Response of the CRPD Working Group of the European Network of NHRIs (ENNHRI)

This consultation response is made on behalf of the CRPD Working Group (CRPD WG or ‘the Group’) of the European Network of NHRI. The Group welcomes the opportunity to comment on draft guidelines for engagement and encourages the Committee to continue its efforts to disseminate guidance and information on its practices and procedures. Furthermore the Group would like to put on record its willingness to support the Committee as it takes forward engagement with NHRIs.

The CRPD Working Group is composed of national human rights institutions who are singularly or jointly designated as independent monitoring frameworks. The Working Group invites the Committee to consider development of specific rules and guidance for NHRIs or independent monitoring frameworks (IMs), given the unique role afforded to IMs under the UNCRPD, Article 33. The development of bespoke guidance for IMs would underscore their role and ensure that the Committee had sufficient opportunity to hear from the IMs during the examination process.

Length of Submission

The Working Group notes the proposed word limits for submissions. The Working Group appreciates the time constraints which the Committee operates within, in light of this a limit on the length of submissions is both prudent and practical. However the Working Group consider that a limit on coalition submissions to 15 pages may prove impractical and may encourage DPOs to prepare individual reports, which have a proposed page limit of 10 pages. The Working Group advises that disabled persons organisations in countries due for examinations have been working to develop collaborative submissions where possible covering all of the Articles of the UNCRPD. Members of the Working Group have been encouraging Disabled persons organisation to develop collaborative reports, in light of the time constraints on the Committee. To further encourage collaboration amongst DPOs the Committee may wish to consider the length of the page limit being influenced by the number of disabled persons organisations forming part of the coalition. Furthermore the Working Group advise that The Committee consider practices developed by other Committees. A limit of 30 pages applies for NGO reports to the UN Committee on the Rights of the Child.

1 Details on the Working Group are included at Annex A.
The Working Group notes that paragraph 2.5 regarding submissions does not refer to NHRIs or IMs. The Working Group advises that a limit of 10 or 15 pages to submissions from the NHRI or IM would significantly undermine the work of the NHRI or IM, limiting its ability to report on the outcome of its monitoring and to raise concerns. Furthermore this may lead to disabled persons organisations not feeling that their concerns are adequately treated in the submission by NHRIs and IMs. NHRIs and IMs are under an obligation ensure that DPOs are involved in the monitoring of the Convention, cf. Article 33(4). We believe that no page limits apply for reports by NHRIs to the UN Human Rights Committee and the UN Committee on Racial Discrimination.

**Briefing Sessions**

The Working Group welcomes that the Guidelines provide that NHRIs and other IMs appointed in conformity with Article 33(2) may solicit time for a private meeting with the Committee about country-specific situations. This is positive and the opportunity should extend to both the pre-session Task Force and to the session where the State Party is being examined. This should be reflected in the Guidelines. The Working Group considers that these private meetings should be formal and the Committee should provide translation where this is necessary. The Working Group suggests that the Committee consider following the practice for formal private and closed meetings with NHRIs adopted by the UN Human Rights Committee.\(^2\)

The Working Group understands that the practice of the Committee has been to allow NHRIs or IMs to make a statement during the examination session, in circumstances where the State Party has permitted this. The Working Group suggests that the CRPD Committee does not let it be up to the States Parties whether NHRIs and IMs should be allowed to make a statement during this session. This practice should be reflected in the Guidelines. The Working Group suggests that the CRPD Committee consider following the practice of the Human Rights Committee also in this regard.\(^3\)

**Specific Issues**

Regarding para. 1.1, the guidelines should also refer to para 51 of the Rules of Procedure and para. 38-40 of the Methods of Work which refer to NHRIs.

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\(^2\) CCPR/C/106/3 para 15.

\(^3\) CCPR/C/106/3 para 14.
Regarding para 2.1, the goal of this point is to inform at which stages a submission can be made. Therefore it might be clearer to use the following wordings “they can be submitted at any of the following times:

(i) before or after the state party submits its report…”

Regarding para 2.7. Format and languages, We would suggest encouraging organizations to submit an executive summary in easy-to-read as well.

Regarding section IV. Intervention in the procedures concerning communications: “They are, however, encouraged to collaborate with the dissemination of the Committee’s jurisprudence, and to give Follow-up on implementation of the Committee’s views and recommendations.”, We suggest the draft clarify what (which actions) is meant by follow-up. Is this a follow-up on a national level and by which means, or does this also include giving feedback to the Committee?

Regarding V. Inquiries – 5.4 Follow-up, we suggest the draft clarify what is meant by follow-up.

Regarding Lay-out:
- 2.10 is missing
- 4.4 on Confidentiality and publicity doesn’t seem to follow the logical order of the previous points, it is not an intervention.
The role and objectives of the CRPD Working Group of the European Network of NHRIs (ENNHRI)

The European Network of National Human Rights Institutions (ENNHRI) is one of four regional networks of NHRI's within the International Coordinating Committee (ICC) of NHRI's. It represents 40 NHRI's across Europe, including 22 NHRI's across the European Union. This consultation response is made by the CRPD Working Group of the European Network of NHRIs.

Article 33.2 of the United Nations Convention on the Rights of Persons with Disabilities envisages a central role for NHRI's acting as 'independent mechanisms', working within a wider framework to promote, protect and monitor implementation of the Convention by States Parties.

To this end, the European Group has convened a Working Group on the UN Convention on the Rights of Persons with Disabilities, chaired by the British Equality and Human Rights Commission. Its objectives are:

• To provide a point of contact on disability rights among NHRI's, equality agencies, and other CRPD independent mechanisms, and between them and EU and Council of Europe institutions, and other regional and international institutions working on CRPD issues
• To identify develop and promote good practice guidance on the role and actions of NHRI's in promoting, protecting and monitoring implementation of the CRPD in the European Group and internationally
• To co-ordinate participation of European NHRI's concerning CRPD at the Human Rights Council, the UNCRPD Committee, Conferences of State Parties and other CRPD-related events
• To work together to influence the interpretation and implementation of the Convention and the development of jurisprudence in our own Countries, by the CRPD Committee and at the ECtHR and ECJ
• To promote and support the most effective use of the CRPD Optional protocol
• To assist the European Union Agency for Fundamental Rights (FRA) in any role assigned to it in relation to the EU as a party to CRPD
• To promote ratification and implementation of CRPD throughout Europe and by the EU

Given that not all Article 33 CRPD Independent Mechanisms ('IM') are NHRI's, the Group has granted observer status to and works collaboratively with a number of
partners including the EU Agency for Fundamental Rights (FRA), the Office for the High Commissioner on Human Rights, Equinet, the European Network of Equality Bodies and the European Disability Forum. The members of the Group and partners with observer status are:

**Members of the CRPD Working Group of the ENNHRI**
Belgian Centre for Equal Opportunities and Opposition to Racism
Consultative Commission of Human Rights of Luxembourg
Danish Institute for Human Rights
Equality and Human Rights Commission (Great Britain, chair of the Group)
Equality Ombudsman of Sweden
French National Consultative Commission on Human Rights
German CRPD Monitoring Body / German Institute for Human Rights
Human Rights Centre (Finland)
Netherlands Institute for Human Rights
Northern Ireland Human Rights Commission
Romanian Institute for Human Rights
Scottish Human Rights Commission

**Observers**
Austrian Monitoring Committee
Equality Commission for Northern Ireland
EQUINET Secretariat - European Network of Equality Bodies
EU Agency for Fundamental Rights (FRA)
European Disability Forum (EDF)
French Defender of Rights
Office of the UN OHCHR / Regional Office for Europe

*Office of the UN OHCHR / Regional Office for Europe*
EQUINET Secretariat - European Network of Equality Bodies
EU Agency for Fundamental Rights (FRA)
European Disability Forum (EDF)