government but to promote, protect and monitor the implementation of the Convention. The broad advisory boards would therefore probably be better placed with the bodies designated or established under Article 33 (1) CRPD.

As far as independence is concerned, most of the existing independent mechanisms have been created by law. Either they were created by a legal act or their designation was decided by legal act. Some designations took place by softer legal instruments, such as an explanatory memorandum, a governmental decree or ruling of the government or, in one case, a decision taken within the coordination mechanism. The representatives of ministries sit, in an advisory capacity, on NHRIs, which is a requirement for them to have A-Status. This is also the case with Austria's Independent Monitoring Committee. Contrary to the Paris Principles, the representatives of ministries have voting rights in Hungary's National Council of Disability (NCD), Italy's National Observatory on the Situation of Persons with Disabilities, Lithuania's Council for Disability Affairs and Slovenia's Council for Persons with Disabilities. This confirms that broad advisory bodies should preferably only be given the task of assisting the focal points and coordination mechanism in the implementation of the Convention. The independent mechanisms generally received no additional funding to promote, protect and monitor the implementation of CRPD. Sometimes, additional funding has been provided but the budget of the independent mechanism as well as its secretariat are managed by the focal points, as is the case with the Independent Monitoring Committee in Austria, the National Observatory on the Situation of Persons with Disabilities in Italy and the National Observatory on the Situation of Persons with Disabilities in Slovenia. Their dependency on the focal points affects their independence. There are however two exceptions. Both the Danish Institute for Human Rights (DIHR) and the German Institute for Human Rights (GIHR) receive additional funding to exercise their function under Article 33 (2) CRPD, although they have no permanent legal basis for it as far as the German Institute for Human Rights (GIHR) is concerned.

Whether EU member States Parties to CRPD have tried to form a framework is difficult to say, especially since the term remains undefined. Practice, however, demonstrates that they have, to a certain extent, given meaning to it in different ways. Some States have designated more than one independent mechanism, as did the United Kingdom and Lithuania. Denmark is special in that it designated only one body but considered that two other bodies are also part of the framework, namely the Danish Disability Council and Danish Parliamentary Ombudsman. There is little doubt that the designation of several independent mechanisms results in a framework. Moreover it is probably

the optimal way to implement Article 33 (2) CRPD. It both increases the chances of covering the full mandate of independent mechanisms and ensures the participation of persons with disabilities. The solutions adopted by Denmark, although only the Danish Institute for Human Rights (DIHR) has been designated, and, to a certain extent, Lithuania, show how Article 33 (2) CRPD can achieve its full potential. While the Danish Institute for Human Rights (DIHR) is able to promote, protect and monitor the implementation of the Convention, the Danish Disability Council provides for the participation of persons with disabilities. In Lithuania, which has no NHRI, the designation of the Council for Disability Affairs, besides that of the Equal Opportunities Ombudsman, has the same effect. Germany has designated an existing body which was adapted in order to include persons with disabilities in its organization. This is also Belgium's intention. A designation combined with the adaptations to the body could also be considered a framework. This does not mean that the designation of a single independent mechanism should be excluded, since it might be more visible to persons with disabilities. In practice, it also appears that a single independent mechanism can operate as a framework by cooperating with other bodies.

### C. Article 33 (3) CRPD

#### *Theory*

Article 33 (3) CRPD provides that

Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

As claimed by persons with disabilities during the negotiations of CRPD, Article 33 (3) CRPD enshrines the slogan 'Nothing About us Without Us'. This provision stresses the importance of involving them in monitoring the implementation of the Convention. Article 33 (3) CRPD should be read in combination with Article 4 (3) CRPD and the Paris Principles (which are referred to in Article 33 (2) CRPD). It therefore provides for the participation of persons with disabilities through the bodies set up under both Article 33 (1) and Article 33 (2) CRPD. In other words, it guarantees their participation through both the focal points and coordination mechanism and the independent mechanisms.

Article 33 (3) CRPD also requires that States support their own capacity building (an issue which falls outside the scope of this Study). Since this is very difficult to gauge and would require much more research than that carried out for the present Study, this was only evaluated by identifying the umbrella organizations for organizations of persons with disabilities as well as the number of organizations of persons with disabilities represented in these umbrella organizations and their involvement in the bodies established or designated under both Article 33 (1) and Article 33 (2) CRPD.

#### *Practice*

EU member States Parties to CRPD have implemented Article 33 (3) CRPD in different ways. Most of them have ensured the participation of persons with disabilities through the bodies set up under both Article 33 (1) and Article 33 (2) CRPD, although there are variations in the manner in which this has happened. The best way to implement Article 33 (3) CRPD is indeed multi-level involvement. The combination of arrangements gives persons with disabilities easy access to government through different channels through both Article 33 (1) and Article 33 (2) CRPD.

Persons with disabilities are sometimes represented in the coordination mechanism, as is the case with Spain. In other cases, the coordination mechanisms are in close contact with their organizations, as is the case with Denmark and France. However, it should be recalled that coordination mechanisms are not only platforms for discussions but also aim to boost cooperation between ministries. Their function is to facilitate decision making. Five States have broad advisory boards in which organizations of persons with disabilities are represented. The Federal Disability Advisory Board (BBB) in Austria, the Government Board for People with Disabilities in the Czech Republic, the Inclusion Committee in Germany, the National Council of Disability in Latvia, the Council for the Analysis of the Problems of Disabled Persons in Romania and the Committee for Persons with Disabilities in Slovakia include representatives of such organizations. Belgium has several Advisory Councils made up of representatives of organizations of persons with disabilities. The broad advisory



boards facilitate cooperation between ministries and organizations of persons with disabilities, thereby providing a channel through which these organizations can directly interact with public authorities.

Most independent mechanisms of the EU member States Parties to CRPD include persons with disabilities in their organization. Most of the time, this has been achieved by providing the representation of organizations of persons with disabilities in the independent mechanism. This is the case with Austria's Independent Monitoring Committee, the German Institute for Human Rights (GIHR), Hungary's National Council of Disability (NCD), Italy's National Observatory on the Situation of Persons with Disabilities, Lithuania's Council for Disability Affairs and the Council for Persons with Disabilities of Slovenia. On average, between half and one third of the members of these independent mechanisms are representatives of organizations of persons with disabilities. The Spanish Committee of Representatives of People with Disabilities (CERMI) exclusively represents organizations of persons with disabilities. Interestingly, some independent mechanisms also include representatives of other organizations concerned with the rights of persons with disabilities, as is the case with Austria's Independent Monitoring Committee. This is in line with the Paris Principles, which require that trade unions, social and professional organizations concerned as well as experts also be involved. The United Kingdom Equality and Human Rights Commission (EHRC) has a statutory requirement that at least one of the Commissioners must be or have been a disabled person. Many independent mechanisms also consult organizations of persons with disabilities. So do the Danish Institute for Human Rights (DIHR), the United Kingdom Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and Equality Commission for Northern Ireland (ECNI). The German Institute for Human Rights (GIHR) even institutionalized tri-annual meetings with organizations of persons with disabilities

# Introduction

## A. Background

The UN Convention on the Rights of Persons with Disabilities (CRPD or Convention) is not only the first international human rights treaty of the twenty-first century. It also provides for the creation of national mechanisms for its implementation and monitoring, besides traditional international human rights mechanisms. At the international level, it established the UN Committee on the Rights of Persons with Disabilities, whose tasks are to examine State reports on the implementation of the Convention, handle individual complaints and conducting enquiries (as provided for by the Optional Protocol to CRPD (OP CRPD)). At the national level, Article 33 provides for a three-pillar structure which will be the subject of the present Study. Article 33 (1) CRPD requires that States designate focal points for matters relating to the implementation of the Convention and that they consider the establishment or designation of a coordination mechanism. Article 33 (2) CRPD requires that States designate or establish a framework including one or more independent mechanisms to promote, protect and monitor the implementation of the Convention. Article 33 (3) CRPD requires that States ensure the participation of persons with disabilities in monitoring the implementation of the Convention.

This is unprecedented. Article 33 CRPD is arguably the most complete provision on national level implementation and monitoring ever in an international human rights treaty and represents one of the most innovative provisions of the Convention. Since its implementation is a pre-condition for implementing the entire Convention, it is also one of the first provisions that will be implemented by States Parties to CRPD. Many States are however puzzled with their new obligations and have many questions about Article 33 CRPD. Given its novelty, there is little experience to draw from on the implementation of this provision. It was therefore necessary to provide States with detailed information on the bodies set up under Article 33 CRPD so that they could take stock of the experiences of other States. In order to help them, the present Study provides a comprehensive overview and a comparative analysis of the implementation of Article 33 CRPD in Europe. Given that States are currently considering how to implement this provision, it was urgent to come up with this information. The purpose is also to assist international human rights mechanisms, including the UN Committee on the Rights of Persons with Disabilities, in providing guidance on the implementation of Article 33 CRPD and in examining compliance with this provision by States Parties to the Convention. This Study will be updated as practice on the implementation of Article 33 CRPD in Europe develops and more information on the issue becomes available.

## B. Scope, Methodology, Purpose and Relevant Factors

The territorial scope of the present Study is the EU member States Parties to CRPD. It therefore covers 17 States: Austria, Belgium, the Czech Republic, Denmark, France, Germany, Hungary, Italy, Latvia, Lithuania, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. Practices in implementing Article 33 CRPD will be examined in each of them and be compared with those in other States. The present Study will focus on the bodies set up under Article 33 CRPD and evaluate the solutions adopted by EU member States Parties to the Convention. It will not, however, focus on those bodies whose appointment has yet to be decided, because it considered hazardous to make an evaluation while discussions are still going on. Any official steps taken by States towards implementing Article 33 CRPD will however be highlighted.

Regarding the methodology, detailed information on the implementation of Article 33 CRPD has been gathered both from official sources and through questionnaires. Lists of questions were issued to contact persons in public bodies asking them to give missing information or to clarify uncertain issues. Inevitably, the information received from these persons was asymmetric and it was unfortunately not always possible to include it all in the present Study. In this regard, this Study aims not only to provide detailed information on the bodies set up under Article 33 CRPD but also to present this information in a user-friendly way so that all readers can straightforwardly see their essential characteristics. This was also necessary to facilitate the comparative analysis.

Through the comparative analysis of the implementation of Article 33 CRPD in Europe, the present Study will compare practices in implementing this provision in EU member States Parties to the

Convention. While it will examine the strengths and weaknesses of the various solutions adopted, it does not aim to create classifications or to propose standard models for implementing Article 33 CRPD. The purpose is to explain the possibilities offered by this provision, while pointing out interesting examples and explaining how States could overcome certain problems. This does not, however, mean that criticism will be avoided.

Several factors also need to be taken into account while reading this Study. One of these factors is the States' main features, which will be outlined in the country-by-country overview. The implementation of Article 33 CRPD will vary in part according to these features. Federal States, for instance, will have more need for sub-focal points and a coordination mechanism. Some States have bodies that could carry out the function of independent mechanisms. Others do not. It is therefore not always possible to transpose the solutions adopted to implement Article 33 CRPD from one State to another, however good these solutions might be. The date of ratification of CRPD is another factor to be taken into account. States that have ratified the Convention recently will generally be less advanced in implementing Article 33 CRPD, although it may be that they started doing so before their ratification of the Convention. In other words, States Parties to the Convention do not start from the same point regarding Article 33 CRPD.

## C. Outline

This Study is divided into two parts. Part I gives a comprehensive overview of the implementation of Article 33 CRPD in Europe. It starts with briefly analysing Article 33 (1), Article 33 (2) and Article 33 (3) CRPD with a view to determining the question to be addressed in the country-by-country overview. It then gives a detailed account of practices in implementing Article 33 CRPD in all EU member States Parties to the Convention. This concerns 17 States in total: Austria, Belgium, the Czech Republic, Denmark, France, Germany, Hungary, Italy, Latvia, Lithuania, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. Part II provides a comparative analysis of the implementation of Article 33 CRPD in Europe. Based on the information provided in Part I, it gives the overall results of the country-by-country overview, compares practices in implementing Article 33 CRPD and outlines the key findings that can be deduced from the comparative analysis.

# I. Comprehensive Overview of the Implementation of Article 33 CRPD in Europe

Part I gives a comprehensive overview of the implementation of Article 33 CRPD in Europe. It gives a detailed account of practices in implementing Article 33 (1), Article 33 (2) and Article 33 (3) CRPD in EU member States Parties to the Convention.

Part I is divided into two sections. Section A discusses the main questions relating to Article 33 CRPD. Section B gives a full picture of the implementation of Article 33 in each of the EU member States Parties to the Convention.

## A. Article 33 CRPD

Section A discusses Article 33 CRPD. It examines the main questions relating to this provision as well as the most relevant aspects of its implementation. This analysis will help to define the main question to be addressed in the country-by-country overview.

Section A is divided into three sub-sections. The first sub-section deals with Article 33 (1) CRPD. The second sub-section examines Article 33 (2) CRPD. The third sub-section concerns Article 33 (3) CRPD.

### 1. Article 33 (1) CRPD

Article 33 (1) CRPD provides that:

States Parties, in accordance with their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention.

Although States are usually equipped with focal points responsible for specific vulnerable groups, including persons with disabilities, within their public administration, it is the first time that such an obligation has been provided for in an international human rights treaty. The purpose is to appoint a governmental department for handling matters relating to the implementation of CRPD.

Since focal points concern an issue of internal public administration, it is not required that they are designated by law. However, it is necessary to ensure that the focal points have the necessary resources to carry out their function and that the people employed in these focal points have sufficient knowledge of CRPD. Another issue is the participation of persons with disabilities. The focal points should be sufficiently accessible so that these persons can address their concerns to them. They should also consult organizations of persons with disabilities in implementing the Convention.

States may designate several focal points or sub-focal points. They may either appoint several ministries (horizontal level) or involve the different layers of government (vertical level). This last option might be especially useful in federal States.

These are thus the main questions relating to the focal points to be addressed in the country-by-country overview:

- Which ministry/ministries has/have been designated focal point(s)? Have sub-focal points been designated at the regional level?
- What are the resources of the focal points? How many people are employed? What has been done to familiarise these people with CRPD?

Article 33 (1) CRPD also provides that:

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.

Coordination mechanisms aim to boost cooperation between ministries and to avoid that policymakers adopt isolated measures. While the establishment or designation of a coordination mechanism is not a legal obligation, it could help States to tackle the rights of persons with disabilities in a consistent manner. Coordination mechanisms can also serve to mainstream disability across government beyond the ministries of social affairs, which are traditionally responsible for persons with disabilities. They avoid that focal points become the only governmental departments concerned with the implementation of CRPD. States that designated several focal points or sub-focal points might in particular need a coordination mechanism. Such a mechanism might therefore again be especially useful in federal States.

The coordination mechanism should be run by a department that can take the lead, preferably at the highest level of government. It should not only be able to take initiatives but also to liaise with international human rights bodies, including UN treaty bodies. A first exercise in this regard will be the elaboration of initial State reports on the implementation of CRPD to be submitted to the UN Committee on the Rights of Persons with Disabilities.

These are thus the main questions relating to the coordination mechanism to be addressed in the country-by-country overview:

- Has a coordination mechanisms been established or designated? Which ministries or other public bodies are represented? What is the exact function of this coordination mechanism?
- What are the resources of the coordination mechanism? How many people are employed? What has been done to familiarise these people with CRPD?

## 2. Article 33 (2) CRPD

Article 33 (2) CRPD provides that:

States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, 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 principles relating to the status and functioning of national institutions for protection and promotion of human rights.

This is not the first international human rights treaty obliging States to create independent mechanisms in line with the principles relating to the status and functioning of national institutions for protection and promotion of human rights, which are commonly called the Paris Principles. The Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) requires that States designate or establish one or more national preventive mechanisms to visit places of detention with due consideration for the same Paris Principles.

The Paris Principles outline the responsibilities, composition and working methods of national human rights institutions (NHRIs). They were drafted at the First International Workshop of National Human Rights Institutions held in Paris in 1991 and endorsed by both the UN Commission on Human Rights and General Assembly in 1993.<sup>1</sup> In addition to setting out the functions of NHRIs, the Paris Principles place emphasis on two fundamental principles: independence and pluralism.

Independence means that NHRIs should be free from governmental interference. To guarantee this, the Paris Principles provide that these institutions should be established 'by a constitutional or legislative text'.<sup>2</sup> They must therefore be created by law. The purpose is to prevent government from

<sup>1</sup> Commission Resolution 1992/54, 3 March 1992, UN Doc. E/CN.4/RES/1992/54; GA Resolution 48/134, 20 December 1993, UN Doc. A/RES/48/134.

<sup>2</sup> Principle 2, A. Competence and responsibilities, Paris Principles.

turning them down should they raise criticism. Their members should be appointed (and, if necessary, dismissed) according to a fair and clear procedure. Representatives of ministries may be included but they must only participate in an advisory capacity according to the Paris Principles.<sup>3</sup> The Paris Principles also require that NHRIs have sufficient funding in order to be able to choose their own staff and to determine their priorities.<sup>4</sup>

Pluralism links NHRIs with civil society. The Paris Principles provide that the composition of NHRIs should ensure 'the pluralist representation of the social forces (of civilian society) involved in the promotion and protection of human rights'.<sup>5</sup> They also mention a series of actors who should be included in the organization of NHRIs:

- a) Non-governmental organizations responsible for human rights and efforts to combat racial discrimination, trade unions, concerned social and professional organizations, for example, associations of lawyers, doctors, journalists and eminent scientists;
- b) Trends in philosophical or religious thought;
- c) Universities and qualified experts;
- d) Parliament and;
- e) Government departments (if these are included, their representatives should participate in the deliberations only in an advisory capacity).<sup>6</sup>

Pluralism in NHRIs must be adapted according to the function of independent mechanisms. This means that it will be necessary to determine which actors duly represent 'the social forces (of civilian society) involved in the promotion and protection of' the rights of persons with disabilities.<sup>7</sup> The major actors concerned with these rights are organizations of persons with disabilities. These organizations are the closest to persons with disabilities and have the greatest expertise in the field of disability. Independent mechanisms therefore have to include them in their organization. This means that organizations of persons with disabilities should either be represented in the independent mechanisms or be able to cooperate closely with these mechanisms. As is often the case with organizations of persons with disabilities themselves, it is advisable that persons with disabilities be appointed to the board of the independent mechanism. According to the Paris Principles, other actors, such as trade unions, social and professional organizations concerned as well as experts, should also be involved.

NHRIs created the International Coordinating Committee of NHRIs (International Coordinating Committee) the Sub-Committee on Accreditation of which compiles a list of those institutions that comply, do not fully comply, or fail to comply with the *Paris Principles*. Those that comply are granted A-Status, those that do not fully comply are granted B-Status, and those that fail to comply are designated C-Status.<sup>8</sup> Only those institutions with A-Status are voting members in the International Coordinating Committee. Those with B-Status are granted observer status.

In this Study, by NHRIs will be understood only those NHRIs that were granted A-Status by the Sub-Committee on Accreditation of the International Coordinating Committee. There are currently 11 such institutions in the EU. These are (ranked by their date of creation): the French *Commission nationale consultative des droits de l'homme* (CNCDH), the Danish Institute for Human Rights (DIDH), the Greek National Human Rights Commission (NHCR), the Polish Commissioner for Civil Rights Protection, the Portuguese Ombudsman, the Spanish Ombudsman, the Irish Human Rights Commission (IHRC), the Northern Ireland Human Rights Commission (NIHRC), the Luxembourg *Commission consultative des droits de l'homme* (CCDH), the German Institute for Human Rights, the United Kingdom Equality and Human Rights Commission (EHCR) and the Scottish Human Rights

<sup>3</sup> Principle 1, B. Composition and guarantees of independence and pluralism, Paris Principles

<sup>4</sup> Principle 2, B. Composition and guarantees of independence and pluralism, Paris Principles.

<sup>5</sup> Principle 1, B. Composition and guarantees of independence and pluralism, Paris Principles.

<sup>6</sup> *Ibid.*

<sup>7</sup> G. de Beco, 'Article 33 (2) of the UN Convention on the Rights of Persons with Disabilities. Another Role for National Human Rights Institutions?', (2011) 29 (1) *Netherlands Quarterly of Human Rights* 84 -106, 93.

<sup>8</sup> A regularly updated list of accredited NHRIs is available at: [www.nhri.net](http://www.nhri.net).

Commission (SHRC).<sup>9</sup> These institutions are part of the so-called European Group of NHRIs, which covers the NHRIs with A-Status of the 47 member States of the Council of Europe, which is currently led by the Scottish Human Rights Commission (SHRC). This Group has recently established a CRPD Working Group, which is chaired by the United Kingdom Equality and Human Rights Commission (EHRC), to share best practices in promoting, protecting and monitoring the implementation of the Convention within the European Group of NHRIs.

Independent mechanisms have the task of promoting, protecting and monitoring the implementation of CRPD. Promotion involves raising awareness of the Convention by disseminating materials and organizing events and by providing education and training both to public officials, to persons with disabilities and to the public at large. Protection involves handling complaints of violations of the rights of persons with disabilities and assisting persons with disabilities or acting in their name before the courts. Monitoring involves the evaluation of the compliance of both legislation and practice with the Convention and conducting general inquiries and submitting reports on the rights of persons with disabilities to State authorities.

States have the choice to either designate existing bodies or establish new *ad hoc* bodies to promote, protect and monitor the implementation of the Convention. Should they designate existing bodies, special arrangements might however be necessary to ensure that these bodies meet the requirements set out in Article 33 (2) CRPD.

States may designate or establish more than one independent mechanism. Depending on the existing bodies, they may either designate or establish a single independent mechanism or designate or establish several independent mechanisms. If several independent mechanisms are designated or established, their action should however be coordinated.

Article 33 (2) CRPD provides that States should designate or establish a 'framework including one or more independent mechanism'. It does not, however, explain what is meant by the term 'framework'. This question has been subject to interpretation. While the purpose of the Study is not to define this term, practice could indicate how States have, to a certain extent, given meaning to it.

These are thus the main questions relating to the independent mechanisms to be addressed in the country-by-country overview:

- Who is/are the independent mechanism(s)? Who is represented in the independent mechanism(s)? By which procedure are the members of the independent mechanism(s) appointed (and, if necessary, dismissed)?
- What is the legal basis of the designation or establishment of the independent mechanism(s)?
- How is the participation of persons with disabilities ensured in the framework? Are they represented in the independent mechanism(s)? Are they officially consulted? Were they involved in the designation or establishment of the independent mechanism(s)?
- What is the mandate of the independent mechanism(s)? What are the main areas on which the independent mechanism(s) has/have worked so far?
- Does/do the independent mechanism(s) handle(s) complaints of violations of the rights of persons with disabilities? Does/do it/they have the power to undertake general inquiries? What is its/their implication in the State reporting process?
- What are the resources of the independent mechanism(s)? How many people are employed to focus on the Convention? Does/do the independent mechanism(s) have its/their own budget?
- If an existing body or existing bodies has/have been designated independent mechanism(s), has/have a new department/new departments been created. Does/do it/they have a separate budget for its/their new mandate?
- If several independent mechanisms have been designated or established, how do they coordinate their action?

<sup>9</sup> The United Kingdom therefore has three NHRIs: the Equality and Human Rights Commission (EHCR), the Scottish Human Rights Commission (SHRC) and the Northern Ireland Human Rights Commission (NIHRC). The Equality and Human Rights Commission (EHRC) is the NHRI for England, Wales and Scotland with the exception of matters falling under the remit of the Scottish Human Rights Commission (SHRC). The Scottish Human Rights Commission (SHRC) is the NHRI for Scotland and the Northern Ireland Human Rights Commission (NIHRC) is the NHRI for Northern Ireland.

### 3. Article 33 (3) CRPD

Article 33 (3) CRPD provides that:

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 is not the only provision referring to participation of persons with disabilities in the Convention. Article 4 (3) CRPD provides that:

In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations.

According to the Paris Principles (which are referred to in Article 33 (2) CRPD), independent mechanisms should include organizations of persons with disabilities in their organization.

As claimed by persons with disabilities during the negotiations of CRPD, Article 33 (3) CRPD enshrines the slogan 'Nothing About us Without Us'. This provision stresses the importance of involving them in monitoring the implementation of the Convention. Read in combination with Article 4 (3) CRPD and the Paris Principles, it provides for the participation of persons with disabilities through the bodies set up under both Article 33 (1) and Article 33 (2) CRPD. Organizations of persons with disabilities must be able to transmit their concerns to the focal points and coordination mechanism. They should moreover be represented in or be able to cooperate with the independent mechanisms. Article 33 (3) CRPD also requires that States support their own capacity building (an issue which falls outside the scope of this Study). This means that persons with disabilities must be given the means to influence policy making through other channels as well.

These are thus the main questions relating to the participation of persons with disabilities addressed in the country-by-country overview:

- Are organizations of persons with disabilities involved in the implementation of the Convention? Are they consulted by the focal points and coordination mechanism?
- How is the participation of persons with disabilities ensured in the framework? Are they represented in the independent mechanism(s)? Are they officially consulted? Were they involved in the designation or establishment of the independent mechanism(s)?
- Is there an umbrella organization for organizations of persons with disabilities? How many such organizations does it represent?

## B. County-by-Country Overview

Section B gives a comprehensive overview of the implementation of Article 33 CRPD in all EU member States Parties to the Convention. It examines the appointment, composition, functions and activities of the bodies that were set up under Article 33 CRPD and highlights their characteristics, taking into account the requirements set out in this provision.

Section B is divided into 17 subsections which each deal with one of the 17 EU member States Parties to CRPD. These are Austria, Belgium, the Czech Republic, Denmark, France, Germany, Hungary, Italy, Latvia, Lithuania, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom. After outlining their main relevant features, each section examines the implementation of Article 33 (1), Article 33 (2) and Article 33 (3) CRPD, successively.



## 1. Austria

### Main relevant features

**Austria** is a democratic republic governed by a parliamentary system. It is a federal State composed of nine Länder: Burgenland, Carinthia, Lower Austria, Upper Austria, Salzburg, Styria, Tyrol, Vorarlberg and Vienna. The regional States have their own executive and legislative bodies and have their own administrations.

Austria joined the EU on 1 January 1995.

Austria signed both CRPD and OP CRPD on 30 March 2007 and ratified them on 29 September 2008. It submitted its initial State report on the implementation of the Convention to the UN Committee on the Rights of Persons with Disabilities in October 2010.

### Article 33 (1) CRPD

#### *Focal points*

The focal point for matters relating to the implementation of CRPD in Austria is the **Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK)**. This is the national focal point of Austria. About 7 to 8 people are working on the Convention. The Länder are on their way to establish their own focal points.

The **Federal Disability Advisory Board (BBB)** is an advisory body which consists of representatives of the Federal Ministry of Labour, Social Affairs and Consumer Protection, the Federal Ministry of Finance, the Federal Ministry of Health, the Federal Ministry of Economy, Family and Youth, the Federal Chancellery, political parties in Parliament, regional State authorities, the Association of Austrian Social Insurance Agencies, the Austrian Pensioners Association, social partners, the Disability Ombudsman, service providers and organizations of persons with disabilities. It advises government, provides expert opinion and makes recommendations on disability issues.

The Federal Disability Advisory Board (BBB) receives administrative support by the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK).

#### *Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in Austria is also the **Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK)**. It coordinates with the other ministries.

### Article 33 (2) CRPD

#### *Independent mechanisms*

Austria has established one independent mechanism to promote, protect and monitor the implementation of the Convention: the **Independent Monitoring Committee**.

The Independent Monitoring Committee was established by **Section 13 of the Federal Disability Act** of 8 August 2008. Rules of Procedure were adopted by the Independent Monitoring Committee.

The Independent Monitoring Committee only has competence for federal matters. The regional States are on their way to establish their own independent mechanisms.

The Independent Monitoring Committee consists of seven members and seven substitute members:

- four representatives of organizations of persons with disabilities;
- one representative of a human rights non-governmental organization;
- one representative of a development cooperation organization;
- one representative of academic institutions.

The members are nominated by the Austrian National Council of Disabled People (OAR) and appointed by the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK). They

sit in individual capacity and are unpaid, with the exception of the Chairperson (since September 2010). They are nominated for four years.

A representative of the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMAŠK) participates in an advisory capacity and representatives of the other ministries concerned may also participate in an advisory capacity.

The Independent Monitoring Committee raises awareness of CRPD, advises government (in particular the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMAŠK)) and parliament on the rights of persons with disabilities and recommends new legislative and administrative rules. It handles complaints and support victims of violations of the rights of persons with disabilities. It has unlimited access to all State authorities, unlimited right to inspect files and the possibility to request statements from administrative bodies. Its most important areas of work so far include inclusive education, poverty, personal assistance, protection against violence and abuse, participation and occupational therapy.

The Independent Monitoring Committee intends to submit a parallel report on the implementation of the Convention in Austria to the UN Committee of Rights of Persons with Disabilities.

The Independent Monitoring Committee has two public annual meetings. Experts may be invited to the annual meetings or any other meetings.

The Federal Ministry of Labour, Social Affairs and Consumer Protection (BMAŠK) provides the budget and is running the Secretariat. This budget is 23,000 Euro/year. One person is working part-time for secretarial functions. The Chair is also paid.

#### Article 33 (3) CRPD

Organizations of persons with disabilities are represented in the Federal Disability Advisory Board (BBB).

The **Austrian National Council of Disabled People (OAR)** is the umbrella organization for organizations of persons with disabilities in Austria. It represents 78 organizations of persons with disabilities.

The Austrian National Council of Disabled People (OAR) nominates the members of the Independent Monitoring Mechanism four of which directly represent the Austrian National Council of Disabled People (OAR).

#### Internet Internet sources:

<http://www.bmsk.gv.at>

<http://www.oear.or.at>

<http://www.monitoringausschuss.at>

Initial State report on the implementation of CRPD in Austria

## 2. Belgium

### Main relevant features

**Belgium** is a constitutional monarchy governed by a parliamentary system. It is a federal State consisting of three regions which overlap geographically with three communities. Besides the federal entity, there are seven independent entities: the Flanders (which are a merge between the Flemish Region, the Flemish Community and the Flemish Community Commission ((carrying out Flemish Community responsibilities in Brussels)), the Walloon Region, the French Community, the Brussels-Capital Region, the German-speaking Community, the French Community Commission (carrying out French Community responsibilities in Brussels) and the Common Community Commission (carrying out common Flemish and French Community responsibilities in Brussels). The seven independent entities have own their executive and legislative bodies and have their own administrations.

As an EU founding member, Belgium joined the organization on 18 April 1951.

Belgium signed both CRPD and OP CRPD on 30 March 2007 and ratified both on 2 July 2009.

### Article 33 (1) CRPD

#### *Focal points*

The focal point for matters relating to the implementation of CRPD in Belgium is the **Directorate-General for Strategy and Research of the Ministry of Social Affairs**. This is the national focal point of Belgium. Two people focus on the Convention.

The seven independent entities designated their own sub-focal points:

- Flanders: Equal Opportunities Unit of the Ministry of Equality;
- Walloon Region: *Agence wallonne pour l'intégration des personnes handicapées* of the Directorate-General for External Relations;
- French Community: *Wallonie Bruxelles International* of the World Multilateral Service;
- Brussels-Capital Region: Directorate-General for External Relations of the Ministry of the Brussels-Capital Region;
- German-speaking Community: *Dienststelle für Personen mit Behinderung* of the Office for Persons with Disabilities;
- French Community Commission: *PHARE Service*;
- Common Community Commission: public administration.

Belgium also has several **Advisory Councils** made up of organizations for persons with disabilities:

- Federal State: *Conseil Supérieur National des Personnes Handicapées* (CSNPH);
- Walloon Region: *Commission wallonne des personnes handicapées*;
- Brussels-Capital Region: *Conseil Consultatif Bruxellois Francophone des Personnes Handicapées*;
- German-speaking Community: *Beratende Komitee von der Dienststelle für Personen mit Behinderung*;

The Advisory Councils advise their respective governments and parliaments, provide expert opinion and make recommendations on disability issues.

#### *Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in Belgium is also the **Directorate-General for Strategy and Research of the Ministry of Social Affairs**.

Acting as national focal point, the Directorate-General for Strategy and Research of the Ministry of Social Affairs liaises with the 7 sub-focal points for all matters relating to the implementation of CRPD.

### Article 33 (2) CRPD

#### *Independent mechanisms*

Belgium has designed one independent mechanism to promote, protect and monitor the implementation of the Convention: the **Centre for Equal Opportunities and Opposition to Racism**.

Both the federal entity and the seven independent identities have agreed to designate the Centre for Equal Opportunities and Opposition to Racism. Its operation will soon be defined through individual agreements between the Centre and the federal entity and the seven independent identities. This will include the establishment of a disability committee consisting of representatives of organizations of persons with disabilities and the budget to exercise its functions under Article 33 (2) CRPD.

The Centre for Equal Opportunities and Opposition to Racism was established in 1993. Following the extension of its mandate in 2003 and 2007, it became Belgium's national equality body. The Centre for Equal Opportunities and Opposition to Racism provides advice to government on disability issues and handles complaints of discriminations against persons with disabilities.

### Article 33 (3) CRPD

Organizations of persons with disabilities will be represented in the Centre for Equal Opportunities and Opposition to Racism.

The **Belgium Disability Forum (BDF)** is the umbrella organization for organizations of persons with disabilities in Belgium. It represents 20 organizations of persons with disabilities.

#### Internet sources:

<http://handicap.fgov.be>  
<http://www.diversiteit.be>  
<http://bdf.belgium.be>

## 3. Czech Republic

### Main relevant features

The **Czech Republic** is a democratic republic governed by a parliamentary system.

The Czech Republic joined the EU on 1 May 2004.

The Czech Republic signed CRPD on 30 March 2007 and ratified it on 28 September 2009. It signed OP CRPD on 30 March 2007 but did not ratify it.

### Article 33 (1) CRPD

#### *Focal points*

The focal point for matters relating to the implementation of CRPD in the Czech Republic is the **Ministry of Labour and Social Affairs**. People employed deal with the CRPD according to their tasks.

#### *Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in the Czech Republic is the **Ministry of Labour and Social Affairs** in cooperation with the Ministry of Foreign Affairs, the Government Board for People with Disabilities and the Czech National Disability Council. It coordinates with the other ministries, with regional and local authorities and with NGOs.

The Government Board for People with Disabilities is a consultative body which consists of representatives of ministries, social partners and organizations of persons with disabilities (including the Czech National Disability Council). It provides advice on disability issues and cooperates with the public administration.

### Article 33 (2) CRPD

#### *Independent mechanisms*

There are **no independent mechanisms** to promote, protect and monitor the implementation of the Convention in the Czech Republic.

### Article 33 (3) CRPD

Organizations of persons with disabilities are represented in the Government Board for People with Disabilities.

The **Czech National Disability Council** is the umbrella organization for organizations of persons with disabilities in the Czech Republic. It represents 114 organizations of persons with disabilities. The Czech National Disability Council promotes the rights of persons with disabilities, proposes legislative

and administrative rules and makes recommendations on disability issues. It is represented in the Government Board for People with Disabilities.

Internet sources:

<http://www.nrzp.cz>

<http://www.vvzpo.vlada.cz>

<http://www.nrzp.cz>

## 4. Denmark

### Main relevant features

**Denmark** is a constitutional monarchy governed by a parliamentary system.

Denmark joined the EU on 1 January 1973.

Denmark signed CRPD on 30 March 2007 and ratified it on 24 July 2009. It neither signed nor ratified OP CRPD.

### Article 33 (1) CRPD

#### *Focal points*

The focal point for matters relating to the implementation of CRPD in Denmark is the **Ministry of Social Affairs**. The Ministry of Social Affairs works in close contact with other ministries and organizations of persons with disabilities. 15 people work on disability issues. They deal with the CRPD according to their tasks.

This was decided by Parliamentary Decision B 194 of 17 December 2010 (which adopted the ratification of the Convention).

#### *Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in Denmark is the **Inter-ministerial Committee of civil servants on disability matters**. The Inter-ministerial Committee of civil servants on disability was designated to coordinate disability policies, facilitate cross-cutting activities and familiarise people with CRPD.

The Inter-ministerial Committee of civil servants on disability matters is headed by the Secretariat of the Ministry of Social Affairs. It consists of representatives of ministries and is in close contact with organizations of persons with disabilities.

### Article 33 (2) CRPD

#### *Independent mechanisms*

Denmark has designated one independent mechanism to promote, protect and monitor the implementation of the Convention: the **Danish Institute for Human Rights (DIHR)**.

This was decided by **Parliamentary Decision B 15** of 17 December 2010.

The **Danish Institute for Human Rights (DIHR)** was established by parliamentary decision in 1987 as the Danish Centre for Human Rights and by Act No. 411 of 6 June 2002 as Denmark's NHRI. It is Denmark's main independent mechanism. The Danish Institute for Human Rights (DIHR) is an NHRI which was granted A-Status by Sub-Committee on Accreditation of the International Coordinating Committee. This means that it is considered in full compliance with the Paris Principles. It is also Denmark's national equality body. The Danish Institute for Human Rights (DIHR) has a Board and a

Council consisting of representatives of civil society organizations, academics, and, without voting rights, representatives of ministries.

The Danish Institute for Human Rights (DIHR) raises awareness, provides advice on the rights of persons with disabilities and organizes round-tables with organizations of persons with disabilities. It does not handle complaints of violations of the rights of persons with disabilities (although it might strengthen its activities in relation to strategic litigation in the future). It intends to submit a parallel report on the implementation of CRPD in Denmark to the UN Committee on the Rights of Persons with Disabilities.

The Danish Institute for Human Rights (DIHR) receives funding to promote, protect and monitor the implementation of the Convention besides its current funding. The budget is 4.563.070 DKr/year. It is fixed in the Danish Finance Act and has therefore a permanent legal basis. 3 to 4 people are working on the Convention.

The Danish Disability Council is also monitoring the rights of persons with disabilities and advises government on disability issues. It consists of 17 members:

- one President (appointed by the Minister of Social Affairs);
- five representatives of organizations of persons with disabilities (the Disabled Peoples Organizations Denmark, the Danish Society for Cerebral Palsy, the Danish Association of the Blind, the Danish Brain Injury Association and the ADHD Association);
- one representative of Danish Building Research Institute;
- one representative of the Danish Housing Association;
- one representative of the Danish Confederation of Trade Unions;
- one representative of the Confederation of Danish Employers;
- one representative of the Confederation of Danish Industry and Transport;
- one representative of University of Copenhagen;
- one representative of Danish University School of Education;
- two members personally appointed by the Minister of Social Affairs;
- two representatives of local authorities;
- one representative of the Ministry of Social Affairs;
- one representative of the Danish Institute for Human Rights.

The representatives of the Ministry of Social Affairs and of Danish Institute for Human Rights participate in an advisory capacity.

The Danish Parliamentary Ombudsman is also involved in the protection of the rights of persons with disabilities. He or she is regularly kept informed of the implementation of CRPD by the Ministry of Social Affairs.

#### *Framework*

The Danish Institute for Human Rights (DIHR), the Danish Disability Council and the Danish Parliamentary Ombudsman can constitute together the **framework** for the promotion, protection and monitoring of the implementation of CRPD in Denmark. Although the Danish Disability Council and the Danish Parliamentary Ombudsman were not designated, the explanatory text to Parliamentary Decision B 15 of 17 December 2010 provides that they are to be part of the framework.

The Danish Institute for Human Rights (DIHR) and the Danish Disability Council held several meetings to coordinate their action. Their cooperation is also facilitated by the fact that the Danish Institute for Human Rights (DIHR) is represented, without voting rights, in the Danish Disability Council. The Danish Disability Council might likewise be represented in the Danish Institute for Human Rights (DIHR) in the future.

#### Article 33 (3) CRPD

The organizations of persons with disabilities are represented in the Danish Disability Council. They are also consulted by the Danish Institute for Human Rights (DIHR).

The **Disabled Peoples Organizations Denmark (DH)** is the umbrella organization for organizations of persons with disabilities in Denmark. It represents 32 organizations of persons with disabilities.

Internet sources:

<http://www.ism.dk>  
<http://www.humanrights.dk>  
<http://en.ombudsmanden.dk>  
<http://www.dch.dk>

## 5. France

Main relevant features

**France** is a democratic republic governed by a parliamentary system and headed by a president. It is a country composed of 27 administrative regions which have no legislative or executive powers.

As an EU founding member, France joined the organization on 18 April 1951.

France signed CRPD on 30 March 2007 and ratified it on 18 February 2010. It signed OP CRPD on 23 September 2008 and ratified it on 18 February 2010.

Article 33 (1) CRPD*Focal points*

There are **no focal points** for matters relating to the implementation of CRPD in France.

*Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in France is the **Comité interministériel du handicap (CIH)** which replaced the Inter-ministerial Delegation for Persons with Disabilities. The *Comité interministériel du handicap (CIH)* defines, coordinates and evaluates disability policies and is in close contact with organizations of persons with disabilities.

The *Comité interministériel du handicap (CIH)* was established by Decree No 2009-1367 of 6 November 2009.

The *Comité interministériel du handicap (CIH)* consists of representatives of all concerned ministries. It is under the authority of the Prime Minister who appoints its General Secretary. The General Secretary is responsible for preparing the work and for implementing the decisions of the *Comité interministériel du handicap (CIH)*.

Article 33 (2) CRPD*Independent mechanisms*

There are **no independent mechanisms** to promote, protect and monitor the implementation of the Convention in France. The *Commission nationale consultative des droits de l'homme (CNCDH)*, which is an NHRI with A- Status, however, proposed that it be designated together with the *Haute autorité de lutte contre les discriminations et pour l'égalité (HALDE)*, which is France's national equality body. However, following the recent absorption of the *Haute autorité de lutte contre les discriminations et pour l'égalité (HALDE)* in the *Défenseur des droits*, the decision is still pending.

Article 33 (3) CRPD

The *Conseil national consultatif des personnes handicapées (CNCPH)* is a consultative body established in 1976. It consists of representatives of organizations of persons with disabilities, bodies financing social protection and research projects, social partners, professional organizations and parliamentarians.

The *Conseil français des personnes handicapées pour les questions européennes (CFHE)* makes the link between France and EU institutions regarding disability policies. It consists of more than 50 organizations of persons with disabilities.

Internet sources:

<http://www.solidarite.gouv.fr>

<http://www.cncdh.fr>

<http://www.halde.fr>

<http://www.cfhe.org>

## 6. Germany

Main relevant features

**Germany** is a democratic republic governed by a parliamentary system. It is a federal State consisting of 16 Länder: Baden-Württemberg, Bavaria, Berlin, Brandenburg, Bremen, Hamburg, Hessen, Mecklenburg-Western Pomerania, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saarland, Saxony, Saxony-Anhalt, Schleswig-Holstein and Thuringia. The 16 regional States have their own executive and legislative bodies and have their own administrations.

As an EU founding member, Germany joined the organization on 18 April 1951.

Germany signed both CRPD and OP CRPD on 30 March 2007 and ratified both on 24 April 2009.

Article 33 (1) CRPD*Focal points*

The focal point for matters relating to the implementation of CRPD in Germany is the **Federal Ministry for Labour and Social Affairs (BMAS)**. This is the national focal point of Germany. It has a working committee through which it regularly consults organizations of persons with disabilities.

The 16 Länder designated their own sub-focal points:

- Baden-Württemberg: Ministry for Labour and Social Affairs, Families, Women and Senior Citizen;
- Bavaria: Ministry for Labour and Social Affairs, Families and Women's Issues;
- Berlin: Senate Department for Integration, Labour and Social Issues;
- Brandenburg: Ministry for Labour and Social Affairs, Women's Issues and Families;
- Bremen: Senate Department for Labour, Women, Health, Youth and Social Affairs;
- Hamburg: Senate Department for Social Affairs, Family Affairs, Health and Consumer Protection;
- Hessen: Ministry of Social Affairs (in cooperation with Ministry of Culture Affairs);
- Mecklenburg-Western Pomerania: Ministry for Social Affairs and Health;
- Lower Saxony: Ministry for Social Affairs, Women, Family Affairs, Health and Integration;
- North Rhine-Westphalia: Ministry of Labour, Health and Social Affairs;
- Rhineland-Palatinate: Ministry for Social Affairs and Consumer Protection;
- Saarland: Ministry for Labour, Family Affairs, Prevention, Social Affairs;
- Saxony: Ministry for Social Affairs and Consumer Protection;
- Saxony-Anhalt: Ministry for Health and Social Affairs;
- Schleswig-Holstein: Ministry for Labour, Health and Social Affairs;
- Thuringia: Ministry for Social Affairs, Family Affairs and Health.

The Federal Ministry for Labour and Social Affairs (BMAS) liaises with the 16 sub-focal points for all matters relating to the implementation of CRPD.

*Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in Germany is the **Federal Government Commissioner for Matters relating to Persons with Disabilities**. It employs 13 people.



The Federal Government Commissioner for Matters relating to Persons with Disabilities was established in 2002. He or she raises awareness of the Convention, advises the federal government and facilitates cooperation with organizations of persons with disabilities.

The **Inclusion Committee** is an advisory body which consists of one representative from the Ministry of Labour and Social Affairs (BMAS), one representative of the Federal Government Commissioner for Matters relating to Disabled Persons, one representative of the State Commissioners for Matters relating to Disabled Persons, one representative of the German Institute for Human Rights (DIHR), the German member of the UN Committee on the Rights of Persons with Disabilities and 10 representatives of organizations of persons with disabilities. It promotes CRPD, makes recommendations to government and coordinates four thematic working groups.

The Inclusion Committee is run by two people working for the Federal Government Commissioner for Matters relating to Persons with Disabilities.

### Article 33 (2) CRPD

#### *Independent mechanisms*

Germany has designated one independent mechanism to promote, protect and monitor the implementation of the Convention: the **German Institute for Human Rights (GIHR)**. The German Institute for Human Rights (GIHR) was established in 2001. It is an NHRI which was granted A-Status by Sub-Committee on Accreditation of the International Coordinating Committee. This means that it is considered in full compliance with the Paris Principles. The German Institute for Human Rights (GIHR) has a Board in addition to a Council consisting of representatives of civil society organizations, academics, and, without voting rights, representatives of ministries.

This decision was taken by the federal government and subsequently confirmed by **Parliamentary decision** of 19 December 2008.

Consequently to Parliamentary decision of 19 December 2008, the German Institute for Human Rights (GIHR) added in its Statutes the mandate to promote, protect and monitor the implementation of CRPD. It also provided for the appointment of two additional members to its the Board: one representative of the German Disability Council and, without voting rights, one representative of the Federal Ministry for Labour and Social Affairs (BMAS).

The German Institute for Human Rights (GIHR) raises awareness of CRPD, reviews legislative and administrative rules, writes *amicus curiae* briefs and maps the life situations of persons with disabilities. It launched a series of public conferences and a new publication series on the rights of persons with disabilities. It does not handle violations of the rights of persons with disabilities. It intends to submit a parallel report on the implementation of CRPD in Germany to the UN Committee on the Rights of Persons with Disabilities.

The German Institute for Human Rights (GIHR) has competences for both federal and regional matters.

The German Institute for Human Rights (GIHR) receives funding by the Federal Ministry for Labour and Social Affairs (BMAS) to promote, protect and monitor the implementation of CRPD besides its current funding provided by the Federal Ministry of Justice, the Foreign Ministry and the Federal Ministry of Economic Cooperation and Development. The budget is 433 000 Euro/year. It should however be confirmed every year by parliament and has therefore no permanent legal basis. The German Institute for Human Rights (GIHR) created a separate department within the Institute, named the CRPD Monitoring Body, which consists of six staff members, namely one head, two research and policy officers (one with law and one with social science background), one for communication, one for administration and one administrative assistant.

### Article 33 (3) CRPD

The Federal Ministry for Labour and Social Affairs (BMAS) regularly consults civil society organizations and the German Disability Council in particular. Organizations of persons with disabilities are represented in the Inclusion Committee.

Persons with disabilities were consulted regarding the implementation of Article 33 (2) CRPD and recommended that the German Institute for Human Rights (GIHR) be designated. The German Disability Council is represented in the German Institute for Human Rights (GIHR). The German Institute for Human Rights (GIHR) also institutionalized tri-annual meetings with organizations of persons with disabilities to promote CRPD.

The **German Disability Council** is the umbrella organization for organizations of persons with disabilities in Germany. It represents more than 40 organizations of persons with disabilities. One representative of the German Disability Council sits on the Board of the German Institute for Human Rights (GIHR).

Internet sources:

<http://www.bmas.de>

<http://www.deutscher-behindertenrat.de>

<http://www.institut-fuer-menschenrechte.de>

## 7. Hungary

Main relevant features

**Hungary** is a democratic republic governed by a parliamentary system.

Hungary joined the EU on 1 May 2004.

Hungary signed both CRPD and OP CRPD on 30 March 2007 and ratified both on 20 July 2007. It submitted its initial State report on the implementation of the Convention to the UN Committee on the Rights of Persons with Disabilities in October 2010.

Article 33 (1) CRPD

*Focal points*

The focal point for matters relating to the implementation of CRPD in Hungary is the **Ministry of National Resources**.

*Coordination mechanism*

There is **no coordination mechanism** for matters relating to the implementation of CRPD in Hungary.

Article 33 (2) CRPD

*Independent mechanisms*

Hungary designated one independent mechanism to promote, protect and monitor the implementation of the Convention: the **National Council of Disability (NCD)**.

This was decided by **Government Decree 1065/2008** of 14 October 2008.

The National Council of Disability (NCD) is an advisory body consisting of representatives of ministries and organizations of persons with disabilities. It makes proposals, advises the government on disability issues and comments draft legislation.

Article 33 (3) CRPD

Organizations of persons with disabilities are represented in the National Council of Disability (NCD).

The **National Council of Federations of People with Disabilities (FESZT)** is the umbrella organization for organizations of persons with disabilities in Hungary.

Internet sources:

<http://www.szmm.gov.hu>  
Initial State report on the implementation of CRPD in Hungary

## 8. Italy

Main relevant features

**Italy** is a democratic republic governed by a parliamentary system. It is a regional State composed of 20 regions five of which are autonomous: Sardinia, Sicily, Trentino-Alto Adige/Südtirol, Aosta Valley and Friuli-Venezia Giulia. The autonomous regions have their own executive and legislative bodies and have their own administrations.

As an EU founding member, Italy joined the organization on 18 April 1951.

Italy signed both CRPD and OP CRPD on 30 March 2007 and ratified both on 15 May 2009.

Article 33 (1) CRPD

*Focal points*

The focal point for matters relating to the implementation of CRPD in Italy is the **Directorate-General for Inclusion, Social Rights and Social Responsibility of the Ministry of Labour and Social Policies** (formerly the Ministry of Labour, Health and Social Policies). It coordinates with the other ministries and with regional and local authorities.

There are no regional focal points.

*Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in Italy is also the **Directorate-General for Inclusion, Social Rights and Social Responsibility of the Ministry of Labour and Social Policies**.

Article 33 (2) CRPD

*Independent mechanisms*

Italy has established one independent mechanism to promote, protect and monitor the implementation of the Convention: the **National Observatory on the Situation of Persons with Disabilities**. It is operational since 2010.

The National Observatory on the Situation of Persons with Disabilities was established by **Article 3 of Law No. 18** of 03 March 2009 and is governed by Inter-ministerial Decree No 167 of 06 July 2010.

The National Observatory on the Situation of Persons with Disabilities was created to facilitate cooperation between ministries and organizations of persons with disabilities. Its tasks include promoting CRPD, elaborating a two-year action plan, collecting statistical data on the situation of persons with disabilities and supporting research on the rights of persons with disabilities. It does not handle violations of the rights of persons with disabilities.

The National Observatory on the Situation of Persons with Disabilities is composed of 40 members:

- nine representatives of ministries;
- two representatives of the regions and autonomous provinces;
- two representative of local authorities;

- one representative of the Social Security Institution;
- one representative of the National Statistics Institute;
- eight representatives of social partners;
- 14 representatives of organizations of persons with disabilities (FAND (Federazione Associazioni Nazionali Disabili), UIC (Unione Italiana Ciechi), ENS (Ente Nazionale Sordi), ANMIL (Associazione Nazionale Mutilati e Invalidi Lavoro), UNMS (Unione Nazionale Mutilati per Servizio), ANMIC (Associazione Nazionale Mutilati e Invalidi Civili), FISH (Federazione Italiana Superamento Handicap), FAIP (Federazione Associazioni Italiane Para-Tetraplegici), EDF (European Disability Forum), DPI (Disabled Peoples'International), FIADDA (Famiglie Italiane Associate per la Difesa dei Diritti degli Audiolesi), ANFFAS (Associazione Nazionale di Famiglie di Persone con Disabilità Intellettiva e/o Relazionale), Autismo Italia, FIABA (Fondo Italiano Abbattimento Barriere Architettoniche), COORDOWN, UNIAMO F.I.M.R. Onlus (Federazione Italiana Malattie Rare) and Gli Amici di Luca);
- three experts.

The members are nominated by the Ministry of Labour and Social Policies. The National Observatory on the Situation of Persons with Disabilities includes also 10 permanent guests, without voting rights, who represent civil society. It is presided by the Ministry of Labour and Social Policies.

A **scientific committee** was established by Decree no. 167 of 06 July 2010 to provide technical advice to the National Observatory on the Situation of Persons with Disabilities. It is composed of one representative of the Ministry of Labour and Social Policies, one representative of the Ministry of Health, one representative of the regions and autonomous provinces, one representative of local authorities, two representatives of organizations of persons with disabilities (the Federation of Nationals Disabilities Associations and the Italian Federation for Overcoming Handicaps) and three experts (nominated by the Ministry of Labour and Social Policies).

The Ministry of Labour and Social Policies provides the budget and running the Secretariat. This budget is 500.000 EUR. 10 people are employed for secretarial functions.

#### Article 33 (3) CRPD

Organizations of persons with disabilities are represented in the National Observatory on the Situation of Persons with Disabilities.

The **Consiglio Nazionale sulla Disabilità (CND)** is the umbrella organization for organizations of persons with disabilities in Italy. It represents 36 organizations of persons with disabilities.

#### Internet sources:

<http://avoro.gov.it>

## 9. Latvia

### Main relevant features

**Latvia** is a democratic republic governed by a parliamentary system.

Latvia joined the EU on 1 May 2004.

Latvia signed CRPD on 18 July 2008 and ratified it on 1 March 2010. It signed OP CRPD on 22 January 2010 and ratified it on 31 August 2010.

### Article 33 (1) CRPD

#### *Focal points*

The focal point for matters relating to the implementation of CRPD in Latvia is the **Ministry of Welfare**. It is responsible for disability policies and provides coordination between ministries. Three persons are focusing on the Convention.

#### *Coordination mechanism*

There is **no coordination mechanism** for matters relating to the implementation of CRPD in Latvia.

The National Council of Disability Affairs (NCDA) is an advisory which consisting of representatives of the ministries, the Chairperson of the Latvian Association of Local and Regional Governments, the Ombudsman, the Chairperson of Public Utilities Commission, the Director of Society Integration Foundation, the President of Free Trade Union Confederation and representatives of organizations of persons with disabilities (including the Latvian Society of People with Disabilities, the Latvian Association of the Deaf, the Latvian Society of the Blind and APEIRONS). It is led by the Minister of Welfare.

### Article 33 (2) CRPD

#### *Independent mechanisms*

Latvia has designated one independent mechanism to promote, protect and monitor the implementation of the Convention: the **Latvian Ombudsman**.

This was decided by **Law of 28 January 2010** (which adopted the ratification of the Convention).

The Latvian Ombudsman was established in 2006. He or she is elected for five years by Parliament. His or her mandate is governed by law. The Latvian Ombudsman is also Latvia's national equality body.

The Latvian Ombudsman handles complaints of discriminations against persons with disabilities and may represent victims before the administrative courts. He or she also raises awareness of the rights of persons with disabilities and may submit reports on certain matters to government and parliament.

The Latvian Ombudsman is represented in the National Council of Disability Affairs (NCDA).

### Article 33 (3) CRPD

Organizations of persons with disabilities are represented in the National Council of Disability Affairs (NCDA).

The **Latvian Umbrella Body for Disability organizations (SUSTENTO)** is the umbrella organization for organizations of persons with disabilities in Latvia. It represents 23 organizations of persons with disabilities.

#### Internet sources:

<http://www.lm.gov.lv/>

<http://www.tiesibsargs.lv>

<http://www.sustento.lv>

## 10. Lithuania

### Main relevant features

**Lithuania** is a democratic republic governed by a parliamentary system.

Lithuania joined the EU on 1 May 2004.

Lithuania signed both CRPD and OP CRPD on 27 May 2007 and ratified both on 27 May 2010.

### Article 33 (1) CRPD

#### *Focal points*

The focal point for matters relating to the implementation of CRPD in Lithuania is the **Ministry of Social Security and Labour**. This can be considered as the head focal point of Lithuania. It is run by one person.

Focal points were also designated in 10 other governmental departments: the Ministry of Education and Science, the Ministry of Health, the Ministry of Environment, the Ministry of Economy, the Ministry of Foreign Affairs, the Ministry of the Interior Affairs, the Ministry of Culture, the Department of Physical Culture and Sports under the Lithuanian Government and the Department of Statistics and the Committee for Information Society Development under the Ministry of Communication. This was decided by a Ruling of the government of 8 December 2010.

#### *Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in Lithuania is also the **Ministry of Social Security and Labour**.

This was decided by a Ruling of the government of 8 December 2010.

### Article 33 (2) CRPD

#### *Independent mechanisms*

Lithuania has designated two independent mechanisms to promote, protect and monitor the implementation of the Convention: the **Council for Disability Affairs** and the **Equal Opportunities Ombudsman**.

This was decided by a **Ruling of the government of 8 December 2010**.

The **Council for Disability Affairs** was established in 1992. It examines the social integration of persons with disabilities and provides advice on disability issues to government and the Ministry of Social Security and Labour in particular.

The Council for Disability Affairs is an advisory body consisting of 15 members:

- one President and one Vice-President (if the former is a representative of ministries the latter must be a representative of organizations of persons with disabilities);
- six representatives of ministries (the Ministry of Social Security and Labour, the Ministry of Health, the Ministry of Education, the Ministry of Environment, the Ministry of Internal Affairs and the Ministry of Economy);
- seven representatives of organizations of persons with disabilities (the Lithuanian Union of Blind and Visually Impaired, the Lithuanian Deaf Society, the Lithuanian Society for the Disabled, the Lithuanian Union of Persons with Disabilities, the Lithuanian care community for people with intellectual disabilities and mental disabilities, the Lithuanian care community for mentally ill people and the Lithuanian Paralympics Committee).

The members are unpaid. The representatives of organizations of persons with disabilities, who are almost all persons with disabilities themselves, are nominated by organizations of persons with disabilities and appointed by government.

The Council for Disability Affairs works under the Ministry of Social Security and Labour. It has no separate budget.

The **Equal Opportunities Ombudsman** was established in 1999. He or she is elected for five years by Parliament. His or her mandate is governed by law. The Equal Opportunities Ombudsman is also Lithuania's national equality body.

The Equal Opportunities Ombudsman handles complaints of discriminations against persons with disabilities. He or she raises awareness of CRPD and may submit proposals and make recommendations to government and parliament.

#### *Framework*

The Council for Disability Affairs and the Equal Opportunities Ombudsman can constitute together the **framework** for the promotion, protection and monitoring of the implementation of CRPD in Lithuania.

The Equal Opportunities Ombudsman and the Council for Disability Affairs discuss issues of common interest and share information through meetings.

#### Article 33 (3) CRPD

Organizations of persons with disabilities are represented in the Council for Disability Affairs.

The **Lithuanian National Forum of the Disabled** is the umbrella organization for organizations of persons with disabilities in Lithuania. It represents 14 organizations of persons with disabilities.

#### Internet sources:

<http://www.socmin.lt>  
<http://www.lygybe.lt>  
<http://www.lnf.lt>

## 11. Portugal

#### Main relevant features

**Portugal** is democratic republic governed by a parliamentary system.

Portugal joined the EU on 1 January 1986.

Portugal signed CRPD and OP CRPD on 30 March 2007 and ratified both on 23 September 2009.

#### Article 33 (1) CRPD

#### *Focal points*

There is **no focal point** for matters relating to the implementation of CRPD in Portugal. However, the National Institute for Rehabilitation is responsible for the planning, execution and coordination of policies concerning the rights of persons with disabilities.

The **National Council for the Rehabilitation and Integration of the People with Disabilities** advises the Ministry of Labour and Social Solidarity. It is composed representatives of ministries, union confederations, labour confederations, families associations, social solidarity institutions and institutions associated with Catholic Church and organizations of persons with disabilities.

### *Coordination mechanism*

There is **no coordination mechanism** for matters relating to the implementation of CRPD in Portugal.

### Article 33 (2) CRPD

### *Independent mechanisms*

There are **no independent mechanisms** to promote, protect and monitor the implementation of the Convention in Portugal.

### Article 33 (3) CRPD

The **National Confederation of Organizations of Disabled People (CNOD)** is the umbrella organization for organizations of persons with disabilities in Portugal. It represents 35 organizations of persons with disabilities.

### Internet sources:

<http://www.inr.pt>

<http://www.cnod-deficientes.org>

## 12. Romania

### Main relevant features

**Romania** is a democratic republic governed by a parliamentary system.

Romania joined the EU on 1 January 2007.

Romania signed CRPD on 30 March 2007 and ratified it on 31 January 2011. It signed OP CRPD on 25 September 2008 but did not ratify it.

### Article 33 (1) CRPD

### *Focal points*

The focal point for matters relating to the implementation of CRPD in Romania is the **Directorate-General for the Protection of Persons with Disabilities of the Ministry of Labour, Family and Social Protection (DGPPH)**. It consists of 38 persons who were trained on the Convention.

The **Council for the Analysis of the Problems of Disabled Persons** is an advisory body which consists of the director of the Directorate-General for the Protection of Persons with Disabilities of the Ministry of Labour, Family and Social Protection, the President of the National Council of Disability in Romania, one representative of the General Directorate for the Protection of the Child, one representative of the Ministry of Labor, Family and Social Protection, one representative of the Social Inspection, one representative of the Ministry of Public Health, one representative of a non-governmental organization and, with a non-permanent status, representatives of the central and local public administration and of other private or public law bodies.

The Council for the Analysis of the Problems of Disabled Persons analyses problems relating to persons with disabilities and promotes the rights of persons with disabilities. It is attached to the Ministry of Labour, Family and Social Protection.

### *Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD is also the **General Directorate-General for the Protection of Persons with Disabilities of the Ministry of Labour,**



**Family and Social Protection (DGPPH).** It coordinates activities and develops policies and strategies on the rights of persons with disabilities.

#### Article 33 (2) CRPD

##### *Independent mechanisms*

There are **no independent mechanisms** to promote, protect and monitor the implementation of the Convention in Romania.

#### Article 33 (3) CRPD

The National Council of Disability in Romania consists of several organizations of persons with disabilities in Romania. It is represented in the Council for the Analysis of the Problems of Disabled Persons.

The **National Organization of Disabled Persons in Romania** is the umbrella organization for organizations of persons with disabilities in Romania. It represents 30 organizations of persons with disabilities.

##### Internet sources:

<http://www.anph.ro>

<http://www.integration.ro>

## 13. Slovakia

#### Main relevant features

**Slovakia** is a democratic republic governed by a parliamentary system.

Slovakia joined the EU on 1 May 2004.

Slovakia signed both CRPD and OP CRPD on 26 September 2007 and ratified both on 26 May 2010.

#### Article 33 (1) CRPD

##### *Focal points*

There are **no focal points** for matters relating to the implementation of CRPD in Slovakia. Discussions are currently being held to define who should be designated. The main governmental departments concerned are the Office of the Prime Minister, the Office of the Deputy Prime Minister for Human Rights and National Minorities, and the Ministry of Labour, Social Affairs and Family. A document entitled 'Proposal for implementation of Article 33 of the Convention on the Rights of Persons with Disabilities' introduced by the Disability Rights Center serves to facilitate the discussions.

The Committee for People with Disabilities (which recently replaced the Government Council for People with Disabilities) is an advisory body consisting of representatives of ministries and organizations of persons with disabilities. It provides advice to the government on disability issues.

##### *Coordination mechanism*

There is **no coordination mechanism** for matters relating to the implementation of CRPD in Slovakia.

### Article 33 (2) CRPD

#### *Independent mechanisms*

There are **no independent mechanisms** to promote, protect and monitor the implementation of the Convention in Slovakia. Discussions however are underway. The newly created Governmental Council for Human Rights, National Minorities and Gender Equality asked the Committee for People with Disabilities to submit its views on the implementation of Article 33 CRPD in order to inform the government on the steps to be taken.

### Article 33 (3) CRPD

Organizations of persons with disabilities are represented in the Government Council for Persons with Disabilities.

The **Slovak Disability Council** is the umbrella organization for organizations of persons with disabilities in the Slovakia. It represents 19 organizations of persons with disabilities. The Slovak Disability Council is represented in the Committee for People with Disabilities.

#### Internet sources:

<http://www.employment.gov.sk>  
<http://www.nrozp.sk>

## 14. Slovenia

### Main relevant features

**Slovenia** is a democratic republic governed by a parliamentary system.

Slovenia joined the EU on 1 May 2004.

Slovenia signed both CRPD and OP CRPD on 30 March 2007 and ratified both on 24 April 2008.

### Article 33 (1) CRPD

#### *Focal points*

The focal point for matters relating to the implementation of CRPD in Slovenia is the **Directorate for Persons with Disabilities of the Ministry of Labour, Family and Social Affairs**. It consists of 11 people including two people who focus on CRPD (in addition to the Director).

#### *Coordination mechanism*

There is **no coordination mechanism** for matters relating to the implementation of CRPD in Slovenia.

### Article 33 (2) CRPD

#### *Independent mechanisms*

Slovenia has established one independent mechanism to promote, protect and monitor the implementation of the Convention: the **Council for Persons with Disabilities of Slovenia**.

The Council for Persons with Disabilities of Slovenia will replace the Government Council for Persons with Disabilities which is a consultative body created by governmental decree. Its responsibility is to draft laws related to persons with disabilities, to prepare national disability strategies and to advise government on disabilities issues.

The Government Council for Persons with Disabilities consists of 15 members:

- five representatives of ministries;
- five representatives of institutions dealing with disability issues;
- five representatives of organizations of persons with disabilities (proposed by the National Council of Disabled People's Organization of Slovenia).

The Council for Persons with Disabilities of Slovenia is a consultative body established by **Article 28 of the Act on Equal Opportunities for Persons with Disabilities**. It was especially created to promote, protect and monitor the implementation of the CRPD. The Council for Persons with Disabilities of Slovenia is, however, is not yet operational and will start to function later in 2011.

The Council for Persons with Disabilities of Slovenia consists of 21 members:

- seven representatives of ministries (the Ministry of Labour, Family and Social Affairs, the Ministry of Education and Sports, the Ministry of Health, the Ministry of Environment and Spatial Planning, the Ministry of Culture, the Ministry of Finance and the Ministry of Higher Education, Science and Technology);
- seven representatives of institutions dealing with disability issues (the Pension and Disability Insurance Institute of Slovenia, the Employment Service of Slovenia, the Social Protection Institute of Slovenia, the Health Insurance Institute of Slovenia, the University Rehabilitation Institute, the Association of organizations for training persons with disabilities in Slovenia and the Association of providers of vocational rehabilitation in Slovenia);
- seven representatives of organizations of persons with disabilities (appointed by the National Council of Disabled People's Organization of Slovenia);

Members are appointed for a term of 4 years.

The Ministry of Labour, Family and Social Affairs will provide the (still undefined) budget. It will employ one person for secretarial functions.

#### Article 33 (3) CRPD

The Council for Persons with Disabilities of Slovenia includes 7 representatives of organizations of persons with disabilities.

The **National Council of Disabled People's Organization of Slovenia (NSIOS)** is the umbrella organization for organizations of persons with disabilities in Slovenia. It represents over 20 organizations representing persons with disabilities.

#### Sources

<http://www.mddsz.gov.si>

<http://www.nsios.si>

## 15. Spain

### Main relevant features

**Spain** is a constitutional monarchy governed by a parliamentary system. It is a decentralized country composed of 17 autonomous communities (in addition to two autonomous cities): Andalucía, Aragon, Asturias, Balearic Islands, Basque Country, Canary Islands, Cantabria, Castile-La Mancha, Castile and Leon, Catalonia, Extremadura, Galicia, La Rioja, Madrid, Murcia, Navarre and Valencian Community. The autonomous communities have their own executive and legislative bodies and have their own administrations.

Spain joined the EU on 1 January 1986.

Spain signed both CRPD and OP CRPD on 30 March 2007 and ratified both on 3 December 2007. It submitted its initial State report on the implementation of the Convention to the UN Committee on the Rights of Persons with Disabilities in May 2010.

### Article 33 (1) CRPD

#### *Focal points*

The focal point for matters relating to the implementation of CRPD in Spain is the **Directorate-General for the Coordination of Sectoral Policies on Disability of the Ministry of Health, Social Policy and Equality**. It is responsible for disability policies and provides coordination between ministries and between the central government and the autonomous communities. The Directorate-General for the Coordination of Sectoral Policies on Disability of the Ministry of Health, Social Policy and Equality consists of 46 people who focus on the Convention according to their specific field of work.

#### *Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in Spain is the **National Disability Council**. It is a consultative body which consists of 40 members:

- one President (who is the Minister of Health and Social Policy and Equality);
- three vice-Presidents (two representing the Ministry of Health and Social Policy and Equality and one representing organizations of persons with disabilities);
- 16 representatives of ministries (the Ministry of Health and Social Policy and Equality, the Ministry of Economy and Finance, the Ministry of Interior, the Ministry for Public Works, the Ministry of Education, the Ministry of Industry, Tourism and Trade, the Ministry of the Presidency, the Ministry of Work and Immigration, the Ministry of the Environment, Rural and Marine Affairs and the Ministry for Regional Policy and Public Administration);
- 16 representatives of organizations of persons with disabilities;
- four experts.

The National Disability Council was created by Royal Decree No. 1955/2009 of 4 December 2009. Its Secretariat is held by the Directorate-General for the Coordination of Sectoral Policies on Disability of the Ministry of Health, Social Policy and Equality. It coordinates policies and facilitates cooperation between ministries and organizations of persons with disabilities.

### Article 33 (2) CRPD

#### *Independent mechanisms*

Spain has designated one independent mechanism to promote, protect and monitor the implementation of the Convention: the **Spanish Committee of Representatives of People with Disabilities (CERMI)**.

The Spanish Committee of Representatives of People with Disabilities (CERMI) is the umbrella organization for organizations of persons with disabilities in Spain. It was created by the National Disability Council in 1997. Following its proposal to be designated independent mechanism to the Ministry of Health, Social Policy and Equality, an **agreement within the National Disability Council** was reached in 2009, stipulating that the Spanish Committee of Representatives of People with Disabilities (CERMI) would be the independent mechanism.

The mission of the Spanish Committee of Representatives of People with Disabilities (CERMI) is to defend persons with disabilities and to protect their rights, both individually and as a whole. It raises awareness of the rights of persons with disabilities and makes proposals to improve legislation to government. In certain circumstances, it may also represent persons with disabilities before the courts. The Spanish Committee of Representatives of People with Disabilities (CERMI) did a parallel report on the implementation of the Convention in Spain. It also made proposals to the UN Committee on the Rights of Persons with Disabilities to be included in the list of issues which has been transmitted to the State in advance of the session in Geneva.

The Spanish Committee of Representatives of People with Disabilities (CERMI) also cooperates with the Spanish Ombudsman in order to exchange information and to encourage him or her to investigate matters of concern.

CERMI employs one person full time to focus on CRPD, although no additional funding has been provided.

#### Article 33 (3) CRPD

The **Spanish Committee of Representatives of People with Disabilities (CERMI)** is the umbrella organization for organizations of persons with disabilities in Spain. It represents over 5500 organizations of persons with disabilities. It was involved in its own designation as independent mechanism.

Organizations of persons with disabilities are represented in the National Disability Council.

#### Internet sources:

<http://www.msps.es>

<http://www.cermi.es>

Initial State report on the implementation of CRPD in Spain

## 16. Sweden

#### Main relevant features

**Sweden** is a constitutional monarchy governed by a parliamentary system.

Sweden joined the EU on 1 January 1995.

Sweden signed both CRPD and OP CRPD on 30 March 2007 and ratified both on 15 December 2008. It submitted its initial State report on the implementation of the Convention to the UN Committee on the Rights of Persons with Disabilities in February 2011.

#### Article 33 (1) CRPD

##### *Focal point*

The focal point for matters relating to the implementation of CRPD in Sweden is the **Family and Social Services Division of the Ministry of Health and Social Affairs**. It is responsible for the implementation of disability policies. The Division has broadened its tasks (and name) following its designation. It employs five people. The Minister within the Ministry of Health and Social Affairs who has responsibility for the disability policies organizes consultations between representatives of ministries and organizations of persons with disabilities.

The **Swedish Agency for Disability Policy Coordination (HANDISAM)** has the task of raising awareness of the rights of persons with disabilities among others.

##### *Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in Sweden is a **High Level Interministerial Working Group** consisting of representatives of the Ministry of Health and Social Affairs, the Ministry of Culture, the Ministry of Education and Research, the Ministry of Employment, the Ministry of Enterprise, Energy and Communications, the Ministry of the Environment and the Ministry of Finance.

The High Level Interministerial Working Group is led by the Family and Social Services Division of the Ministry of Health and Social Affairs. It coordinates disability policies and facilitates cooperation between ministries.

#### Article 33 (2) CRPD

##### *Independent mechanisms*

There are **no independent mechanisms** to promote, protect and monitor the implementation of the Convention in Sweden. The Delegation for Human Rights, however, was commissioned by the State to examine whether the Equality Ombudsman, the Swedish Agency for Disability Policy Coordination (HANDISAM) or some other public body should be designated. In its final report submitted to the government in 2010, the Delegation for Human Rights concluded that the best way of implementing Article 33 (2) CRPD would be to create an NHRI. In the meanwhile, it considered that the Equality Ombudsman should be given the task, since it was meeting the closest the Paris Principles. It also recommended that the Council of the Equality Ombudsman have persons with disabilities on its Board and that the Swedish Agency for Disability Policy Coordination (HANDISM) continue to provide information and training on the rights of persons with disabilities.

#### Article 33 (3) CRPD

The **Swedish Disability Federation** is the umbrella organization for organizations of persons with disabilities in Sweden. It represents over 43 organizations of persons with disabilities.

#### Internet sources:

<http://www.sweden.gov.se/sb/d/2061>

<http://www.handisam.se>

<http://www.hso.se>

Initial State report on the implementation of CRPD in Sweden

## 17. United Kingdom

#### Main relevant features

The **United Kingdom** is a constitutional monarchy governed by a parliamentary system. It is composed of four different countries: England, Wales, Scotland and Northern Ireland. Great Britain comprises England, Scotland and Wales. Northern Ireland, Wales and Scotland have their own executive and legislative bodies (with varying powers) and have their own devolved administrations.

The United Kingdom joined the EU on 1 January 1973.

The United Kingdom signed CRPD on 30 March 2007 and ratified it on 8 June 2009. It signed OP CRPD on 26 February 2009 and ratified it on 7 August 2009.

#### Article 33 (1) CRPD

##### *Focal points*

The focal point for matters relating to the implementation of CRPD in the United Kingdom is the **Office for Disability Issues (ODI)**. The Office for Disability Issues (ODI) is a cross-governmental body working with different government departments, organizations of persons with disabilities and a wide range of external stakeholders. It consists of approximately 60 people including three people who focus on CRPD.

The Office for Disability Issues (ODI) is the national focal point of the United Kingdom.

There are also focal points in each of the devolved administrations of Northern Ireland, Wales and Scotland:

- Northern Ireland: Office of the First Minister and deputy First Minister (OFMdfM);
- Wales: Disability Equality Advisory Group;
- Scotland: Equality Unit of the Scottish Government.

Acting as national focal point, the Office for Disability Issues (ODI) liaises with the focal points of in each of the devolved administrations of Northern Ireland, Scotland and Wales for all matters relating to the implementation of CRPD.

#### *Coordination mechanism*

The coordination mechanism for matters relating to the implementation of CRPD in the United Kingdom is also the **Office for Disability Issues (ODI)**. As a cross-government body, the Office for Disability Issues (ODI) works with other ministries to develop their understanding of CRPD and the Convention's relationship with the issues falling under their responsibility. It also coordinates the elaboration of the initial State report on the implementation of the Convention in the United Kingdom for the UN Committee on the Rights of Persons with Disabilities.

The Office for Disability Issues (ODI) works among others with the following key government departments: the Department for Education, the Department of Health, the Department for Business, Innovation and Skills, the Department for Transport, the Department for Work and Pensions and the Department for Communities and Local Government.

#### Article 33 (2) CRPD

##### *Independent mechanisms*

The United Kingdom designated four independent mechanisms to promote, protect and monitor the implementation of the Convention: the **Equality and Human Rights Commission (EHRC)**, the **Scottish Human Rights Commission (SHRC)**, the **Northern Ireland Human Rights Commission (NIHRC)** and **Equality Commission for Northern Ireland (ECNI)**. The four independent mechanisms already had responsibilities in the area of human rights and non-discrimination before their designation. The Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC) and the Northern Ireland Human Rights Commission (NIHRC) are NHRIs which were granted A-Status by the Sub-Committee on Accreditation of the International Coordinating Committee. This means that they are considered in full compliance with the Paris Principles.

This was decided by an **explanatory memorandum** which was laid down before the Parliament one month prior ratification in 2008.

The Equality and Human Rights Commission (EHRC) is the NHRI for England, Wales and Scotland with the exception of matters falling under the remit of the Scottish Human Rights Commission (SHRC). It is also national equality body for England, Wales and Scotland. The Equality and Human Rights Commission (EHRC) was established by the Equality Act 2006. It is composed of 15 commissioners. The Equality and Human Rights Commission (EHRC) replaced the three former equality bodies: the Commission for Racial Equality, the Equal Opportunities Commission and the Disability Rights Commission.

The Scottish Human Rights Commission (SHRC) – which is the United Kingdom's newest NHRI – is the NHRI for Scotland. It is also a member of the national preventive mechanism under OPCAT in the United Kingdom. The Scottish Human Rights Commission (SHRC) was established by the Scottish Commission for Human Rights Act 2006. It is composed of a Chair and three other Commissioners.

The Northern Ireland Human Rights Commission (NIHRC) – which is the United Kingdom's oldest NHRI – is the NHRI for Northern Ireland. It was established by the Northern Ireland Act 1998. It is composed of seven commissioners. The creation of the Northern Ireland Human Rights Commission (NIHRC) was based on a commitment made by the British and Irish Governments in the Good Friday Agreement of 10 April 1998.

The Equality Commission for Northern Ireland (ECNI) is the national equality body for Northern Ireland. It was established by the Northern Ireland Act 1998. It is also the national equality body for Northern Ireland. It is composed of 16 commissioners. The creation of Equality Commission for Northern Ireland (ECNI) was also based on a commitment made by the British and Irish Governments in the Good Friday Agreement of 10 April 1998.

The Equality and Human Rights Commission (EHRC) has a statutory Disability Committee which existed already before its designation. The Disability Committee has decision making powers in relation to those matters which solely concern disability. The Equality and Human Rights Commission (EHRC) also must seek the advice of the Committee on all matters which relate to disability in a significant way. It is composed of eight members who sit in an individual capacity.

The Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) raise awareness of the rights of persons with disabilities. They do so separately or jointly. The Equality and Human Rights Commission (EHRC) has issued a guide on CRPD especially for persons with disabilities. The Scottish Human Rights Commission (SHRC) and the Equality and Human Rights Commission (EHRC) have issued two joint publications on the Convention especially for disabled people in Scotland. The four Commissions have hosted events on the Convention and given opinions on the rights of persons with disabilities.

The Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) have powers to undertake general enquiries.

The Equality and Human Rights Commission (EHRC) handles complaints of violations of the rights of persons with disabilities (in relation to both equality and human rights law), as does the Northern Ireland Human Rights Commission (NIHRC) (under human rights statute) and the Equality Commission for Northern Ireland (ECNI) (under equality statute). The Scottish Human Rights Commission (SHRC) does not handle complaints of violations of the rights of persons with disabilities.

While the United Kingdom is currently preparing its initial State report on the implementation of the Convention to be submitted to the UN Committee on the Rights of Persons with Disabilities, the Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) are doing their own compliance reports which will subsequently be condensed into one joint parallel report. They will also be given the opportunity to comment on the draft State initial report before its submission to the UN Committee on the Rights of Persons with Disabilities in October 2011.

No additional funding has been provided the Equality and Human Rights Commission (EHRC). In contrast, the Office for Disability Issues (ODI) made some funds available for programme expenditure to the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI). No new departments have not been created and no additional people have been hired in the four Commissions, except in the Northern Ireland Human Rights Commission (NIHRC), where one policy officer has been allocated to carry out the new mandate.

### *Framework*

The Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) can constitute together the **framework** for the promotion, protection and monitoring of the implementation of CRPD in the United Kingdom.

The four Commissions coordinate their action through biannual meetings and regular correspondence. They also engage together at the European level. The Equality and Human Rights Commission (EHRC) host the Chair of the CRPD Working Group of the European Group of NHRIs of which the Scottish Human Rights Commission (SHRC) is currently the chair and the Northern Ireland Human Rights Commission (NIHRC) is also a member (and in which the Equality Commission for Northern Ireland (ECNI) might soon be granted observer status).



In Northern Ireland, the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI), which have longstanding Memorandum of Understanding, established a **CRPD Joint Committee** the purpose, membership and working methods of which are defined by Terms of Reference. Two Commissioners from both Commissions are attending the meetings. The Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) agreed on a common program of work on the following issues relating to CRPD: logo, publications, websites, legal opinions, policy opinions, platform events, engagement with persons with disabilities and cooperation with focal points. They also issued framework papers outlining their responsibilities in promoting, protecting and monitoring the implementation of CRPD in Northern Ireland. There is also agreement between Scottish Human Rights Commission (SHRC) and Equality and Human Rights Commission (EHRC) to undertake joint work on the Convention in Scotland.

#### Article 33 (3) CRPD

Persons with disabilities have been involved in the Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI). The Equality and Human Rights Commission (EHRC) has a statutory requirement that at least one of the Commissioners must be or have been a disabled person.

The **United Kingdom Disabled People's Council** is the umbrella organization for organizations of persons with disabilities in the United Kingdom. It represents over 300 organizations of persons with disabilities.

#### Internet sources:

<http://odi.dwp.gov.uk>

<http://www.equalityhumanrights.com>

<http://www.scottishhumanrights.com>

<http://www.nihrc.org>

<http://www.equalityni.org>

<http://www.ukdpc.net>

## II. Comparative Analysis of the Implementation of Article 33 CRPD in Europe

Part II provides a comparative analysis of the implementation of Article 33 CRPD in Europe. It provides a general picture of the situation in the EU member States Parties to the Convention, building on the information provided in Part I. It analyses the various solutions adopted to implement Article 33 CRPD, compares practices in implementing Article 33 CRPD and discusses the main challenges in setting up the bodies under Article 33 CRPD.

Part II is divided into three sections. Section A deals with Article 33 (1) CRPD. Section B examines Article 33 (2) CRPD. Section C concerns Article 33 (3) CRPD.

### A. Article 33 (1) CRPD

Section A provides a comparative analysis of the implementation of Article 33 (1) CRPD in all EU member States Parties to the Convention.

Section A is divided into three sub-sections. The first sub-section gives the overall results of the country-by-country overview. The second sub-section provides a comparative analysis of the implementation of Article 33 (1) CRPD in EU member States Parties to the Convention by examining the strengths and weaknesses of the various solutions adopted and by pointing out examples which deserve particular attention. The third sub-section discusses the main findings that can be deduced from the comparative analysis.

#### 1. Overall Results

In all EU member States Parties to CRPD, the **focal points** are the ministries responsible for persons with disabilities. These ministries are almost always either the ministries of social affairs or ministries with broader competences including that of social affairs.

- Austria: Federal Ministry of Labour, Social Affairs and Consumer Protection (BMAK);
- Belgium: Directorate-General for Strategy and Research of the Ministry of Social Affairs;
- Czech Republic : Ministry of Labour and Social Affairs;
- Denmark: Ministry of Social Affairs;
- Germany: Federal Ministry for Labour and Social Affairs (BMAS);
- Italy: Directorate-General for Inclusion, Social Rights and Social Responsibility of the Ministry of Labour and Social Policies;
- Latvia: Ministry of Welfare;
- Lithuania: Ministry of Social Security and Labour;
- Romania: Directorate-General for the Protection of Persons with Disabilities of the Ministry of Labor, Family and Social Protection (DGPPH);
- Slovenia: Directorate for Persons with Disabilities of the Ministry of Labour, Family and Social Affairs;
- Spain: Directorate-General for the Coordination of Sectoral Policies on Disability of the Ministry of Health, Social Policy and Equality;
- Sweden: Family and Social Services Division of the Ministry of Health and Social Affairs.

Hungary is an exception, since it designated the Ministry of National Resources. The United Kingdom designated the Office for Disability Issues (ODI), which is a cross-governmental body working with different ministries. Lithuania also designated focal points in 10 other governmental departments.

Some States have designated **sub-focal points**. In Belgium, the seven independent entities of Belgium designated their own focal points. In Germany, the 16 Länder designated their own focal points which are all their ministries of social affairs or ministries with broader competences including

that of social affairs. In the United Kingdom, focal points were designated in the devolved administrations of Northern Ireland, Wales and Scotland. The national focal points and coordination mechanisms of Belgium, Germany and the United Kingdom all cooperate with the sub-focal points or with the other focal points, respectively. It should be noted that neither Italy nor Spain has designated sub-focal points, despite the fact that they have autonomous regions and communities, respectively.

The great majority of EU member States Parties to CRPD have designated or established a **coordination mechanism**. The coordination mechanisms are in most cases also the focal points. This is the case with the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK) in Austria, the Directorate-General for Strategy and Research of the Ministry of Social Affairs in Belgium, the Ministry of Labour and Social Affairs (in cooperation with the Ministry of Foreign Affairs, the Government Board for People with Disabilities and the Czech National Disability Council) in the Czech Republic, the Directorate-General for Inclusion, Social Rights and Social Responsibility of the Ministry of Labour and Social Policies in Italy, the Ministry of Social Security and Labour in Lithuania, the Directorate-General for the Protection of Persons with Disabilities of the Ministry of Labour, Family and Social Protection (DGPPH) in Romania and the Office for Disability Issues (ODI) in the United Kingdom. Some States have designated or established coordination mechanisms which are different to the focal points. Denmark designated the Inter-ministerial Committee of civil servants on disability matters. France established the *Comité interministériel du handicap* (CIH). Germany designated the Federal Government Commissioner for Matters relating to Persons with Disabilities. Spain established the National Disability Council. Sweden designated a High Level Interministerial Working Group.

Some States are equipped with **broad advisory bodies** consisting of representatives of both ministries and organizations of persons with disabilities. The broad advisory bodies assist the focal points and coordination mechanism in the implementation of CRPD. This is the role of the Federal Disability Advisory Board (BBB) in Austria, the Government Board for People with Disabilities in the Czech Republic, the Inclusion Committee in Germany, the National Council for the Rehabilitation and Integration of the People with Disabilities in Portugal (which has no focal points however), the National Council of Disability Affairs (NCDA) in Latvia, the Council for the Analysis of the Problems of Disabled Persons in Romania and the Committee for Persons with Disabilities in Slovakia. Belgium has Advisory Councils made up of representatives of organizations of persons with disabilities.

Table:

Country	Multiple focal points or sub-focal points	Broad advisory bodies	Coordination mechanism
Austria		X	X
Belgium	X	X	X
Czech Republic		X	X
Denmark			X
France			X
Germany	X	X	X
Hungary			
Italy			X
Latvia		X	
Lithuania	X		X
Portugal		X	
Romania		X	X
Slovakia			
Slovenia			
Spain			X
Sweden			X
United Kingdom	X		X

## 2. Comparative Analysis

While entrusting the ministries of social affairs or ministries with broader competences including that of social affairs with implementing CRPD is a viable option, designating **several focal points** can contribute to mainstreaming the Convention and facilitates involvement by all ministries. Lithuania, for instance, designated focal points in each of the ministries concerned in addition to the Ministry of Social Security and Labour.

The designation of **sub-focal points** is particularly useful in federal States in which responsibilities for matters relating to the implementation of the Convention are shared between the different layers of government. Sub-focal points were designated by the seven independent entities in Belgium and by the 16 Länder in Germany. Their coordination mechanism, which is also the national focal point as far as Belgium is concerned, facilitates cooperation between the national focal point and the sub-focal points. In the United Kingdom, focal points were designated in the devolved administrations of Northern Ireland, Wales and Scotland which cooperate with the national focal point and coordination mechanism.

Provided they have the capacity to liaise with other ministries, there is no obstacle to giving focal points the additional role of coordination mechanism. However, a **distinct coordination mechanism** can further boost cooperation between ministries. The Inter-ministerial Committee of civil servants on disability matters in Denmark, the *Comité interministériel du handicap* (CIH) in France, the Federal Government Commissioner for Matters relating to Persons with Disabilities in Germany, the National Disability Council in Spain and a High Level Interministerial Working Group in Sweden are especially entrusted with coordinating all matters relating to the implementation of the Convention.

An interesting aspect is the **broad advisory bodies**. The Federal Disability Advisory Board (BBB) in Austria, the Government Board for People with Disabilities in the Czech Republic, the Inclusion Committee in Germany, the National Council for the Rehabilitation and Integration of the People with Disabilities in Portugal, the National Council of Disability Affairs (NCDA) in Latvia, the Council for the Analysis of the Problems of Disabled Persons in Romania and the Committee for Persons with Disabilities in Slovakia provide advice to government and make recommendations on disability issues. They also facilitate cooperation between ministries and organizations of persons with disabilities, thereby providing a channel through which these organizations can directly interact with public authorities. They therefore provide a platform for discussing issues relating to the implementation of the Convention. The existence of broad advisory bodies has nonetheless led to confusion between Article 33 (1) and Article 33 (2) CRPD. While this is not the case in the abovementioned States, they have sometimes been given the role of independent mechanism. Since they also consist of representatives of ministries with voting rights, it is preferable to place them with the bodies designated or established under Article 33 (1) CRPD.

It is essential that the coordination mechanism be established at **the highest level of government**. This will help to find support for initiatives and allow all the ministries concerned to be involved. France's *Comité interministériel du handicap* (CIH), for instance, is under the authority of the Prime minister, who also appoints its General Secretary.

Another important issue is the participation of **persons with disabilities**, who should be involved in the implementation of CRPD. In order to implement Article 33 (3) CRPD, in addition to Article 4 (3) CRPD, the organizations of persons with disabilities must have easy access to the focal points and coordination mechanism. In general, they are represented in the coordination mechanism or are consulted by this coordination mechanism. The National Disability Council in Spain includes representatives of organizations of persons with disabilities. The Inter-ministerial Committee of civil servants on disability matters in Denmark and the *Comité interministériel du handicap* (CIH) in France are in close contact with these organizations. An efficient way of ensuring the participation of persons with disabilities is also the representation of their organizations in the above-mentioned broad advisory boards, as is the case in Austria, the Czech Republic, Germany, Latvia and Slovakia.

In order to allow persons with disabilities to identify those responsible for the implementation of CRPD, the **visibility** of the focal points and coordination mechanism is essential. It is advisable to inform persons with disabilities of their designation through a public declaration or during a special meeting. Another way of ensuring the visibility of focal points and coordination mechanism, once they are designated or established, is to have a regularly updated website easily accessible to persons with disabilities.

### 3. Key Findings

Although there are great similarities in the solutions adopted by the EU member States Parties to the Convention regarding the implementation of Article 33 (1) CRPD, there are also **differences**. Some aspects are to do with existing bodies. However, the major differences are related to the States' main relevant features, including their size and their constitutional structure. Bigger States have a greater need to designate additional focal points in ministries other than those responsible for persons with disabilities (horizontal level) as well as establishing or designating a coordination mechanism, because these ministries are not as close to each other as is the case in smaller States, where such arrangements would not be necessary. Federal States, including States with a devolved system of government or which have regions with autonomous powers, will benefit more from designating sub-

focal points (vertical level), in addition to a coordination mechanism, since regional authorities also have responsibilities in matters relating to the implementation of the Convention.

It is no surprise that almost all EU member States Parties to CRPD –including the 16 Länder in Germany – have appointed the **ministries of social affairs** or ministries with broader competences including that of social affairs. These ministries usually lead the process of the ratification of the CRPD at the domestic level. They also have a sound knowledge of disability policies and are in touch with both State authorities and organizations of persons with disabilities. Their designation will most often simply confirm existing responsibilities, while adding a human rights perspective to their mandate. In other words, the major change is that the ministries of social affairs or ministries with broader competences including that of social affairs will now have to focus on CRPD. This means that these ministries will now have to ensure that disability policies comply with the rights of persons with disabilities.

It is too early to determine the **impact** of this practice on the implementation of the Convention. Whether a coordination mechanism can facilitate the mainstreaming of the Convention within the public administration is also not yet possible to say. The effectiveness of the focal points and coordination mechanism can only be evaluated after a certain period of time. The advantage, however, is that the focal points and coordination mechanism were the first bodies to be appointed under Article 33 CRPD after the ratification of the Convention. The reason for this is that their immediate designation was necessary to start the work upon this ratification. The focal points and coordination mechanism have to coordinate the elaboration of the initial State report on the implementation of the Convention to be submitted to the UN Committee on the Rights of Persons with Disabilities two years after its entry into force for the State concerned. They are often involved in the designation or establishment of the independent mechanisms. The result of their activities will therefore be visible within the coming years. This will make a closer evaluation possible.

## B. Article 33 (2) CRPD

Section B provides a comparative analysis of the implementation of Article 33 (2) CRPD in all EU member States Parties to the Convention.

Section B is divided into three sub-sections. The first sub-section gives the overall results of the country-by-country overview. The second sub-section provides a comparative analysis of the implementation of Article 33 (2) CRPD in EU member States Parties to the Convention by examining the strengths and weaknesses of the various solutions adopted and by pointing out examples which deserve particular attention. The third sub-section discusses the main findings that can be deduced from the comparative analysis.

### 1. Overall Results

In contrast to the focal points and coordination mechanism, there is great **diversity** in the solutions adopted to implement Article 33 (2) CRPD by EU member States Parties to CRPD. No framework including one or more independent mechanism is identical from one State to another. Broadly speaking, three options can be identified: 1) NHRIs and/or equality bodies; 2) Ombudsmen and; 3) other bodies, either new or existing ones. These options are usually adapted according to the State's constitutional structure and are often combined with each other, which means that many States fall into more than one category simultaneously. This provides for different results in every single State. In addition, many EU member States Parties to CRPD still have to designate or establish their framework including one or more independent mechanisms. This is normal considering the fact that several of them only ratified the Convention recently which has to be taken into account. The comparative analysis of the implementation of Article 33 (2) CRPD in EU member States Parties to the Convention will therefore have to be revised in the coming years.

Several States have designated their **NHRIs and/or equality bodies**. Belgium designated the Centre for Equal Opportunities and Opposition to Racism (although how it will operate still has to be agreed on). Denmark designated the Danish Institute for Human Rights (DIHR). Germany designated the German Institute for Human Rights (GIHR). The United Kingdom designated three NHRIs in addition to a national equality body. This makes four independent mechanisms in total: the United Kingdom Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI). It should be noted that the Danish Institute for Human Rights (DIHR) and the Equality and Human Rights Commission (EHRC) are also Denmark's and the United Kingdom's national equality bodies, respectively. The Equality Commission for Northern Ireland (ECNI) is the equality body of Northern Ireland. France has not designated the French *Commission nationale consultative des droits de l'homme* (CNCDDH).

Some States have designated their **Ombudsmen**. Latvia designated the Latvian Ombudsman. Lithuania designated its Equal Opportunities Ombudsman (in addition to the Council for Disability Affairs). While Spain designated a body other than its ombudsman, this body cooperates with the Spanish Ombudsman. Denmark has not designated the Danish Parliamentary Ombudsman but involves him or her in the protection of the rights of persons with disabilities. Portugal did not designate the Portuguese Ombudsman.

Seven States have designated or established **bodies other** than their NHRIs and/or national equality bodies and their Ombudsmen. Austria established the Independent Monitoring Committee. Spain designated the Spanish Committee of Representatives of People with Disabilities (CERMI) which is its umbrella organization for organizations of persons with disabilities. Hungary Italy, Lithuania, and Slovenia designated or established broad advisory bodies consisting of representatives of ministries and organizations of persons with disabilities. Hungary designated the National Council of Disability (NCD). Italy established the National Observatory on the Situation of Persons with Disabilities which has an advisory committee. Lithuania designated the Council for Disability Affairs (in addition to the Equal Opportunities Ombudsman). Slovenia established the Council for Persons with Disabilities of Slovenia.

Table:

Country	NHRIs and/or national equality bodies	Ombudsmen	Other bodies
Austria			X
Belgium	X		
Czech Republic			
Denmark	X		
France			
Germany	X		
Hungary			X
Italy			X
Latvia		X	
Lithuania		X	X
Portugal			
Romania			
Slovakia			
Slovenia			X
Spain			X
Sweden			
United Kingdom	XXXX		

## 2. Comparative Analysis

Several EU member States Parties to CRPD designated their **NHRIs**. These NHRIs are the Danish Institute for Human Rights (DIHR), the German Institute for Human Rights (GIHR), the United Kingdom Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC) and the Northern Ireland Human Rights Commission (NIHRC). They were granted A-Status by the Sub-Committee on Accreditation of the International Coordinating Committee. Although Article 33 (2) CRPD provides room for other options, this can be considered as the safest option in order to have independent mechanisms comply with the Paris Principles. Their accreditation by the Sub-Committee on Accreditation of the International Coordinating Committee guarantees their independence and pluralism as well as their broad mandate and powers. In contrast, although the Portuguese Ombudsman and the Spanish Ombudsman are NHRIs with A-Status, they were not designated by their respective States.

In order to complete the mandate of an NHRI, some States also designated their **national equality bodies**. The United Kingdom designated the Equality Commission for Northern Ireland (ECNI) in



addition to three NHRIs. The advantage of this combination is that it benefits from the mutual expertise of both NHRIs and national equality bodies. In some States, the NHRIs are also the national equality bodies, something which broadens their mandate and powers. This is the case with both the Danish Institute for Human Rights (DIHR) and the United Kingdom Equality and Human Rights Commission (EHRC). This did not prevent Denmark from involving the Danish Parliamentary Ombudsman as well. Belgium, which has no NHRI, has designated the Centre for Equal Opportunities and Opposition to Racism.

Given its constitutional structure with its devolved system of government, the United Kingdom deserves particular attention. The United Kingdom opted for a double combination: the designation of three NHRIs and a national equality body to complete the mandate of one of these NHRIs. It designated the United Kingdom Equality and Human Rights Commission (EHRC) for England, Wales and Scotland with the exception of matters falling under the remit of the Scottish Human Rights Commission (SHRC), the Scottish Human Rights Commission (SHRC) for Scotland and both the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI) for Northern Ireland. In contrast, Germany (which only has one NHRI) only designated the German Institute for Human Rights (GIHR) which has competences for both federal and regional matters.

Some EU member States Parties to CRPD designated their **Ombudsmen**. Depending on the mandate of the Ombudsman, this option can take advantage of his or her expertise in the protection of the rights of persons with disabilities. This is especially true if the Ombudsman is also a national equality body, as is the case with the Latvian Ombudsman. Some Ombudsmen have the function of national preventive mechanisms which States Parties to the OPCAT have to designate or establish with due consideration for the Paris Principles. This allows them to expand their mandate regarding people placed in institutional care among others. However, none of the Ombudsmen designated by EU member States Parties to CRPD has the function of national preventive mechanisms. The Latvian Ombudsman and the Equal Opportunities Ombudsman in Lithuania do not have this function, as Latvia and Lithuania neither signed nor ratified OPCAT. The Danish Parliamentary Ombudsman and the Spanish Ombudsman, which are national preventive mechanisms, were not designated. There is only one exception, but it is not an Ombudsman: the Scottish Human Rights Commission (SHRC) also a member of the national preventive mechanism under OPCAT in the United Kingdom. This is, however, an exception among NHRIs.

Several EU member States Parties to CRPD designated or established **bodies other** than their NHRIs and/or national equality bodies and their Ombudsmen. Austria created the Independent Monitoring Committee which consists of representatives of organizations concerned with the rights of persons with disabilities. In contrast, the Spanish Committee of Representatives of People with Disabilities (CERMI) only represents organizations of persons with disabilities. Four States gave the role of independent mechanism to broad advisory bodies which are either existing bodies or new *ad hoc* bodies. Hungary designated the National Council of Disability (NCD). Italy established the National Observatory on the Situation of Persons with Disabilities. Lithuania designated the Council for Disability Affairs (in addition to the Equal Opportunities Ombudsman). Slovenia established the Council for Persons with Disabilities of Slovenia. The broad advisory bodies consist of representatives of ministries and organizations of persons with disabilities. While they facilitate cooperation with these organizations, their independence might however be questioned, because they include representatives of ministries with voting rights, which is contrary to the Paris Principles. As mentioned in the previous section, their existence has led to confusion between Article 33 (1) and Article 33 (2) CRPD. The function of independent mechanisms is not just to advise government but to promote, protect and monitor the implementation of the Convention. Cooperation with organizations of persons with disabilities through broad advisory boards is therefore an issue which rather concerns Article 33 (1) CRPD. It might be preferable to establish new *ad hoc* bodies in order to meet the requirements set out in Article 33 (2) CRPD and to give broad advisory boards the task of assisting the focal points and coordination mechanism in the implementation of the Convention, as done by Austria.

An essential requirement of Article 33 (2) CRPD is compliance with the **Paris Principles**. The Paris Principles require that independent mechanisms be independent and pluralistic. Article 33 (3) CRPD further stresses the importance of involving persons with disabilities in monitoring the implementation of the Convention.

As far as **independence** is concerned, the independent mechanisms must be protected against governmental interference. This requires that they be created by **law**. This has, more or less, been achieved in the case of all existing independent mechanisms. Either they were created by a legal act (sometimes replacing another body) or they were established by a legal act prior to the ratification of CRPD but their designation was confirmed by another legal act after it in order to implement Article 33 (2) CRPD. The Independent Monitoring Committee in Austria, the National Observatory on the Situation of Persons with Disabilities in Italy and the Council for Persons with Disabilities of Slovenia (which will soon replace the Government Council for Persons with Disabilities) were all created by law to promote, protect and monitor the implementation of CRPD. The designation of the Danish Institute for Human Rights (DIHR) as well as the German Institute for Human Rights (GIHR) took place by parliamentary decision. The United Kingdom Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and Equality Commission for Northern Ireland (ECNI) were designated by explanatory memorandum before Parliament. The designation of the National Council of Disability (NCD) in Hungary was done by governmental decree and that of the Council for Disability Affairs and the Equal Opportunities Ombudsman in Lithuania by ruling of the government. In contrast, the Spanish Committee of Representatives of People with Disabilities (CERMI) in Spain was simply designated following an agreement within the National Disability Council which is its coordination mechanism.

The presence of **representatives of ministries** in the independent mechanisms is not ruled out, since it facilitates cooperation between ministries and organizations of persons with disabilities. However, these representatives must participate in an advisory capacity, as required by the Paris Principles. The NHRIs that were designated meet this requirement, because this naturally follows from their A-Status. The representatives of the Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK) and those of the other ministries concerned also sit in an advisory capacity on Austria's Independent Monitoring Committee. Against the Paris Principles, however, the representatives of ministries have voting rights in Hungary's National Council of Disability (NCD), Italy's National Observatory on the Situation of Persons with Disabilities, Lithuania's Council for Disability Affairs and Slovenia's Council for Persons with Disabilities. The Spanish Committee of Representatives of People with Disabilities (CERMI) does not have representatives of ministries.

The Paris Principles also require that the independent mechanisms have adequate **funding** to exercise their function under Article 33 (2) CRPD. This must enable them to choose their own staff and to determine their priorities. Budget is a sensitive question even in EU member States Parties to CRPD. The independent mechanisms generally received no additional funding to promote, protect and monitor the implementation of CRPD. No budget has been provided following their designation. Neither Lithuania's Council for Disability Affairs, nor the Spanish Committee of Representatives of People with Disabilities (CERMI), nor the Equality and Human Rights Commission (EHRC), nor the Scottish Human Rights Commission (SHRC), nor the Northern Ireland Human Rights Commission (NIHRC), nor the Equality Commission for Northern Ireland (ECNI) has received additional funding. The problem is that the only way out for them to fulfill their new mandate is reducing resources available for other activities. This did not prevent the Spanish Committee of Representatives of People with Disabilities (CERMI) from entrusting specific staff members with the new mandate. Sometimes, additional funding has been provided but the budget of the independent mechanism as well as its secretariat are managed by the focal points, as is the case with the Independent Monitoring Committee in Austria, the National Observatory on the Situation of Persons with Disabilities in Italy and the National Observatory on the Situation of Persons with Disabilities in Slovenia. Their dependency on the focal points affects their independence. Denmark and Germany are two exceptions. The Danish Institute for Human Rights (DIHR) and the German Institute for Human Rights (GIHR) receive 4,563,070 Dkr/year and 433,000 Euro/year, respectively, to exercise their function under Article 33 (2) CRPD. This allows them to employ several staff members and to carry out many activities. Their budget is determined by parliament, although there is no permanent legal basis for it as far as the German Institute for Human Rights (GIHR) is concerned.

Regarding **pluralism**, independent mechanisms must include persons with disabilities in their organization. Most of the time, this has been achieved by providing the **representation** of organizations of persons with disabilities in the independent mechanism. This is the case with Austria's Independent Monitoring Committee, the German Institute for Human Rights (GIHR), Hungary's National Council of Disability (NCD), Italy's National Observatory on the Situation of Persons with Disabilities, Lithuania's Council for Disability Affairs and the Council for Persons with Disabilities of Slovenia. On average, between half and one third of the members of these independent

mechanisms are representatives of organizations of persons with disabilities. The Spanish Committee of Representatives of People with Disabilities (CERMI) exclusively represents organizations of persons with disabilities. Interestingly, some independent mechanisms also include representatives of other organizations concerned with the rights of persons with disabilities. In addition to the four representatives of organizations of persons with disabilities, Austria's Independent Monitoring Committee includes one representative of a human rights non-governmental organization, one of a development cooperation organization and one of academic institutions. The presence of organizations other than those of persons with disabilities is in line with the Paris Principles, which require that trade unions, social and professional organizations concerned as well as experts also be involved.<sup>10</sup> This provides for expertise from different perspectives and facilitates cooperation between people working in different sectors. The majority of the members of Austria's Independent Monitoring Committee still represent organizations of persons with disabilities. Therefore, these organizations keep their predominant position within the independent mechanism thereby avoiding an imbalance to be created in favour of other organizations in its membership.

Another solution is that independent mechanisms includes a appoint persons with disabilities to their board. There is a statutory requirement that at least one of the Commissioners must be or have been a disabled person for the United Kingdom Equality and Human Rights Commission (EHRC). The participation of persons with disabilities can also be ensured through consultation. The German Institute for Human Rights (GIHR) institutionalized tri-annual meetings with organizations of persons with disabilities which were, moreover, consulted regarding its designation. The Danish Institute for Human Rights (DIHR), the United Kingdom Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and Equality Commission for Northern Ireland (ECNI) also consult organizations of persons with disabilities.

Whether EU member States Parties to CRPD have tried to form a **framework** is difficult to say, especially since the term remains undefined. Practice, however, demonstrates that they have, to a certain, extent given meaning to it in different ways. Some States have designated more than one independent mechanism, as did the United Kingdom and Lithuania. Denmark designated only one independent mechanism but involves also two other bodies. There is little doubt that the designation of several independent mechanisms could result in a framework. Germany has designated an existing body which was adapted in order to include persons with disabilities in its organization. This is also Belgium's intention. A designation combined with the adaptations to the body could probably also be considered a framework. Other States have simply designated or established one independent mechanism, as did Austria, Germany, Italy, Latvia, Slovenia and Spain.

A related question is the **coordination** between the independent mechanisms, something which only concerns those States that designated several independent mechanisms. The promotion, protection and monitoring of the implementation of CRPD are complementary tasks. The independent mechanisms should therefore concentrate their efforts and work with each other. This requires that they organize their cooperation in one way or another. This can be achieved, for instance, by representation in the other independent mechanisms. Participating in meetings or organizing joint meetings is also an option. The Equal Opportunities Ombudsman may participate in the meetings of the Council for Disability Affairs in Lithuania. In the United Kingdom, the Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and Equality Commission for Northern Ireland (ECNI) coordinate their action through biannual meetings, regular correspondence and joint approaches to UK-wide matters that relate to the implementation of the Convention. The Northern Ireland Human Rights Commission (NIHRC) and Equality Commission for Northern Ireland (ECNI) even created a CRPD Joint Committee in order to establish a common programme of work in Northern Ireland. the Equality and Human Rights Commission (EHRC) and Scottish Human Rights Commission (SHRC) also work jointly on all matters relating to the implementation of the Convention in Scotland.

<sup>10</sup> Principle 1, B. Composition and guarantees of independence and pluralism, Paris Principles.

### 3. Key Findings

It appears that the EU member States Parties to the Convention have all adopted **different solutions** to implement Article 33 (2) CRPD. While there are similarities between the bodies designated or established, the framework including one or more independent mechanisms is never identical. This is not a problem. To the contrary, the promotion and protection of human rights need to take into account local realities. The World Conference on Human Rights encouraged ‘the establishment and strengthening of [NHRIs], having regard to the [Paris Principles] and recognising that it is the right of each State to choose the framework which is best suited to its particular needs at the national level.’<sup>11</sup> This applies *mutatis mutandis* to the independent mechanisms to promote, protect and monitor the implementation of CRPD.

As can be seen from the comparative analysis of the implementation of Article 33 (2) CRPD in EU member States Parties to the Convention, every situation is therefore different. In this regard, the division into three options – NHRIs and/or national equality bodies, ombudsmen and other bodies – did not have the purpose of creating strictly (legally) defined categories of independent mechanisms, but just of facilitating the comparative analysis. In other words, these options in no way represent standard models for implementing Article 33 (2) CRPD. Completely different options could have been identified, which would again probably have had to be combined, since most of the States would have likewise fallen into different categories simultaneously. They are no similar scenarios in EU member States Parties to CRPD and each solution therefore has to be evaluated on a case-by-case basis.

The variety in the solutions adopted by EU member States Parties to the Convention is in accordance with the leeway given to States to implement Article 33 (2) CRPD. As indicated by the term ‘as appropriate’, this provision offers them a high degree of flexibility. States have the choice either to designate or to establish independent mechanisms and to have more than one independent mechanism. This takes into account the fact that States are not on the same footing regarding independent mechanisms. While some of them have bodies with a similar function, others are starting from scratch. Depending on their existing bodies, States will either be able designate these bodies, as done by Belgium, Denmark, Germany, Latvia, Lithuania, Spain and the United Kingdom, or will be able to create new *ad hoc* bodies, as done by Austria, Italia and Slovenia. Article 33 (2) CRPD also allows States to adapt their choice according to their constitutional structure. If an independent mechanism does not have competences for regional matters, as is the case with the United Kingdom, additional independent mechanisms can be established at the regional level. If it does have such competences, as is the case with Belgium and Germany, a single independent mechanism might be sufficient.

One issue which nonetheless deserves particular attention is the designation of **NHRIs**. NHRIs have a special position among independent mechanisms, since the rules governing their composition, mandate and working methods – the Paris Principles – are the criteria to evaluate these mechanisms. The Paris Principles require that the independent mechanisms are created by law, are protected against governmental interference (which means, for instance, that representatives of ministries may only participate in an advisory capacity) and have adequate funding. NHRIs – understood as the NHRIs with A-Status – are therefore the bodies that are most likely to meet these criteria. Moreover, if the Paris Principles were mentioned in Article 33 (2) CRPD, it is because these institutions were the very inspiration for its drafters. NHRIs are not concerned with implementation as such, which is the responsibility of government, but with promotion, protection and monitoring, like the independent mechanisms. NHRIs are therefore also the best pedigree of independent mechanisms.

However, this does not mean that NHRIs automatically meet all the requirements set out in Article 33 (2) CRPD. While their **accreditation** by the Sub-Committee on Accreditation of the International Coordinating Committee means that it is highly likely that these institutions meet the Paris Principles, it must also be verified that they are able to promote, protect and monitor the implementation of the Convention. Several NHRIs, for instance, do not have a full mandate to protect the rights of persons with disabilities. The German Institute for Human Rights (GIHR) and the Scottish Human Rights

<sup>11</sup> World Conference on Human Rights, *Vienna Declaration and Programme of Action*, 25 June 1993, A/Conf.157/23, Part I, para. 36.

Commission (SHRC) do not handle complaints. The Northern Ireland Human Rights Commission (NIHRC) only handles complaints under human rights statute. It might therefore be preferable to combine the designation of NHRIs with that of national equality bodies, as is done with the Equality Commission for Northern Ireland (ECNI) in Northern Ireland. Some NHRIs are, however, also national equality bodies, in which case the chances are greater that protection is entirely covered by their mandate, since they usually handle complaints. The Danish Institute for Human Rights (DIHR) and the United Kingdom Equality and Human Rights Commission (EHRC) are both NHRIs and national equality bodies. Contrarily to the United Kingdom Equality and Human Rights Commission (EHRC), it nonetheless appears that the Danish Institute for Human Rights (DIHR) does not handle complaints for the moment, something for which the Danish Parliamentary Ombudsman, who has however not been designated although he or she is considered to be part of the framework, could compensate provisionally.

**Pluralism** under Article 33 (2) CRPD is another requirement which NHRIs might not fulfill automatically. This requirement should be examined in the particular context of the Convention. While they might be representative of civil society in the field of human rights, they might not be representative of civil society in the field of the rights of persons with disabilities in particular. The inclusion of organizations of persons with disabilities in their organization, however, is not only a requirement set out in Article 33 (2) CRPD but is also necessary to implement Article 33 (3) CRPD. It might therefore be necessary to strengthen the framework ensuring the participation of persons with disabilities. One possibility is to adapt the Statutes of NHRIs in order to include persons with disabilities on their board. The German Institute for Human Rights (GIHR), for instance, added one Board member representing the German Disability Council and the United Kingdom Equality and Human Rights Commission (EHRC) has a statutory requirement that at least one of the Commissioners must be or have been a disabled person. Another possibility is to have an additional body in which organizations of persons with disabilities are represented. In Denmark, the involvement of the Danish Disability Council, besides that of the Danish Institute for Human Rights (DIHR), ensures the participation of persons with disabilities in the framework. In Lithuania, which has no NHRI, the designation of the Council for Disability Affairs, besides that of the Equal Opportunities Ombudsman, has the same effect.

Another issue worth mentioning is the **framework**. Provided their action is coordinated, it is almost certain that several independent mechanisms together form a framework. This might even be the optimal solution to implement Article 33 (2) CRPD. It both increases the chances of covering the full mandate of independent mechanisms and ensures the participation of persons with disabilities. The solutions adopted by Denmark, although only the Danish Institute for Human Rights (DIHR) has been designated, and, to a certain extent, Lithuania show how Article 33 (2) CRPD can achieve its full potential. While the Danish Institute for Human Rights (DIHR) is able to promote, protect and monitor the implementation of the Convention, the Danish Disability Council provides for the participation of persons with disabilities. This does not mean that the designation of a single independent mechanism should be excluded, especially since it might be more visible to persons with disabilities. Although it might sound odd that one independent mechanism could on its own form a framework, Article 33 (2) CRPD does not seem to exclude this, especially since it requires States to designate or establish 'a framework, including one or more independent mechanisms'. This means that the framework could be made up of only one independent mechanism, in which case both the framework and the independent mechanism would overlap. In practice, it also appears that a single independent mechanism can operate as a framework by cooperating with other bodies. Given the lack of guidance for defining its concrete meaning, the term will, however, need further clarification.

Finally, it should be remembered that many EU member States Parties to CRPD have not yet designated or established their framework including one or more independent mechanisms. In fact, only about half of them have implemented Article 33 (2) CRPD, which is at the same time a good sign and an indication that this provision creates difficulties. The fact that States are not on an equal footing regarding independent mechanisms, coupled with their recent ratification of the Convention, explains this to a large extent. We are currently in the middle of a process, a learning process. States will continue to revise their solutions to implement Article 33 (2) CRPD. The examination of initial State reports on the implementation of the Convention (which should include information on the implementation of Article 33 CRPD) by the UN Committee on the Rights of Persons with Disabilities in particular will create an occasion to do so. The comparative analysis of the implementation of Article 33 (2) CRPD is therefore only based on an incomplete picture of the situation of the EU member

States Parties to the Convention. While major changes will not happen overnight, other lessons will certainly have to be learned in the future.

## C. Article 33 (3) CRPD

Section C provides a comparative analysis of the implementation of Article 33 (3) CRPD in all EU member States Parties to the Convention.

Section C is divided into three sub-sections. The first sub-section provides the overall results of the country-by-country overview. The second sub-section provides a comparative analysis of the implementation of Article 33 (3) CRPD in EU member States Parties to the Convention by examining the strengths and weaknesses of the various solutions adopted and by pointing out interesting examples which deserve particular attention. The third sub-section discusses the main findings that can be deduced from the comparative analysis.

### 1. Overall Results

EU member States Parties to CRPD have implemented Article 33 (3) CRPD in different ways. Most of them have ensured the participation of persons with disabilities through the bodies designated or established under both Article 33 (1) and Article 33 (2) CRPD, although there are variations in the manner in which this has happened. Since the issue has already been discussed in the previous sections, only the most essential aspects will be highlighted here.

In some States, persons with disabilities are represented in the **coordination mechanism**. The National Disability Council in Spain includes representatives of organizations of persons with disabilities. In other States, persons with disabilities are consulted by the coordination mechanism. The Inter-ministerial Committee of civil servants on disability matters in Denmark and the *Comité interministériel du handicap* (CIH) in France are in close contact with organizations of persons with disabilities.

Other States have **broad advisory boards** in which organizations of persons with disabilities are represented. The Federal Disability Advisory Board (BBB) in Austria, the Government Board for People with Disabilities in the Czech Republic, the Inclusion Committee in Germany, the National Council of Disability Affairs (NCDA) in Latvia, the Council for the Analysis of the Problems of Disabled Persons in Romania and the Committee for Persons with Disabilities in Slovakia include representatives of such organizations. Belgium has several Advisory Councils made up of representatives of organizations of persons with disabilities.

Most **independent mechanisms** to promote, protect and monitor the implementation of CRPD in EU member States Parties to CRPD include persons with disabilities in their organization. Organizations of persons with disabilities are usually represented in the independent mechanism. Austria's Independent Monitoring Committee, Hungary's National Council of Disability (NCD), Italy's National Observatory on the Situation of Persons with Disabilities, Lithuania's Council for Disability Affairs and the Council for Persons with Disabilities of Slovenia include representatives of organizations of persons with disabilities. These representatives are nominated by these organizations. The Spanish Committee of Representatives of People with Disabilities (CERMI) is even only made up of representatives of organizations of persons with disabilities. Some independent mechanisms have persons with disabilities on their board, like the German Institute for Human Rights (GIHR) and the United Kingdom Equality and Human Rights Commission (EHRC) which also has a statutory Disability Committee with advisory and decision-making functions. Several independent mechanisms also consult organizations of persons with disabilities. So do the Danish institute for Human Rights (DIHR), the United Kingdom Equality and Human Rights Commission (EHRC), the Scottish Human Rights Commission (SHRC), the Northern Ireland Human Rights Commission (NIHRC) and Equality Commission for Northern Ireland (ECNI). The German Institute for Human Rights (GIHR) even institutionalized tri-annual meetings with organizations of persons with disabilities

The participation of persons with disabilities in ways other than through the bodies established or designated under both Article 33 (1) and Article 33 (2) CRPD is very difficult to gauge and would require much more research (preferably done by organizations of persons with disabilities themselves) than that carried out for the present Study. This is the reason why Part I only identified the **umbrella organizations** for organizations of persons with disabilities as well as the number of organizations of persons with disabilities represented in these umbrella organizations and their involvement in the the bodies established or designated under both Article 33 (1) and Article 33 (2) CRPD.

Table:

Country	Representation in coordination mechanisms	Representation in broad advisory boards or in advisory Councils	Representation in independent mechanisms	Persons with disabilities on the board of independent mechanisms
Austria		X	X	
Belgium		X		
Czech Republic		X		
Denmark		X		
France				
Germany		X	X	
Hungary			X	
Italy			X	
Latvia		X		
Lithuania			X	
Portugal				
Romania		X		
Slovakia		X		
Slovenia			X	
Spain	X		X	
Sweden				
United Kingdom				X

## 2. Comparative Analysis

As far as Article 33 (1) CRPD is concerned, although **coordination mechanisms** can facilitate the involvement of persons with disabilities, their participation is probably best ensured through broad advisory boards. Coordination mechanisms are responsible for matters relating to the implementation of CRPD. They are not only platforms for discussion but also aim to boost cooperation between ministries and to avoid that policymakers adopt isolated measures. Separate bodies to which States can turn in order to consult organizations of persons with disabilities are therefore the most appropriate to ensure that their views are taken into consideration. Austria's Federal Disability Advisory Board (BBB), the Czech Republic's Government Board for People with Disabilities, Germany's Inclusion Committee in Germany, Portugal's National Council for the Rehabilitation and Integration of the People with Disabilities, Latvia's National Council of Disability Affairs (NCDA) and Slovakia's Committee for Persons with Disabilities allow the focal points and coordination mechanism to obtain input from organizations of persons with disabilities. Broad advisory bodies thus facilitate cooperation between ministries and these organizations while leaving decision making to other State bodies. This does not, however, mean that other ways of cooperating should be ruled out. A coordination mechanism could provide both for cooperation between ministries and for cooperation between them and organizations of persons with disabilities. This is what is done by the *Comité interministériel du handicap* (CIH) in France and the Federal Government Commissioner for Matters relating to Persons with Disabilities in Germany. Advisory councils made up of organizations of persons with disabilities also allow the focal points and coordination mechanism to consult these organizations, as is done in Belgium.

The participation of persons with disabilities is generally ensured by including representatives of organizations of persons with disabilities in the **independent mechanism**. The advantage of this solution is that persons with disabilities are thereby part of the framework itself. Organizations of persons with disabilities can either be represented in the sole independent mechanism, like in Austria, Hungary, Italy, Slovenia and Spain, or in one of the independent mechanisms, like in Lithuania. The nomination of the representatives of organizations of persons with disabilities by these organizations further strengthens the position of persons with disabilities in the independent mechanism. The organizations of persons with disabilities nominate their representatives in Austria's Independent Monitoring Committee, Lithuania's Council for Disability Affairs and the Spanish Committee of Representatives of People with Disabilities. Formalising collaboration with organizations of persons with disabilities is also an option. The German Institute for Human Rights (GIHR), for instance, institutionalized tri-annual meetings with these organizations. It is also worth mentioning that the organizations of persons with disabilities were consulted about the potential designation of the German Institute for Human Rights (GIHR).

## 3. Key Findings

As can be seen from the comparative analysis of the implementation of Article 33 (3) CRPD in EU member States Parties to the Convention, the participation of persons with disabilities creates a need for **multi-level involvement**. The combination of arrangements is probably the best way to implement this provision. Involving persons with disabilities in the various bodies set up under Article 33 CRPD respects the idea that participation is an objective as such and not only a means for implementing the Convention. Leaving aside support for capacity building (which falls outside the scope of the present Study), it therefore is essential that persons with disabilities have easy access to government through different channels through both Article 33 (1) and Article 33 (2) CRPD. This can be done by including representatives of organizations of persons with disabilities in both broad advisory boards and independent mechanisms, as is done in Austria. Organizing their cooperation with both the coordination mechanism and the independent mechanisms, as is done in Germany, is also an option. What counts is that persons with disabilities can share their concerns with all people who are making decisions that might affect their rights.



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## IV. Accounts

*Max Rubbish* (Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK)):

“In looking at Article 33 CRPD and its threefold approach of focal points, coordination mechanism and independent mechanisms, the biggest challenge is to translate the international legal obligations of the Convention in a federal system. There are interface problems between federal and regional (Länder) responsibilities in relation to individual complaints as well as in fundamental questions (such as social welfare/social insurance, “inner” and “outer” school organization, personal assistance in the workplace and in other areas)”.

*Neil Crowther* (United Kingdom Equality and Human Rights Commission (EHRC)):

“In the UK, domestic law and policy is relatively well-developed and comprehensive, hence a particular challenge is communicating the 'added value' of the Convention and helping people to understanding its practical use in the day to day lives of disabled people. The UK Government as a whole tends not to pay active regard to its international treaty obligations in everyday policy making. Hence the challenge is to 'domesticate' the UNCRPD such that it genuinely informs current discourse about disability rights and prevents it from coming to be seen as a rather obscure legal instrument only of relevance once every 5 years”.

*Anonymous*

“I think that the greatest obstacle currently in designating the independent mechanism is disagreement about the budget that should be allocated to it so that it will be able to carry out its new mandate.”

## V. Annex

Country	Focal points	Coordination mechanism	Independent mechanisms	Umbrella organization
Austria	Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK)  Assisted by the Federal Disability Advisory Board (BBB)	Federal Ministry of Labour, Social Affairs and Consumer Protection (BMASK)  Assisted by the Federal Disability Advisory Board (BBB)	Independent Monitoring Committee	Austrian National Council of Disabled People (OAR)
Belgium	Directorate-General for Strategy and Research of the Ministry of Social Affairs  + 7 focal points at the regional level	Directorate-General for Strategy and Research of the Ministry of Social Affairs	Centre for Equal Opportunities and Opposition to Racism	Belgium Disability Forum (BDF)
Czech Republic	Ministry of Labour and Social Affairs  Assisted by the Government Board for People with Disabilities	Ministry of Labour and Social Affairs (in cooperation with the Ministry of Foreign Affairs, the Government Board for People with Disabilities and the Czech National Disability Council)  Assisted by the Government Board for People with Disabilities		Czech National Disability Council
Denmark	Ministry of Social Affairs	Inter-ministerial Committee of civil servants on disability matters	Danish Institute for Human Rights (DIHR)	Disabled Peoples Organizations Denmark (DH)

Country	Focal points	Coordination mechanism	Independent mechanisms	Umbrella organization
France		<i>Comité interministériel du handicap</i> (CIH)		
Germany	Federal Ministry for Labour and Social Affairs (BMAS)  + 16 focal points at the Länder level	Federal Government Commissioner for Matters relating to Persons with Disabilities  Assisted by the Inclusion Committee	German Institute for Human Rights (GIHR)	German Disability Council
Hungary	Ministry of National Resources		National Council of Disability (NCD)	National Council of Federations of People with Disabilities (FESZT)
Italy	Directorate-General for Inclusion, Social Rights and Social Responsibility of the Ministry of Labour and Social Policies	Directorate-General for Inclusion, Social Rights and Social Responsibility of the Ministry of Labour and Social Policies	National Observatory on the Situation of Persons with Disabilities	Consiglio Nazionale sulla Disabilità (CND)
Latvia	Ministry of Welfare  Assisted by the National Council of Disability Affairs (NCDA)		Latvian Ombudsman	Latvian Umbrella Body for Disability organizations (SUSTENTO)

Country	Focal points	Coordination mechanism	Independent mechanisms	Umbrella organization
Lithuania	Ministry of Social Security and Labour  + 10 focal points in other ministries	Ministry of Social Security and Labour	Council for Disability Affairs  Equal Opportunities Ombudsman	Lithuanian National Forum of the Disabled
Portugal	Assisted by the National Council for the Rehabilitation and Integration of the People with Disabilities			National Confederation of Organizations of Disabled People (CNOD)
Romania	Directorate-General for the Protection of Persons with Disabilities of the Ministry of Labor, Family and Social Protection (DGPPH)  Assisted by the Council for the Analysis of the Problems of Disabled Persons	Directorate-General for the Protection of Persons with Disabilities of the Ministry of Labor, Family and Social Protection (DGPPH)  Assisted by the Council for the Analysis of the Problems of Disabled Persons		National Organization of Disabled Persons in Romania
Slovakia	Assisted by the Committee for Persons with Disabilities			Slovak Disability Council
Slovenia	Directorate for Persons with Disabilities of the Ministry of Labour, Family and Social Affairs		Council for Persons with Disabilities of Slovenia	National Council of Disabled People's Organization of Slovenia (NSIOS)

Country	Focal points	Coordination mechanism	Independent mechanisms	Umbrella organization
Spain	Directorate-General for the Coordination of Sectoral Policies on Disability of the Ministry of Health, Social Policy and Equality	National Disability Council	Spanish Committee of Representatives of People with Disabilities (CERMI)	Spanish Committee of Representatives of People with Disabilities (CERMI)
Sweden	Social Services Division of the Ministry of Health and Social Affairs	High Level Interministerial Working Group		Swedish Disability Federation
United Kingdom	Office for Disability Issues (ODI) + focal points in Northern Ireland, Wales and Scotland	Office for Disability Issues (ODI)	Equality and Human Rights Commission (EHRC)  Scottish Human Rights Commission (SHRC)  Northern Ireland Human Rights Commission (NIHRC)  Equality Commission for Northern Ireland (ECNI)	United Kingdom Disabled People's Council