**How the United Nations examines the progress countries make to implement the Disability Convention**

**Background**

All Governments that have ratified the Convention on the Rights of Persons with a Disability (the Disability Convention or Convention) must submit regular reports to the Committee on the Rights of Persons with Disabilities (the Committee) on how the rights enshrined in the Disability Convention are being implemented in their country.[[1]](#footnote-1) The Committee is a human rights treaty body tasked with monitoring the implementation of the Convention.[[2]](#footnote-2)

Governments must report initially within two years of ratifying the Convention and, thereafter, every four years.[[3]](#footnote-3)

New Zealand ratified the Disability Convention in 2008 and the NZ Government submitted its first report on the Convention to the UN in March 2011. The UN Committee will examine New Zealand’s progress on the Convention in Geneva in September 2014.

**The CRPD Committee & their 2014 schedule**

The Committee is a body of [18 independent experts](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx) which monitors the implementation of the Convention. The members of the Committee serve in their personal capacity, not as government representatives. The Committee normally meets in Geneva, Switzerland and holds two sessions per year.

The list of the current Committee members can be viewed [here](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx). **http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx**

The Committee’s 11th session will be from 31 March – 11 April 2014. At this 11th session the Committee will examine, in public meeting, the Convention reports of the following three countries: Sweden, Azerbaijan, Costa Rica.

Also during this 11th session the Committee will in private sessions, adopt a “lists of issues” on the following seven countries: Germany; New Zealand; Mexico; Republic of Korea; Belgium; Denmark; Ecuador (see below for an explanation of the “list of issues”).

The 12th session of the Committee will be from 15 September – 3 October 2014. In this 12th session the Committee will examine, in public meetings, the reports of seven countries, one of which is New Zealand.

**Disability Convention reporting process**

At the Committee’s session before a country’s examination the Committee prepares a list of issues and questions. This “List of Issues” is sent to the Government of that country in advance of the country’s examination by the Committee. A country’s Government usually, but not always, submits its response in writing and written answers to the list of issues are posted on the UN website.

The written responses to the list of issues supplement the country’s report and are especially important when there has been a long delay between the submission of the periodic report and its examination. If a country does not provide a written response, the list of issues is used to help inform the country’s examination. However, the list of issues does not limit the questions from the Committee during that country’s examination.

The Committee appoints one of their members as “country rapporteur” to take the lead in drawing up the list of issues for a specific country. The Committee have selected Professor Ron McCallum to be the country rapporteur for New Zealand. Professor Ron McCallum is an Australian lawyer who is blind. You can read more about Professor McCallum by clicking on his name on the webpage of [CRPD Committee members](http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx). **http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx**

**Reports by Civil Society Organisations**

In order to effectively monitor implementation in a country, the committee may receive additional information from United Nations agencies, national human rights institutions (NHRIs) and civil society, in particular NGOs, professional associations and academic institutions.[[4]](#footnote-4)

Any other information the Committee receives is considered alongside the country’s official Government information and is taken into account when the Committee examines that country’s implementation and progress.

To ensure it is as best informed as possible, the Committee welcomes civil society organizations to provide a report on their country’s implementation of the CRPD in the months prior to the adoption of the list of issues or the examination of their country’s Government report.

The most effective way for civil society to submit additional information is through a written report. The most useful reports are often those produced through the cooperation and coordination of several civil society organisations/individuals together. Civil society organisations are thus encouraged to submit jointly written information on their country’s implementation of the Disability Convention.

The Committee want to hear from disabled persons organisations directly about barriers they face in their country.[[5]](#footnote-5)

Suggestions for DPO reports:

* Reports prepared by coalitions of organizations are encouraged
* Written information should be concise, specific, reliable and as objective as possible
* Highlight priority concerns and suggest possible country-specific recommendations to facilitate the work of the Committee
* Reports that follow the same format of presentation as reports submitted by countries Governments are especially welcome
* Preferably under 40 pages long (for accessibility/readability purposes)[[6]](#footnote-6)
* Ensure a balanced report including highlighting positive new initiatives and where work is still needed.[[7]](#footnote-7)

Written information submitted to a human rights treaty body, such as the CRPD Committee, is generally considered public information and is posted on the UN website. However, written reports submitted by civil society actors do not become official UN documents and are not edited or translated into other formats or languages.

**Deadlines:**

There are two important deadlines:

1. A list of issues or questions for the NZ Government related to its initial report has been drafted. This draft list of issues needed to be prepared early so that it could be translated into the five languages of the United Nations and which the CRPD Committee use. The CRPD committee will consider this draft list of issues and any submissions on it, and adopt a final List of Issues for NZ on 17 April 2014.

To contribute to the final version of this list of issues any **submission must arrive before 28 February 2014**.

1. The deadline for submitting a civil society / DPO report is normally one month prior to the consideration of that country’s report. New Zealand’s Government report will be considered in September 2014.

DPA has been in contact with Professor Ron McCallum, as the CRPD Committee country rapporteur for New Zealand. Professor McCallum stressed it is better for the Committee to receive a DPO report earlier. Professor McCallum’s advice is that NZ’s DPO report **arrive in early June 2014.[[8]](#footnote-8)**

**Strict respect for deadlines is expected to ensure the Committee’s attention to the submitted documents.**

**Examination of a country’s report(s)**

Government representatives are invited to the committee’s session in Geneva to present their country’s report, to respond to committee members’ questions, and to provide the committee with any additional information. The aim is to engage in a constructive dialogue in order to assist the Government of that country in its efforts to implement the Disability Convention as fully and effectively as possible.

Human rights treaty bodies, such as the CRPD Committee, are not judicial bodies; they monitor implementation of UN conventions and provide encouragement and advice to Governments.

**Concluding observations and recommendations**

After examining a country’s report(s) the Committee makes suggestions and general recommendations, called “concluding observations”. These refer to the positive aspects of a country’s implementation and the areas where the Committee recommend the country take further action.

The concluding observations are forward to the Government of that country. It is important for the Government of that country to report back to the Committee in subsequent periodic reports on the steps taken to implement the Committee’s recommendations, as well as the Convention.

**Government delegation to Geneva**

A New Zealand Government delegation will attend the Committee’s examination of New Zealand in Geneva in September 2014. The New Zealand Government delegation will be led by a Minister or senior officials and include representatives of key government agencies. The size of the NZ Government delegation will be limited to six people. It is also possible that the independent monitoring mechanism[[9]](#footnote-9) may be invited to join the Government delegation. The government’s process for selecting the Government delegation to Geneva in September will begin at the end of February.

Because the NZ Government wrote its first Convention report in 2010 and submitted it to the UN in March 2011 the NZ Government are preparing an article-by-article up-date of the first report. This up-date will serve as supporting information for the Government delegation during its examination before the CRPD Committee in Geneva.

**NGOs attending their country’s examination in Geneva**

A country’s report(s) are considered at public meetings which civil society may attend as observers. Civil society do not participate in the dialogue between the Committee and their country’s Government. However, civil society groups may make presentations to the Committee members at separate times.

Attending committee sessions enables civil society organisations to:

* brief the committee as a whole or its individual members
* observe the dialogue between the committee and the Government; and
* learn first-hand about the issues raised and the recommendations made by the committee.

There are rules and practices around the participation of civil society in committee sessions, and accreditation to attend sessions must be requested from the relevant secretariat well in advance.

The Committee sets aside time for oral submissions by civil society, these are closed meetings. Civil society representatives may have the opportunity to address the Committee in formal country specific meetings that usually take place during the 1st day of the session. In addition, it is usual practice for one or more DPOs from a country to organise a lunch time briefing (side event) with the Committee in Geneva. Side events are usually between 1.45pm – 2.45pm on the day prior to the examination of their country’s report, and are an opportunity for DPOs to discuss with Disability Convention members the issues confronting them in their own country.

**Endnotes:**

The information contained in these notes (above), unless otherwise referenced, has been taken from:

* The UN CRPD Committee website “Note on civil society participation”:

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

* and, the UN Office of the High Commissioner for Human Rights “Handbook for Civil Society, Chapter 4: Human Rights Treaty Bodies”:

<http://www.ohchr.org/Documents/Publications/NgoHandbook/ngohandbook4.pdf>

1. UN Convention on the Rights of Persons with Disabilities, Article 35 Reports by States Parties. [↑](#footnote-ref-1)
2. Ibid, Article 34 Committee on the Rights of Person with Disabilities and Article 36 Consideration of reports. [↑](#footnote-ref-2)
3. Ibid, Article 35.1 and 35.2. [↑](#footnote-ref-3)
4. UN Office of the High Commissioner for Human Rights “Handbook for Civil Society, Chapter 4: Human Rights Treaty Bodies”, p.31. [↑](#footnote-ref-4)
5. DPA Inc SKYPE communication with Professor Ron McCallum, 31st January 2014. [↑](#footnote-ref-5)
6. DPA Inc SKYPE communication with Professor Ron McCallum, 31st January 2014. [↑](#footnote-ref-6)
7. Ibid. [↑](#footnote-ref-7)
8. DPA Inc SKYPE communication with Professor Ron McCallum, 31st January 2014. [↑](#footnote-ref-8)
9. The three CRPD independent monitors mandated by the NZ Government under the CRPD Article 33 are; the Human Rights Commission, the Office of the Ombudsman, and the CRPD Convention Coalition – a group of eight national Disabled People’s Organisations governed by disabled people. [↑](#footnote-ref-9)