



REPORTING PROCESSES OF THE
COMMITTEE ON THE RIGHTS OF PERSONS
WITH DISABILITIES AND INVOLVEMENT OF
NON-GOVERNMENTAL ORGANISATIONS

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Reporting Processes of the Committee on the Rights of Persons with Disabilities and Involvement of Non-Governmental Organisations

1. UN Convention on the Rights of Persons with Disabilities

The Convention on the Rights of Persons with Disabilities¹ is the first binding international human rights instrument to explicitly address disability. The purpose of the Convention is “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.” The Convention was adopted by the UN General Assembly on 13 December 2006, and entered into force on 3 May 2008. As of February 2016 there are 161 state parties, including EU² and Turkey is one of the earliest State Parties of the Convention.

General Principles

Article 3 of the Convention identifies a set of general principles guiding the implementation of all other articles of the UN Convention on the Rights of Persons with Disabilities:

Respect for inherent dignity, individual autonomy including the freedom to make one’s own choices, and independence of persons;

Non-discrimination;

Full and effective participation and inclusion in society;

Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;

Equality of opportunity;

Accessibility;

Equality between men and women;

Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

1 Original English version is available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Convention.aspx> In this publication Turkish version of the Convention translated by the Human Rights Joint Platform (İnsan Hakları Ortak Platformu) was used. This version is available at: www.ihop.org.tr/dosya/sozlesme/engelli_sozlesme.doc

2 See list of State Parties: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en

Engelli Kişilerin Hakları Komitesi'nin Raporlama Süreçleri ve Sivil Toplum Örgütlerinin Katılımı

The Convention on the Rights of Persons with Disabilities promotes and protects civil, cultural, economic, political and social rights of persons with disabilities. Titles and contents of articles thereof are as follows:

- Equality and non-discrimination (Article 5);
- Right to life (Article 10);
- Situations of risk and humanitarian emergencies (Article 11);
- Equal recognition before the law (Article 12);
- Access to justice (Article 13);
- Liberty and security of the person (Article 14);
- Freedom from torture or cruel, inhuman or degrading treatment or punishment (Article 15);
- Freedom from exploitation, violence and abuse (Article 16);
- Protecting the integrity of the person (Article 17);
- Liberty of movement and nationality (Article 18);
- Living independently and being included in the community (Article 19);
- Personal mobility (Article 20);
- Freedom of expression and opinion, and access to information (Article 21);
- Respect for privacy (Article 22);
- Respect for home and the family (Article 23);
- Education (Article 24);
- Health (Article 25);
- Habilitation and rehabilitation (Article 26);
- Work and employment (Article 27);
- Adequate standard of living and social protection (Article 28);
- Participation in political and public life (Article 29); and
- Participation in cultural life, recreation, leisure and sport (Article 30).

The Convention on the Rights of Persons with Disabilities also contains special obligations to ensure protection of rights of women with disabilities (Articles) and children with disabilities (Article 7).

Article 6

Women with disabilities

1. States Parties recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.
2. States Parties shall take all appropriate measures to ensure the full development, advancement and empowerment of women, for the purpose of guaranteeing them the exercise and enjoyment of the human rights and fundamental freedoms set out in the present Convention.

Article 7

Children with disabilities

1. States Parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children.
2. In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration.
3. States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

In addition, it requires the State Parties to raise awareness (Article 8), to take measures to ensure accessibility (Article 9), and to collect statistics and data (Article 31). The Convention especially emphasizes the importance of international cooperation (Article 32), and monitoring (Article 33). On the other hand, Article 4 of the Convention, which states that States Parties should ensure and promote the full realization of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability, aims to protect persons with disabilities against discrimination. Accordingly, it sets out the following obligations as a framework to this end:

- To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the present Convention;

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- To take all legislative, administrative and other measures to eliminate discrimination against persons with disabilities;
- To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
- To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
- To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
- To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies;
- To promote the training of professionals and staff working with persons with disabilities; and
- To ensure participation of persons with disabilities in the development of legislations and policies, and in all relevant decision making processes.

The Convention on the Rights of Persons with Disabilities promotes to improve implementation of economic, cultural, and social rights of persons with disabilities. Regardless of the amount of resources available, States must never discriminate on any grounds, including disability, must ensure a minimum level of economic, social and cultural rights immediately, and must make progressive steps towards the realization of the economic, social and cultural rights outlined in the Convention on the Rights of Persons with Disabilities. Regression is not permitted.

Article 4/2: 2. With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realization of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.

2. Committee on the Rights of Persons with Disabilities

The Committee on the Rights of Persons with Disabilities was established based on Article 34 of the Convention on the Rights of Persons with Disabilities. The Committee has three main mandates as follows:

- To consider reports of State Parties submitted under Article 35 of the Convention on the Rights of Persons with Disabilities;
- To receive and examine individual applications under the Optional Protocol of the Convention; and
- To undertake an inquiry if it receives reliable information indicating grave or systematic violations of the Convention by any State party to the Optional Protocol of the Convention.

The Committee currently meets two times a year in Geneva, Switzerland for a period of one week each session. The Committee is currently composed of 18³ members. Committee members are required to be of “high moral standing” and “recognized competence and experience” in the field of disability rights. Although Committee members are elected by State Parties, they are independent experts, not representatives of their governments. The composition of the Convention on the Rights of Persons with Disabilities Committee should take into consideration an equitable geographical distribution, representation of different forms of civilization and the principal legal systems, and should also have a gender balance and include experts with disabilities. Members serve a term of four years and can only be re-elected once. They perform their duties on a voluntary basis and are only compensated for their daily expenses during Committee sessions. A permanent secretariat at the Office of the High Commissioner for Human Rights provides support and advice to the Committee.

Probably one of the most well-known principle functions of the Committee on the Rights of Persons with Disabilities is to review periodic reports submitted by States parties under Article 35 of the Convention on the Rights of Persons with Disabilities. The Committee always pays

3 A list of current Committee members as well as information on their backgrounds can be found at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Membership.aspx>

attention to involvement of disabled peoples' organizations in this process, and in particular to effective inclusion of disabled peoples' organizations by State parties into this process. Disabled Peoples' Organisations (DPOs) have the opportunity to provide input on how the Convention on the Rights of Persons with Disabilities is being implemented at national level at various stages. Disabled peoples' organizations also have a role to play in the follow-up to, and even in the preparation of the concluding observations and recommendations of the Committee.

3. Reporting Cycle

Each State Party to the Convention is required to submit a **comprehensive (initial) report** to the Committee within two years after the Convention on the Rights of Persons with Disabilities enters into force for that State. Entry into force is when a treaty becomes legally binding on the State. The CRPD entered into force 3 May 2008, 30 days after the 20th ratification. For those States Parties, the initial report to the CRPD is due 3 May 2010. For those States who ratified the CRPD after 3 April 2008, the entry into force date is 30 days after the ratification date and the initial report is due two years after that date.

Article 35

Reports by States Parties

1. Each State Party shall submit to the Committee, through the Secretary-General of the United Nations, a comprehensive report on measures taken to give effect to its obligations under the present Convention and on the progress made in that regard, within two years after the entry into force of the present Convention for the State Party concerned.
2. Thereafter, States Parties shall submit subsequent reports at least every four years and further whenever the Committee so requests.
3. The Committee shall decide any guidelines applicable to the content of the reports.
4. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, States Parties are invited to consider doing so in an open and transparent process and to give due consideration to the provision set out in article 4.3 of the present Convention.
5. Reports may indicate factors and difficulties affecting the degree of fulfilment of obligations under the present Convention.

Upon submission, the report is scheduled for consideration by the Committee. Reports are generally considered in the order in which they are received. Sometimes priority may be given to the consideration of significantly overdue reports. The report is submitted for translation into the official languages of the United Nations and made available in accessible format. Generally it takes a minimum of one year between the time that the report is submitted and its consideration by the Committee.

The Committee conducts a preliminary review of the State Party report and prepares a **list of issues** which serves to supplement and update the information provided in the initial report. The State Party is required to respond to the list of issues in writing within a set time limit. The report and the responses to the list of issues are then considered at the next **session**. The State Party is invited to participate in the session in order to respond to questions posed by Committee members and to provide the Committee with additional information. At the end of the session, the Committee issues **Concluding Observations** which point out the positive aspects, the factors and difficulties impeding the implementation of the Convention, the principal subjects of concern and concrete suggestions and recommendations for future action.

State Parties are required to submit **periodic reports** at least every four years (or more frequently if so requested by the Committee). Periodic reports should not repeat information given in the initial report but rather should provide information on the measures adopted to follow-up on the conclusions and recommendations made by the Committee during the examination of the initial report. The periodic report should also provide information on any major developments (either positive or negative) since the consideration of the initial report.

Steps of Reporting Cycle	What can disabled peoples' organizations do?
<p>The State Party should have consultations with civil society, including representative organizations of persons with disabilities, to prepare its State report.</p>	<p>As disabled peoples' organizations we can follow up preparations, and participate in meetings to ensure our concerns and opinions are reflected.</p> <p>If the Government fails to enable active involvement of disabled peoples' organizations in the process, we need to establish this failure, and report it to the Committee.</p>

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Steps of Reporting Cycle	What can disabled peoples' organizations do?
State Party submits its State report to the Committee.	Disabled peoples' organizations may concurrently submit their own parallel reports with priority issues and concrete recommendations.
The Committee presents State Party with list of issues and questions based on concerns raised by the report.	Disabled peoples' organizations can suggest issues both for the list of issues and questions.
State Party submits written replies to list of issues and questions.	Disabled peoples' organizations can also give their own responses. It is possible to follow up the schedule for the process available on the Committee's website.
Session between the Committee and the State Party delegation to review reports.	Disabled peoples' organizations can request in advance to give an oral presentation during the session in which the constructive dialogue with their country will take place. Before the dialogue, and during the same session, we could try to meet with Committee members, especially the country Rapporteur, to identify priority issues and recommendations. The information on timing of this dialogue is available on the Committee's website.
The Committee issues its concluding observations on the report, including recommendations.	Before the concluding observations are adopted, disabled peoples' organizations can identify for the Committee members the priority areas and solutions recommended by them so that the report also incorporates their findings and recommendations. We may have this report translated into Turkish, and published in the Turkish media outlets.
The process of following up of how Committee's recommendations are being implemented commences.	Disabled peoples' organizations shall assume the primary workload in this process. Disabled peoples' organizations shall do their own monitoring through their monitoring mechanisms for the next report. Disabled peoples' organizations may work with the government on implementing recommendations through advocacy and lobbying at international and national levels.

The active participation of civil society, including disabled peoples' organizations, in influencing the reporting process is an important way in which to monitor, promote and follow-up the work of the Committee. Disabled peoples' organizations should try to influence the preparation of the State Party report, the preparation of reports submitted by national monitoring frameworks. However, the involvement in these processes does not prevent disabled peoples' organizations to participate in the preparation of parallel reports for submission to the Committee. Disabled peoples' organizations may prepare such parallel reports both through national or regional coalitions, and thematic collaborations. Nevertheless, disabled peoples' organizations may make different contributions at different stages of the process even if they do not prepare a parallel report.

It is a basic principle that disabled peoples' organizations participate in the work of the Committee. The notices, reports, or written and oral submissions made by disabled peoples' organizations to the Committee facilitate full implementation of the Convention, and ultimately contribute to access of persons with disabilities to their rights. To this end the Guidelines against Intimidation or Reprisals (San José Guidelines)⁴ were endorsed to prevent intimidation or reprisals by the governments against persons and organisations participating, and supporting work of the Committee, and filing complaints or grievances on 30 July 2015. These Guidelines were prepared and adopted by all Convention Committees at the United Nations.

Guidelines against Intimidation or Reprisals

General Principles

Article 5. The principles underlying the present Guidelines are the following:

- (a) The right for everyone to have unhindered access to and to communicate with the treaty bodies and their members for the effective implementation of the treaty body mandates
- (b) The freedom for everyone from any form of intimidation or reprisals, or fear of intimidation or reprisals, when seeking to cooperate or cooperating with the treaty bodies;

4 Guidelines against Intimidation or Reprisals (San José Guidelines) - 30 July 2015 (in the official languages of the United Nations) http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=HRI/MC/2015/6&Lang=en

- (c) The responsibility of States to avoid acts constituting intimidation or reprisals and to prevent, protect against, investigate and ensure accountability and to provide effective remedies to victims of such acts or omissions
- (d) Equality and non-discrimination;
- (e) The need to respect the “do-no-harm” principle, participation, confidentiality, safety, security, and free and informed consent;
- (f) The mainstreaming of a gender perspective in the work of the treaty bodies

4. Influencing the preparation of State Party Reports

The process of preparing a report is an important opportunity to take stock of the status of human rights in a State. States should conduct a comprehensive review of the measures taken to harmonize national law and policy with the provisions of the Convention. The preparation of a report allows a State to monitor the progress made in promoting the enjoyment of the rights set forth in the Convention and to identify problems and shortcomings in its approach to the implementation of the Convention. The reporting process may also assist a State to plan and develop appropriate policies to achieve its goals.

The State Party shall submit an initial report two years after entry into force of the Convention, which covers the period between entry into force and the submission of the State Party report. The State Party report is composed of two documents; the common core document and a treaty-specific document.

The **common core document**⁵ is a 60-80 page report that contains information of a general and factual nature on the implementation of all the human rights treaties which a State has ratified. This report may contain information legislation and policies as well as statistical data. It is transmitted in the same format to all human rights treaty bodies to which the State is a party and should be updated by the State on a regular basis in order to ensure that the information is current. The common core document is not disability-specific.

5 Guidelines for the common core document can be found in Compilation of Guidelines on the form and content of reports to be submitted by State Parties to the international human rights treaties. (English) (BM Index Code: HRI/GEN/2/Rev6) <http://www2.ohchr.org/english/bodies/icm-mc/docs/9th/HRI-GE-2-Rev6.doc>

The common core document includes general factual and statistical information such as demographic, social and cultural characteristics and information on the constitutional, political and legal structure. It should also contain information on the general framework for the protection and promotion of human rights such as:

- relations with international human rights mechanisms,
- treaties to which the State is a party,
- reservations on provisions of treaties,
- the general legal framework at national level, and
- how State Party reports are prepared.

The common core document should also contain information on the implementation of substantive human rights provisions common to all or several human rights treaties such as non-discrimination and equality.

The **treaty-specific document** is a maximum of 60 page report and should contain specific information on the implementation in law and in practice of the articles of the Convention. The report should provide detailed information on substantive measures taken and progress achieved. The report should also provide an article-by-article analysis of the Convention. In October 2009, the Committee adopted treaty specific guidelines for reporting, titled “Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities”⁶. The aim of the guidelines is to advise States on the form and content of their initial report so that they are comprehensive and presented in a uniform manner.

The CRPD requires the involvement and full participation of civil society, and in particular disabled peoples’ organizations, in the monitoring process⁷.

6 Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities <http://www2.ohchr.org/SPdocs/CRPD/CRPD-C-2-3.doc>

7 See Article 33 of the Convention on the Rights of Persons with Disabilities.

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State Parties are especially advised to closely consult with disabled peoples' organizations in the preparation of the reports like in the implementation process. This requirement is specified in Article 4 (3) of the Convention is as follows:

“Article 4/3: 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 Article 35 (4) of the CRPD, preparation of reports should be an open and transparent process and persons with disabilities, including children with disabilities, should be consulted and actively involved, through their representative organizations, in the preparation of the State Party report. Furthermore, the guidelines on treaty-specific document to be submitted by State Parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities, encourage State Parties to involve non-governmental organizations, including disabled peoples' organizations, in the preparation of reports in order to enhance the quality of the State Party report and to promote the enjoyment of the rights protected by the Convention⁸. The Committee's working methods also underline the importance of consulting disabled peoples' organizations in the preparation of the State Party report in order to reflect the reality of persons with disabilities in a country.

Although the responsibility for reporting lies with the State Party, it is clear that disabled peoples' organizations have a role to play in the preparation of the State Party report and should request that a national consultation is held in order for the State Party to receive input from civil society as required by the Convention. National consultations may be held with civil society in order to solicit their views or discuss a draft report.

8 Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities <http://www2.ohchr.org/SPdocs/CRPD/CRPD-C-2-3.doc>

In some countries, the State Party may have an open consultation process whereby anyone who is interested may submit information or comment on the draft report. Disabled peoples' organizations should nevertheless engage with the State Party during the preparation of the State report in order to submit information and research, identify areas of concern, and make recommendations for future action.

It is essential for transparency of the process to declare how inputs provided by disabled peoples' organizations are to be evaluated in State Party's reporting process. Disabled peoples' organizations should be aware of the fact that information and data they have provided may not be incorporated into such reports, and be prepared to provide inputs in other stages of evaluation process of the Committee. On for all, as it is the obligation of the State Party to prepare the report, the report reflects the point of view of the government. It is for this reason that disabled peoples' organizations are advised not to sit on drafting committee or write the report for the State Party but rather to advise and inform with the State Party in the preparation of its report. Disabled peoples' organizations should not fully involve in the consultancy process, and maintain their independence and perform an independent monitoring role through the submission of a parallel report once the State Party report has been submitted.

In States whose reports are overdue, disabled peoples' organizations should remind them of their obligation to submit a report in a timely manner and request that a national consultation be held in order to discuss the preparation of the State Party report. If an overdue report is the **Initial Report**, it should examine the period from entry into force up to the time that it is submitted to the Committee meaning that it may cover more than a two-year period. On the other hand, the Committee has the authority to consider the situation in a State Party even in the absence of a report. If a State Party report is "significantly overdue", the Committee may carry out the examination based on reliable information that is available to the Committee. This is provided under Article 36 of the Convention , which reads as follows:

"Article 36/2. If a State Party is significantly overdue in the submission of a report, the Committee may notify the State Party concerned of the need to examine the implementation of the present Convention

in that State Party, on the basis of reliable information available to the Committee, if the relevant report is not submitted within three months following the notification. The Committee shall invite the State Party concerned to participate in such examination. Should the State Party respond by submitting the relevant report, the provisions of paragraph 1 of this article will apply.”

Disabled peoples’ organizations in countries that have ratified the Convention but whose reports may be considered to be “significantly overdue” should make a written request to the Committee that the situation in the country be considered even in the absence of a State Party report. If the Committee agrees to do so, disabled peoples’ organizations should submit a comprehensive report in order to ensure that the Committee is able to review effectively the situation.

States who have not ratified the Convention cannot be examined by the Committee.

5. Influencing the Reports of National Monitoring Frameworks

The Convention requires that each State Party establish a framework to promote, protect and monitor the Convention.

“Article 33/2. 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.”

The framework may be composed of a single independent body, such as a national human rights institution (NHRI), or may include a number of entities. At a minimum, the framework must include at least one independent mechanism and take into account the Paris Principles.⁹ Dis-

9 (UN General Assembly Resolution No. 48/134, dated 20.12.1993) available in English and Turkish on website of Human Rights Advocates at Human Rights Common Platform :<http://insanhaklarisavunuculari.org/dokumantasyon/items/show/142>

abled peoples' organizations should be consulted in the establishment of the monitoring framework and both disabled peoples' organizations and experts (who are persons with disabilities) should be involved and participate in the framework.¹⁰

One of the main functions of the framework is to monitor the implementation of the Convention. This may be done by conducting research, developing indicators and benchmarks, or collecting information on human rights violations. Reports are generally submitted to governmental bodies.

The national monitoring framework may choose to submit its own report to the CRPD Committee on the implementation of the Convention at national level. Disabled peoples' organizations should encourage the framework to submit a report and to hold a consultation on the implementation of the Convention and should actively participate in any consultation process.

State Parties must establish a statistics and data collection system on persons with disabilities in order to create an effective, concrete, and indication-based monitoring framework. This is also a prerequisite for reports submitted to the organisation to be realistic and correct. Article 31 of the Convention also provides guidance on how State Parties are going to collect such statistics and data.

Article 31

Statistics and data collection

1. States Parties undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the present Convention. The process of collecting and maintaining this information shall:

10 Original document in English available at: Thematic study by the Office of the United Nations High Commissioner for Human Rights on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities, BM Index kodu: A/HRC/13/29 http://www2.ohchr.org/english/issues/disability/docs/A.HRC.13.29_en.doc
A/HRC/13/29 http://www2.ohchr.org/english/issues/disability/docs/A.HRC.13.29_en.doc

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- a. Comply with legally established safeguards, including legislation on data protection, to ensure confidentiality and respect for the privacy of persons with disabilities;
 - b. Comply with internationally accepted norms to protect human rights and fundamental freedoms and ethical principles in the collection and use of statistics.
2. The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties' obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.
 3. States Parties shall assume responsibility for the dissemination of these statistics and ensure their accessibility to persons with disabilities and others.

In some countries, the National Human Rights Institutions¹¹ have been designated as the “National Monitoring Framework”. These institutions have been created to promote and monitor human rights. They make take a variety of forms in different states. Although established and funded by the State, NHRIs which comply with the Paris Principles (A level) are independent entities which perform important promotion and monitoring functions. In some countries, NHRIs may exist which are not fully in compliance with the Paris Principles (B level) or do not comply with the Paris Principles (C level). The Turkish Human Rights Institution, which acts as such a national institution, has not been accredited in accordance with the Paris Principles. Besides, at the time of its establishment it was criticized by expert human rights organisations in Turkey for not being compliant with the Paris Principles .

In countries where the NHRI has not been designated as the monitoring framework, it may still choose to submit its own reports in order to provide its view as to how the Convention is being implemented in a State Party. Disabled peoples' organizations should therefore encourage NHRIs to submit their own report and to hold a consultation in order to obtain information on the implementation of the Convention at national level.

No information has been submitted to the Committee as to which institution is going to implement the National Monitoring Framework.

11 For more information on National Human Rights Institutions see <http://nhri.ohchr.org/>

Ministry of Family and Social Policy General Directorate of Services for Persons with Disabilities and the Elderly coordinated the preparation of the initial State Party Report submitted to the Committee on 3 August 2015.

6. Influencing the List of Issues

Prior to meeting with the governmental delegation, the Committee may prepare a list of issues in order to clarify or complete the information provided in the State Party report. The purpose of this List may also to allow the State Party to update the Committee on any recent changes since the submission of its report. The draft of the list of issues is prepared by the Country Rapporteur, a member of the Committee assigned to conduct an extensive study of the report under review. The list of issues is adopted in private, but any written information provided to the Committee by disabled peoples' organizations prior to the preparation of the list of issues may influence the issues that are raised by the Committee.

Disabled peoples' organizations may be invited to meet with the Committee during the drafting of the list of issues. A written request must be made to the Committee at least two months prior to the session in which the list of issues will be discussed. If accepted, disabled peoples' organizations are then invited to make an oral presentation of not more than fifteen minutes. In this presentation the Committee pays attention in particular to the following:

- Presentation focus on the articles of the Convention,
- Have direct relevance to matters under consideration by the Committee,
- Incorporate the perspective of gender, age and other causes that affect the vulnerability of persons with disabilities.

DPO meetings with the Committee will be public unless otherwise requested¹².

12 Under which circumstances the Committee may have a closed session, and method thereof are specified in the By-laws of the Committee CRPD/C/1, which is available at: (in the official languages of the United Nations) http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRPD%2fC%2f1&Lang=en

The State Party is to respond to the list of issues in writing at least six weeks prior to the plenary session so that the information can be translated into the working languages of the Committee and studied in advance of the meeting. The responses are requested to be brief, precise and direct and not exceed 30 pages. Like State Parties, disabled peoples' organizations may offer their own responses to the list of issues or additional feedback on the issues that the Committee has highlighted in the list of issues.

7. Participation of civil society at the plenary session of the Committee

The State Party report is examined during a public session of the Committee. Generally each report is scheduled to be considered during one day (two, three-hour meetings) but may be extended by an extra half day (one, three-hour meeting) when necessary. Disabled peoples' organizations and other relevant stakeholders may attend as observers.¹³

It is up to relevant State Party to decide how it is going to be represented. Nevertheless, Taraf The State is asked to send a national-level delegation to the review of the report and the participation of government officials who are involved in the actual implementation of the CRPD is recommended. The Committee suggests that the State Party delegation be headed by a person with responsibilities in the government and that the delegation include members of the legislative and judicial branches. Disabled peoples' organizations should highlight to the relevant Ministries the importance of sending a high level knowledgeable delegation to the plenary session.

he Committee will conduct a "constructive dialogue" with the State Party, during which Committee members will raise questions and make comments followed by responses from the governmental delegation.

¹³ For security reasons, accreditation to attend the meeting must be obtained in advance. Please provide your name and organization to the Secretariat of the Committee at crpd@ohchr.org. The By-laws of the Committee CRPD/C/1 provides detail information on application process, which is available at: (in the official languages of the United Nations) http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2f1&Lang=en

The aim of this so-called “Constructive dialogue” is to identify:

- The progress made;
- The factors and difficulties encountered in the implementation of the Convention; and
- The priorities in the implementation of the Convention and objectives for future work

Disabled peoples’ organizations may be able to meet with Committee members either formally or informally during the session in order to present additional information, to provide updates, or to suggest possible questions to be raised with the State delegation. It is also an opportunity to obtain a first-hand picture of the dialogue with the government. Although summary records of the discussion are produced by the United Nations, these are a summary of the meeting and may not be a verbatim record of the discussion.

In addition, summary records are often not available until months after the discussion and are generally only produced in English and French.

8. Influencing the Concluding Observations of the Committee

Following the dialogue with the State Party, the Committee will issue concluding observations which will point out the positive aspects, the factors and difficulties impeding the implementation of the Convention, and the principle subjects of concern. The concluding observations also make suggestions and recommendations for concrete action at national level. The Committee can request in its concluding observations that State Parties submit additional information on specific concerns and can set a deadline for the submission of this information. In addition, unanswered questions may also be identified and specific information on those topics may be requested in the next periodic report.

The Country Rapporteur is responsible for coordinating the preparation of the concluding observations. They are drafted and adopted in private and should reflect the discussion with the State Party. New issues that were not raised during the dialogue are generally not men-

tioned in the concluding observations. Disabled peoples' organizations can meet informally with Committee members following the dialogue with the State Party in order to reiterate key issues of concern and point out concrete recommendations to improve the situation at national level. Disabled peoples' organizations should also make suggestions as to which issues could be considered "priority concerns" and should be addressed within a short timeframe.

The concluding observations are made public on the last day of the Committee session and are sent to both the State Party and the General Assembly of the United Nations. They are also made available on the website of the Committee.¹⁴

9. Following up the Concluding Observations

The Committee is unable to enforce its concluding observations and depends on national monitoring mechanisms to ensure that its recommendations are taken into account by the State Party. Disabled peoples' organizations (NGOs) should monitor the efforts being made by the State Party to implement the recommendations and also report to the Committee on the progress being made or lack thereof.

The Committee may appoint one of its members as Rapporteur to conduct follow-up on the priority concerns identified in the concluding observations. The Rapporteur will prepare a report for the Committee based on information received with regards to the implementation of the concluding observations. Regular monitoring by disabled peoples' organizations and other NGOs will be one of the primary sources of information for the Rapporteur in this process. Even if no such Rapporteur is appointed, regular monitoring will also assist in the preparation of parallel reports by the civil society in the future reporting periods.

One of the obligations of a State Party is to share the concluding observations with and announce to the general public of the country. It is important that not only the concluding observations but all reports prepared in the process, the list of issues, and responses of State Parties are translated in local languages to ensure that the process is

¹⁴ Website of the Committee: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

transparent and participatory. However, State Parties may sometimes act slowly or be reluctant to take actions of this sort. For example, Turkey has not yet translated from English into Turkish the concluding recommendations received from different Convention Committees, and share it with the general public. Therefore, various NGOs have assumed the translation and shared them with the general public.

Disabled peoples' organizations should use the concluding observations as a way to stimulate a discussion at national level. Awareness may be raised at national level of the recommendations of the Committee through press conferences, round tables, seminars and workshops. Scrutiny by the national media and the public can help to ensure that the concerns raised by the Committee figure prominently on the national agenda. The concluding observations should be translated into local languages, made available in accessible formats and disseminated to those working with persons with disabilities including lawyers, judges, social workers, teachers, and health professionals. In addition, submission to political parties, trade unions, professional organisations, and other relevant public units of these recommendations may be beneficial to influence policies at national level though such organisations have no direct mandate in the field of persons with disabilities.

The concluding observations should be used as a tool for disabled peoples' organizations and other NGOs to exert pressure on the government to follow up on the recommendations. Disabled peoples' organizations should consider holding meetings with government officials in order to discuss the recommendations of the Committee and to lobby for changes in legislation and practice. Disabled peoples' organizations can offer to work with the government in the elaboration of legislation, policy developments and strategies to implement the Committee's recommendations. In conclusion, the concluding observations can also be used by all disabled peoples' organizations and persons to guide their own work at national level.

10. Days of General and Thematic Discussion and General Comments

In addition to examining State Party reports, the Committee also provides advice to States Parties on the implementation of the Convention

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through days of **general discussion** and **general comments**. The Committee holds an annual day of discussion in order to discuss issues of general interest with regards to the implementation of the Convention. The day of discussion focuses on a specific provision of the Convention or related issues that are chosen by the Committee and announced at least two months in advance. Working groups on particular topics may be established in advance of the meeting. Days of general discussion are public meetings that are open to representatives from States Parties, United Nations human rights mechanisms, United Nations bodies and specialized agencies, NGOs, national human rights institutions as well as associations of professionals, academics, youth associations and individual experts. Representatives of the different types of disabilities: mental, intellectual, physical, sensory and others, should be included. The Committee also welcomes the submission of written contributions or case studies on the issues under consideration. At the end of the general discussion, the Committee prepares a set of recommendations¹⁵.

General discussions may also be used by the Committee to receive input from specialized agencies, non-governmental organisations, academics, and other interested parties in the preparation of a **general comment**. The Convention on the Rights of Persons with Disabilities allows the Committee to make suggestions and general recommendations based on the examination of reports and information received from States Parties.

Article 39

Report of the Committee

The Committee shall report every two years to the General Assembly and to the Economic and Social Council on its activities, and may make suggestions and general recommendations based on the examination of reports and information received from the States Parties. Such suggestions and general recommendations shall be included in the report of the Committee together with comments, if any, from States Parties.

¹⁵ Working methods of the Committee on the Rights of Persons with Disabilities adopted at its fifth session (11-15 April 2011) United Nations Index Number: CRPD/C/5/4 Available at (in the official languages of the United Nations): http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/5/4&Lang=en

A Committee member is assigned to prepare a draft of a general comment and the recommendations from a day of general discussion may be used as a basis for a general comment. General comments are discussed and adopted by the Committee. They are then distributed to States Parties and made available to the general public.

The Committee has already published two General Comment¹⁶:

- General Comment No.1: Equal Recognition Before The Law (11 April 2014)
- General Comment No.2: Accessibility (11 April 2014)

11. National Implementation and Monitoring

Committee on the Rights of Persons with Disabilities, monitors at the international level the implementation of the Convention by examining State Party reports and making suggestions and recommendations on how to better implement the Convention. Article 33 of the Convention requires that State Parties establish a structure to implement and monitor the Convention at national level.

Article 33

National implementation and monitoring

1. State 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, and 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.
2. 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.
3. Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process.

¹⁶ General Comments in the official languages of the United Nations are available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/GC.aspx>
Turkish translations of General Comments are published by the Human Rights Common Platform at: www.insanhaklarisavunuculari.org.

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Each State Party is required to set up a focal point within government in order to coordinate a national policy on the Convention. Focal points (or persons) may be appointed at various levels within government but an overall focal point (or person) should be identified to coordinate governmental action with regards to reporting, monitoring, awareness raising and liaising with other national and international implementation and monitoring bodies.¹⁷ State Parties are also requested, but not required, to set up a coordination mechanism within government to develop policy, conduct discussions and raise awareness on the rights of persons with disabilities. The focal point and coordination mechanism are governmental bodies which are to focus on the implementation of the Convention.

The Convention also requires States to put in place a framework to promote, protect and monitor the implementation of the Convention. The framework must include at least one independent mechanism that takes into account the Paris Principles.

The framework shall conduct awareness-raising activities, examine existing and draft legislation for compliance with the Convention, provide advice to governmental agencies on the implementation of the Convention and conduct human rights impact assessments. The framework shall also examine complaints, conduct enquires and issue reports. It shall develop indicators in order to monitor progress and collect information on violations of the Convention.

Monitoring by civil society is the third pillar in national implementation and monitoring. Persons with disabilities and disabled peoples' organisations are to be actively involved and consulted in all decision-making processes relating to persons with disabilities including full participation in the monitoring process. To this end, effective consultation structures, and systems should be introduced.

The establishment of a national monitoring process allows for a continuous implementation and monitoring process. It will also help to

17 Thematic study by the Office of the United Nations High Commissioner for Human Rights on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities, UN Index Code: A/HRC/13/29 http://www2.ohchr.org/english/issues/disability/docs/A.HRC.13.29_en.doc

ensure that work is being done at national level to follow-up on the recommendations of the Committee.

12. Parallel Report to be Submitted to the Committee

It is important that disabled peoples' organisations prepare **parallel reports**¹⁸ on how the Convention on the Rights of Persons with Disabilities is being implemented. These reports are crucial for the Committee's monitoring and evaluation of practices. It is an important step that disabled peoples' organisations and other non-governmental organisation establish coalitions and to prepare parallel reports. Coalitions of this kind may provide a more realistic overview with information they receive from their members, and through consultancy processes they conduct. A comprehensive parallel report should cover all the articles of the Convention, identify gaps, highlight key areas of concern and make concrete recommendations for change.

The Convention on the Rights of Persons with Disabilities requires that civil society be fully involved in the monitoring process. In addition, the Committee has the power to invite "other competent bodies" to provide expert advice on the implementation of the Convention in areas falling within the scope of their mandate. The Committee reviews reports and other documentation by international, regional, national or local organisations in order to understand how the Convention is being implemented at national level. Therefore, disabled peoples' organisations should give priority to the submission of a parallel report in every periodic reporting process. Reliable and realistic information from disabled peoples' organisations as to the actual situation at national level is one of the primary sources of information for the Committee in order to obtain a comprehensive picture as to rights of persons with disabilities. At the same time, preparing a report gives disabled peoples' organisations a unique opportunity to bring their concerns to the international legal body responsible for monitoring the implementation of the Convention. It empowers national disabled peoples' organisations by offering them a legitimate external source to which disability issues can be raised and addressed. It also help public

18 Instead of the term "parallel report" the term "shadow report", or "alternative report" is used.

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scrutiny of governmental policies and can bring an open debate on the status of persons with disabilities in a country.

State Parties often provide a legalistic picture in their reports. Therefore, how a legal change introduced may affect practices, i.e. lives of persons with disabilities, may become of secondary importance in State Parties' reports. Non-governmental organisations, on the other hand, provide information both on legislation and the actual implementation of this legislation. Therefore, disabled peoples' organisations and other non-governmental organisations' reports should complement, not repeat the information provided in the State Party report. The basic elements of parallel reports prepared by disabled peoples' organisations may be as follows:

- Gaps and needs should be identified;
- Priority areas should be highlighted;
- Specific, reliable and objective information should be provided regarding progress made and difficulties encountered
- It should provide information about the practical implementation of legislation, programs and policies;
- It should also identify other obstacles other than policies and practices of the Government;
- Most importantly, it should provide concrete recommendations that are country-specific, limited in time and can be realistically implemented.

Carrying out the preparation of a parallel report within an extensive coalition may facilitate it being more accepted by the Committee. Establishing such a cooperation, be it a coalition, or network, or collaboration, or committee, or commission, or otherwise, or strengthening an existing coalition for the preparation of a parallel report is very important. Such cooperation both help participating organisations to learn from each other and allow sharing of best practices and issues. On the other hand, a coalition which is to work in the field of the Convention on the Rights of Persons with Disabilities should represent

different types of disability to the fullest extent. At the same time, it should be managed in a manner to reflect diversity of persons with disabilities. Committee members would, of course, give priority in considering a comprehensive report that clearly highlights the key issues of concern and provides concrete solutions, and is prepared by a broad-based coalition. It is probable that ensure that these issues addressed in such a report are also recognised by member of the Committee, and be brought forward in the evaluation of the State Party's report. The Committee would certainly consider parallel reports which are not prepared by a broad-based coalition. A disabled peoples' organisation may make a contribution to a report both through participating in a coalition which prepares the parallel report, and submitting its own parallel report. Sometimes an organisation may opt to not participate in a coalition and to submit a parallel report on its own. Nevertheless, if a disabled peoples' organisation is not an internationally recognised and reliable expert organisation, it would find it difficult to create a rapid and big impact by submitting a shadow report on its own. Committee members are under intense time pressure and presented with a pile of reports and documents, and therefore may have time to consider only a limited number of documents among those presented to the Committee. And they often prioritise parallel reports prepared by a broad-based coalition. Therefore, concrete recommendations in these reports may be then incorporated into concluding observations.

Therefore disabled peoples' organisations and other non-governmental organisations should prefer to participate in a broad-based coalition in order to submit a parallel report to the Committee. On the other hand, parallel reports prepared by a broad-based coalition are considered more reliable in terms of content. Also, the preparation of a report by such a coalition helps to avoid criticism from State Parties that an organization is "not objective, or is politically motivated, etc."

Some of the basic elements of a parallel report to be prepared by Non-governmental organisation are as follows:

- The Convention on the Rights of Persons with Disabilities is an extremely broad instrument and therefore a coalition, which will prepare a parallel report for the submission to the Committee, should

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endeavour to cover all areas addressed in the Convention as much as possible. Therefore, this coalition should include all non-governmental organisations working in all relevant fields and try to benefit from their expertise and knowledge.

- Organisations which focus on specific issues such as torture or the administration of justice, law, freedom of speech, refugees' rights, and freedom of religion and belief may have valuable information on status of persons with disabilities due to their expertise in their areas of interest. Likewise, organisations which focus on women, children, LGBTI, and elderly rights may make a contribution of rights of persons with disabilities with help of information they already have.
- Right to work, and organisations related to industrial relations may be an important source of information on participation of persons with disabilities in working life.
- Not only organisations in big cities, but also those in provinces and rural areas should be included into the process so that local and regional differences may be reflected into parallel reports.
- Appropriate measures should be taken to allow organisations with different power and capabilities to contribute to and, participate in the process although they are able to meet physically. It should be ensured that they use new forms of communication, and have access to communication processes.
- Attention should be paid that not only national or larger organisations, but also smaller organizations are given a voice.
- It is important that recommendations provided in the report are concrete, and can be realistically implemented.
- The parallel report must be circulated widely at national level, to the media, public agencies, and other non-governmental organisations and the concerns and recommendations made in the parallel report should be highlighted.

13. Strategic use of the individual communication and the inquiry procedure foreseen under the Optional Protocol of the Convention

The Optional Protocol¹⁹ to the Convention on the Rights of Persons with Disabilities was adopted by the UN General Assembly on 13 December 2006²⁰ and entered into force on 3 May 2008. As of May 2010, it has been ratified by 53 States²¹. An individual communication and an inquiry procedure are foreseen under the Optional Protocol. The individual communication procedure allows individuals or groups of individuals who believe that their rights are being violated by a State party to submit a complaint to the Committee. The inquiry²² procedure gives the Committee the authority to examine grave or systematic violations of rights under the Convention. Disabled peoples' organisations should use both of these procedures to report on violations of the rights under the Convention.

a. Individual Communication Procedure

The Optional Protocol to the CRPD contains an individual communication procedure through which individuals or groups of individuals who believe that their rights are being violated by the State Party can submit a complaint to the Committee. Although both the Convention and the Optional Protocol are a legally binding instruments, the decisions of the Committee are not legally binding. However, the Optional Pro-

19 In optional protocol is an addition to an existing treaty which contains provisions or procedures which were not included in the original treaty. The protocol is optional as it needs to be ratified separately and is not automatically binding on State Parties to the original treaty. Turkey has become a Party to the Optional Protocol in 2015.

20 Optional Protocol in English available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Convention.aspx> In this publication Turkish translation of the Optional Protocol provided by the Human Rights Common Platform was used. It is available at: www.ihop.org.tr/dosya/sozlesme/engelli_sozlesme.doc

21 A list of States which have ratified the Optional Protocol can be found at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en

22 In some literature the term "investigation procedure" was used. This publication is based on translation provided by the Human Rights Common Platform, and therefore the term "inquiry (as in research) procedure" is used.

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Protocol allows the Committee to express an expert opinion as to whether a violation of a right has occurred and to request that appropriate remedies be provided. The Committee expects that as the State Party has voluntarily agreed to the provisions of the Optional Protocol, it will take the decisions of the Committee seriously and implement them in good faith.

Admissibility of a Complaint

A number of factors are required before the Committee will examine a communication. The vast numbers of communications are found to be inadmissible because they do not fulfill all the following requirements:

The Committee can only examine communications from countries which are State Parties to the Optional Protocol. Reservations or declarations made to the Committee by a State Party may limit the scope of its obligations under the treaty²³.

The communication must be submitted in the name of an individual and cannot be anonymous. A communication can be submitted by a third party (such as a disabled peoples' organisation) on behalf of an individual if the individual has given written consent. If it is impossible to obtain written consent, then justification as to why consent was unavailable must be provided. A communication may also be submitted on behalf of a group of individuals, but all individuals in the group must be named and have given permission to act on their behalf.

The claim must not abuse the right of submission or be incompatible with the provisions of the Convention. The same matter cannot be complained about more than once by the same individual and must not contain insulting or abusive language.

The case cannot be examined more than once by the Committee and could not have been examined by another UN body, international or regional organization such as another UN treaty body, the European Court of Human Rights.

All domestic remedies have to be exhausted. The complaint must have been raised through the domestic court system and any administrative procedures before it can be examined by the Committee. The communication should include steps taken to exhaust all available judicial and administrative remedies at national level. This does not apply however, if domestic remedies are ineffective or unreasonably prolonged, but the communication must then explain why the domestic remedies have been ineffective.

A detailed account of the facts must be submitted to prove that there is sufficient evidence that the claim is credible and not ill-founded.

The complaint must have occurred after the entry into force of the Optional Protocol (unless the facts have started before such date and continued after that date.)

23 A list of reservations and declarations is available at: http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15-a&chapter=4&lang=en

The complaint must be submitted in writing in the official UN languages²⁴. The complaint must be signed and sent by post as email complaints are not accepted²⁵. A model complaint form is available to assist individuals in preparing a communication²⁶. Complaints may be submitted with audio support if necessary.

While deciding on admissibility, the Committee can request that a State Party adopt interim measures if necessary to avoid irreparable harm to the victim. This however has no bearing on the admissibility of the complaint. The Committee may indicate the nature and characteristics of the interim measures that it would like the State Party to take.

Once a communication has been declared admissible, the State Party has six months to respond to the complaint. The Committee will then meet in a private meeting to examine the complaint. Neither the individual nor the State Party is allowed to participate in the proceedings. The Committee then forwards its suggestions and recommendations to the individual and the State Party. The State Party is generally requested to provide follow-up information on steps taken to remedy the situation.

Overview of the Convention Optional Protocol Complaint Procedure

Step 1. Submission of the complaint to the Committee

Step 2. Registration of the complaint

Outcome a: The complaint is registered right away. Go to Step 3.

-Or-

Outcome b: More information is required. (Then, after the Committee gets more information, either go to Step 2, outcome c, or, go to Step 3.)

-Or-

Outcome c: The complaint is not registered because there is something wrong with it and the process ends.

24 English, French, Spanish, Arabic, Chinese or Arabic

25 Communications should be mailed by post to the: Petitions Team, Office of the High Commissioner for Human Rights, United Nations Office, 1211 Geneva 10, Switzerland

26 In the official languages of the United Nations http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolNo=CRPD/C/5/3/REV.1&Lang=en

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Step 3. Consideration of the admissibility of the complaint

Outcome a: The complaint is inadmissible. (Process ends.)

-Or-

Outcome b: The complaint is admissible. Go to Step 4.

Step 4. The Committee considers the merits of the complaint.

Outcome a: NO VIOLATION (Process ends.)

-Or-

Outcome b: VIOLATION. Go to Step 5.

Step 5. The Committee shall provide both the complainant and the State Party with its suggestions and recommendations, and may later request information from the State Party to see the steps taken.

b. Inquiry Procedure

The Committee also has the possibility to initiate an inquiry procedure should it receive “reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention.”²⁷ If the Committee feels that the information submitted warrants further investigation, it can request that one or more of its members conduct an inquiry into the situation and report to the Committee. The inquiry is a confidential procedure and the cooperation of the State Party is required at all stages of the process. The inquiry procedure is an option within the optional protocol provided that upon ratification the State Party declares that it does not recognize the competence of the Committee to carry out inquiries. In such case, the Committee cannot carry out inquiries on such State Party.

The request to conduct an inquiry may be initiated by DPOs or other civil society organizations. Unlike individual communications, an inquiry may be requested on behalf of others and domestic remedies do not have to be exhausted. On the other hand, the information provided has to show grave or systematic violations of rights under the Convention. Reliable information should be clearly set out in writing in one of the official languages of the United Nations²⁸. If the Committee

²⁷ Optional Protocol, article 6(1)

²⁸ Submitted in either in English, French, Spanish, Russian, Chinese or Arabic to: Office of the High Commissioner for Human Rights, Palais des Nations, 8-14 avenue de la Paix, CH-1211 Geneva 10, Switzerland.

feels that the information shows grave or systematic violations, the information will be transmitted to the State Party with a request that it submit its own observations on the information provided. The Committee may also seek additional information from other sources such as, other civil society organizations, and UN agencies.

The Committee may then decide to conduct a formal inquiry. A visit to the country concerned may be requested but consent must be given for the visit to be carried out. The visit may allow Committee members to conduct interviews, inspect specific sites and consult with government officials and members of civil society. If permission to visit the State Party is not granted, the Committee will conduct its examination based on all available information. The information submitted by disabled peoples' organisations would be a main source of information in this analysis.

Following the inquiry process, the Committee will transmit its findings, comments and recommendations to the State Party. The State Party has six months to respond and if necessary, the Committee can request that the State provide information on the measures taken in response to the inquiry. The Committee may also request that the State Party include details of measures taken to follow up on the inquiry in its periodic reports under the Convention. There is however no requirement that the inquiry be made public even after its completion.

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