

Gauthier de Beco, 21 jun 2012, the domestic process art. 33 CRPD

From standard setting to implementation

Three pillar structure:

1. Focal points (states) within state for implementation (obligation) and coordination mechanism
2. Independent mechanism
3. Civil society

Focal point

One or more focal point, often ministry of Social affairs. few states have chosen for more focal points, especially interesting for more federal countries. Belgium and UK have them.

Task:

- They have to coordinate the state reporting
- Measures to implement the CRPD
- Disability rights policies
- Participation of civil society
- contact point national and international

Coordination mechanism (no obligation)

Facilitate related action in different sectors and at different levels

Options

In many countries focal point is also coordination mechanism, austria, belgium, italy, lithuania, uk

Distinct coordination mechanism: France, Germany, Spain

No coordination mechanism: Slovenia

It is not just coordination, it is to facilitate cooperation and include dpo's in to the process

II Independent mechanism

Designate, strengthen and establish

According

Paris principles:

Nat. Human rights institutions NHRIs. In general

Accreditation

Independent: creation by law, governmental involvement and funding. There is a legal basis, they choose their own staff

Pluralism: civil society should be involved, ngo's, academics, service providers: representation on the board

Functions

- promotion: awareness raising, training, education, research

- protection: complaints handling, amicus curiae (national and international) assistance (legal, financial) representations
- monitoring: evaluation, opinions, data collection, general inquiries, follow-up (make sure that recommendations from committee after state report have been implemented)

options

1. NHRI and or equality body, bv UK, Germany, Denmark
2. Ombudsman institution, bv Spain, Latvia, Denmark
3. Other body, Austria, Slovenia, Spain, Denmark (sometimes governments are on board of this bodies)

Ombudsman is often narrowed to protective function and it is not representative. Often what works best is combinations.

Civil society

In particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process. Art 33(3)

Multilevel involvement

so participation in different channels, so you can see and try out and differ between different channels and optimise your input.

- Focal point and coordination mechanism bv. Spain, denmark and france
- Advisory bodies art 4 (3) CRPD bv. Autria, Tsjechie, Germany, Latvia, Slovenia, Belgium

Most Complete monitoring system ever in an international human rights treaty
Closing the gap between international

Excercise

Who should be the focal points, the coordination mechanism and the independent mechanism in wonderland

What changes should possibly be brought to existing bodies?