

UNPRPD GLOBAL PROJECT PROPOSALS

| **Title of Project:** Supporting national implementation of the CRPD through strengthened independent monitoring mechanisms (IMMs) pursuant to article 33 (2) |
| --- |
| **Duration (max. 36 months): 22 months – July 2020 – April 2022** |
| **Total Budget: USD 95,432** |
| **Participating UN Organizations: UNDP and OHCHR[[1]](#footnote-1)** |

# Executive Summary

States parties to the Convention on the Rights of Persons with Disabilities (CRPD) are required to designate independent monitoring frameworks to monitor the implementation of the CRPD under article 33 (2). National Human Rights Institutions (NHRIs), particularly with ‘A’ status, alone or sometimes in shared responsibility with other stakeholders or national structures, often hold this monitoring role. Whether designated as part of a larger framework or as the stand alone independent monitoring mechanisms, NHRIs, based on their broad mandate under the Paris Principles, play a unique role monitoring the implementation of the CRPD at national level including through: managing complaints; supporting rights-based reviews of legislation and enhancing engagement of persons with disabilities and Organization of Persons with Disabilities (OPDs) to help identify the barriers faced by persons with disabilities to fully participate in society and the enjoyment of all human rights on an equal basis with others. Through their mandate to promote human rights of persons with disabilities, NHRIs also engage in public awareness-raising and the formulation of human rights education programmes regarding disability rights to promote inclusion and combat discrimination.

In 2018, in the context of a year-long celebration of the 70th anniversary of the Universal Declaration on Human Rights and the 25th anniversary of the adoption of the Paris Principles by the UN General Assembly and the establishment of a network, the Committee on the Rights of Persons with Disabilities (hereinafter “the Committee”) and the Global Alliance of National Human Rights Institutions – GANHRI held a half-day interactive debate during the 19th session of the Committee and GANHRI’s Annual Meeting in March 2018. The Interactive debate has been established as a Committee’s standard item of its agenda and takes place on an annual basis, as part of the overall work on the Committee in facilitating engagement with stakeholders, particularly IMMs and NHRIs. The discussions focused on sharing the practices of NHRIs in monitoring article 19 of the Convention and on the participation of persons with disabilities in monitoring activities at the national level, in line with article 33 (3) of the CRPD. This included experiences on the role of NHRIs using indicators, data and benchmarks and on good practices concerning the meaningful participation of persons with disabilities and their representative organizations within the independent monitoring mechanisms or monitoring frameworks at the national level.

**The dialogue culminated in a Joint Declaration between the Committee and GANHRI, which included several recommendations, such as: “*to support effective national monitoring mechanisms at country level, it is necessary to develop and maintain a repository of good practices of monitoring the Convention.”*** See [here](https://nhri.ohchr.org/EN/ICC/GeneralMeeting/2018/Pages/GANHRI%20Annual%20Conference.aspx). This initiative aims to implement this recommendation and provide global strategic resources on disability rights.

# The present proposal represents a partnership effort between UNDP, OHCHR and GANHRI to achieve this.

# Background and Rationale

## 1.1 Challenges to be addressed by the project

The CRPD outlines specific arrangements for national implementation and monitoring including a requirement that State parties designate one or more focal points within government and that they consider the establishment of a coordination mechanism to facilitate actions in different sectors relating to implementation (article 33 (1), (3)). It also requires State parties to designate an independent mechanism to promote, protect and monitor implementation in line with the principles relating to the status and functioning of national institutions for the protection and promotion of human rights and to ensure the full participation of civil society in the monitoring process (article 33 (2)).

With 181 State parties to the CRPD, an increasing number of States seek guidance for variable approaches to supporting national implementation and monitoring and first good practices are emerging.

To date, however, other than the guidance issued by the Committee in its “Guidelines on Independent Monitoring Frameworks and their participation in the work of the Committee”[[2]](#footnote-2), no UN Practical Guidance nor analysis comparing good practices from different countries and mechanisms including as assessed by the Committee in its State party reviews upon submission of State party reports, exists[[3]](#footnote-3). There is also no current complete repository of national independent monitoring mechanisms (IMMs) unlike for National Preventive Mechanisms under the Optional Protocol for the Convention against Torture and other Cruel, Inhuman or Degrading Treatment.

## 1.2 Rationale for a global programme approach

To support effective independent monitoring mechanisms and NHRIs at country level benefitting from the experiences in all regions and as assessed by the Committee at the global level, this project brings together key global stakeholders, OHCHR, GANHRI and UNDP to develop two global strategic resources on disability rights in consultation with the Committee, civil society and persons with disabilities 1) the development of a Practical Guide on IMMs as well as 2) a web-based repository on IMMs to be placed on the OHCHR/CRPD Committee webpage.

## 1.3 Opportunities to be addressed by the project

The growing interaction between the Committee and GANHRI as well as the hightened move globally to strengthen accountability mechanisms as well as the increasing number of States seeking guidance for variable approaches to supporting national implementation and monitoring and first good practices which are emerging offer opportunities the projects seeks to build upon.

The two new global complementary strategic resources on disability rights would:

* Inform State parties seeking to establish, or ensure the effective functioning of IMMs, in line with the CRPD.
* Support capacity building of IMMs and NHRIs to support national implementation and monitoring of the CRPD.
* Support knowledge management for the Committee and GANHRI.
* Improve the engagement between the Committee and IMMs who have no NHRI involved and have a comprehensive approach to all types of independent monitoring frameworks.

Align experiences and practices of NHRIs and IMMs in monitoring the Convention with indicators under the Convention. It would be the basis to gather first data based on the human rights-based approach to data including use of indicators.

# 2. Project Approach

## 2.1. Focus of the project – “What is the project about?”

**2.1.1 Development of a Practical Guide on Independent Monitoring Mechanisms**

|  |  |
| --- | --- |
| Building on the successful OHCHR experience of developing a Practical Guide on National Preventive Mechanisms (NPMs), which States are to establish under another human rights treaty, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), see [here](https://www.ohchr.org/Documents/Publications/NPM_Guide_EN.pdf), a Practical Guide on Independent Monitoring Mechanisms under article 33 (2) of the Convention on Persons with Disabilities will be published in English and in accessible formats and later translated into other UN languages.  The Guide will include:   * Up-to-date practical guidance in supporting national implementation and independent monitoring of the CRPD. * An overview of the global status of IMMs supporting national implementation of the CRPD and of trends in IMM composition and functions drawing on findings of the CRPD from State party reviews and gathered from GANHRI including through previous surveys conducyed by them but also OPDs, like the International Disability Alliance (IDA). | Graphic showing number of downloads to the National Preventive Mechanisms Guide in 2018-1261; 2019-2203; 2020-428  Number of downloads of NPM Practical Guide for 2020  as of February 2020 only. |

* Good practices, lessons learned and a common understanding of the central components of IMMs for effective national implementation and monitoring thereof.

Examples about how to advance participation of persons with disabilities traditionally left behind in implementation and monitoring of the CRPD, for instance women and girls with disabilities, persons with intellectual disabilities, persons with psychosocial disabilities.

The content of the Practical Guide will be reviewed by the OHCHR CRPD Secretariat, the OHCHR Disability Advisor, the OHCHR Treaty Body Capacity Building Programme team, UNDP colleagues, the CRPD Committee as well as GANHRI and its members, and IDA. It will be approved before publishing by the OHCHR Publications Committee (normally in two readings). Depending on UNDP and GANHRI procedures, this could become a joint publication.

The Guide could have the following **DRAFT Table of Contents, which will be finalized with all project partners:**

**INTRODUCTION**

**PART 1: NATURE AND FUNCTIOING OF IMMs**

What is an IMM? Composition, mandate, resources, variety of practice/approach to their work,

Why establish an IMM?

What are the functions of an IMM?

What are some examples of IMM? Different organizational models (OPD based, NHRI based, NHRI and public prosecution, etc.)

What is the relationship between the CRPD Committee and IMMs?

What is the relationship between National Mechanisms for Reporting and Follow-up (NMRFs) and IMMs?

What is the relationship between IMMs and NPMs?[[4]](#footnote-4)

How are IMMs operationalized at the sub-national level?

Where can States obtain technical assistance to establish or ensure the effective functioning of IMMs?

**PART 2: IMMs IN PRACTICE (KEY CRITERIA AND FUNCTIONS OF AN EFFECTIVE INDEPENDENT MONITORING MECHANISM)**

Independence (mandate, operational, financial)

Membership (expert and independent)

Fulfilment of general principles of the Convention

* Promoting and monitoring respect for dignity, autonomy and independence of persons with disabilities
* Non-discrimination
* Accessibility
* Equality between women and men and mainstreaming the rights of women and girls with disabilities

Fulfilment of key functions

* *Promotion*

Advisory functions

Advocacy on policy reform

Law reform

International engagement (including regional mechanisms)

* *Protection*

Hard cases

Strategic litigation

* *Monitoring*

Statistics (including the use of human rights indicators)

Meaningful participation of persons with disabilities and their representative organizations

Groups in focus: women and girls with disabilities, persons with intellectual and psychosocial disabilities, persons with disabilities in institutions, children with disabilities.

**ANNEXES**

ANNEX 1: Guidelines on independent monitoring frameworks and their participation in the work of the Committee on the Rights of Persons with Disabilities

ANNEX 2: Sample resources and tools (bibliography)

ANNEX 3: Human rights indicators on article 33 CRPD

ANNEX 4: IMM assessment matrix (which will be basis for survey to establish repository)

**2.2. Web-based accessible repository on Independent Monitoring Mechanisms**

Building on the good practice of a repository established by the Association on the Prevention of Torture (APT) on NPMs, see [here](https://apt.ch/en/national-preventive-mechanisms-npms/apt.ch/en/opcat-database/), an online updatable/searchable repository with information by country presented in a comparable format would be hosted on OHCHR’s and the Committee’s webpages. The Committee, through a note verbale, would ask State parties to complete a survey, the responses of which would be reflected in the repository of “State parties to the Convention on Persons with Disabilities and their designated Independent Monitoring Mechanisms”. The Committee will also invite NHRIs, DPOs and other stakeholders to participate in the survey. In addition, for each country, the Committee’s assessment of the IMM as per its latest Concluding Observations would be added. The exact survey questions would be developed by the consultant working on the Practical Guide in consultation with all partners of this project and approved by the Committee. It will also include questions which allow for the analysis of the numbers of IMMs that are NHRIs and how they function. IMMs will be invited to share updated information with the Committee as it becomes available and the CRPD Secretariat will update the repository as such information is being received.

## 2.3. Theory of change of the intervention – “How will the project produce the stated impact?”

The project seeks to lead to the establishment and/or effective functioning of national Independent Monitoring Mechanisms (outcome) in line with article 33 II CRPD. Based on the demands of State parties to have greater clarity and receive more guidance on what an effectively functioning IMM necessitates, the two global strategic resources developed under this project (outputs) will assist States including new State parties to the treaty in designing their IMM in accordance with the [relevant guidance](https://www.un.org/en/ga/search/view_doc.asp?symbol=CRPD/C/1/Rev.1) issued from the Committee and in line with article 33 II CRPD. In countries where an IMM already exists, States parties will be able to understand why their respective monitoring framework is or is not in line with article 33 (2), take the necessary action to correct this and achieve compliance if needed. This includes ensuring the inclusion and participation of persons with disabilities and their representative organizations in the IMM framework.

# 3. Result chain of the Intervention

*Based on the information in the previous section, provide a concise formulation of the project objectives (expected impact, intended outcomes and outputs) utilizing the table format provided below.* **[[5]](#footnote-5)**

## Table 2. Expected impact

| **Impact: All human rights for persons with disabilities** |
| --- |
| The implementation of the Convention on Persons with Disabilities leads to the realization of their rights at the national level. Strengthening the Independent Monitoring Mechanisms in exercising their functions to promote, protect and monitor the implementation of the Convention will contribute to achieve national level implementation of the treaty. |

## Impact Indicators

| **Indicator\*** | **Start level**  (Beginning of the project reporting period) | **Target** | **End level**  (End of the project reporting period) | **Means of Verification** |
| --- | --- | --- | --- | --- |
| Number of IMMs effectively functioning | To be assessed through the development of the two outputs (max. 51 but estimated at less) | Proper baseline established | Compliance of the IMM with the requirements of independence, participation of persons with disabilities and their OPDs, sufficient resources allocated to carry out their mandate, or its work or competences at the regional or local levels to be assessed over next few years. | Future concluding observations made by the Committee on the status of the country’s respective IMM |

## Table 2. Variations in outcome indicators

*(Add a table for each outcome in the approved project document)*

| **Outcome: Establishment and/or effective functioning of national Independent Monitoring Mechanisms** |
| --- |
| The two new global complementary strategic resources on the rights of persons with disabilities would provide States, IMMs, OPDs, NHRIs, NGOs, other actors and persons with disabilities with:   * Up-to-date practical guidance in supporting national implementation and monitoring of the CRPD. * An overview of the global status of IMMs supporting national implementation of the CRPD and of trends in IMM composition and functions drawing on findings of the CRPD from State party reviews * Good practices, lessons learned and a common understanding of the central components of IMMs for effective national implementation and monitoring thereof.   Examples about how to advance participation of persons with disabilities traditionally left behind in implementation and monitoring of the CRPD, for instance women and girls with disabilities, persons with intellectual disabilities, persons with psychosocial disabilities.  They also would:   * Inform State parties seeking to establish or ensure the effective functioning of IMMs. * Support capacity building of IMMs and NHRIs to support national implementation and monitoring of the CRPD. * Support knowledge management for the Committee and GANHRI. * Improve the engagement between the Committee and IMMs who have no NHRI involved and have a comprehensive approach to all types of independent monitoring frameworks. * Align experiences and practices of NHRIs and IMMs in monitoring the Convention with indicators under the convention. It would be the basis to gather data based on the human rights-based approach (including on the use of indicators). |

## Outcome 1 Indicators

| **Indicator\*** | **Start level**  Baseline  (Beginning of the project reporting period) | **Target** | **End level**  End line  (End of the project reporting period) | **Means of Verification** |
| --- | --- | --- | --- | --- |
| Number of IMMs established | 51  Out of 95 initial State parties’ reports reviewed by the Committee until 2019, a) 51 State parties had established IMMs; b) 38 State parties had not established an IMM, and c) in 10 State parties, NHRIs were monitoring the CRPD as part of its general monitoring mandate, however, in absence of a legal designation as IMM under article 33 (2). | 10% increase | 56  (Current number + 10% increase) | Concluding observations made by the Committee on the status of the country’s respective IMM |
| Number of DPOs who increased their knowledge and skills on IMMs | 0 | 10 organizations increased their knowledge and skills | 10 | Press releases, training programmes, other references to using the Practical Guide |

## Outputs

| **Formulation** | **Tentative timeline** |
| --- | --- |
| * 1. **Practical Guide on Independent Monitoring Mechanisms** | - Hiring of consultant, July/August  - Consultant seeks OHCHR/UNDP/GANHRI/ IDA’s input at the first stage of a general structure of the publication, September  - Consultant drafts Guide, September-December  - Review by OHCHR/UNDP/GANHRI/OPDs/IDA, January/February 2021  - First reading by Publications Committee, March  - Changes made by consultant, April  - Second reading by Publications Committee, May/June  - Editing-layout, July/September  - Launch, October-December, ideally when CRPD is in session including possibly virtually through e.g. webinars |
| * 1. **Web-based repository of “State parties to the Convention on Persons with Disabilities and their designated Independent Monitoring Mechanisms** | - Hiring of above consultant, July/August  - Consultant prepares draft survey, September  - CRPD Committee reviews and sends survey-receives responses, October-December  - Hiring of IT consultant/staff, December  - Creation of web-repository, January-February 2021  - Launch, June  - IT Consulant maintains repository and revises what needs upgrades in February-March 2022 |

# 4. Partnership-building potential

The project will be implemented between OHCHR, UNDP, GANHRI and the CRPD Committee. As described above, these four project leads will review the content of the Practical Guide at different stages of the project and be involved in the elaboration of the survey to stablish the repository of IMMs. GANHRI including through its Working Group on the Rights of Persons with Disabilities, IMMs at the national level andIDA will also be consulted at the outset on the scope and structure of the publication as well as on the drafts of the Practical Guide and to verify and contribute examples of good practices.

# 5. Knowledge management and dissemination

The Practical Guide and Repository will be launched at different events hosted by the Committee and GANHRI ideally coinciding with a GANHRI Annual Meeting or Committee session, including possibly through online events like webinars. They will be advertised through OHCHR’s media and social media channels, made available at OHCHR’s and the Committee’s website, and linked to respective GANHRI and UNDP webpages. The Practical Guide will be distributed to all OHCHR and UNDP field presences, UN Regional Commissions and ideally be used and piloted by future UNPRPD project teams with a focus on Article 33. The Guide will also be shared by GANHRI with all NHRIs and by IDA with their relevant constituencies. The OHCHR Treaty Body Capacity Building Programme, Disability Advisor and team as well as other OHCHR colleagues will use the two resources when providing technical assistance to States parties but also when providing capacity building activities to IMMs.

These resources will also be of use for all UN entities and country offices in their work on CRPD implementation and monitoring with IMMs and NHRIs, related country programming and in guiding the designation/development of IMMs. The Committee will make reference to these tools in their constructive dialogues with State parties. UNDP and GANHRI will also promote these tools in events, gatherings and meetings, as well as when advising individual NHRIs.

# 6. Project management and monitoring arrangements

## Table 4. Implementation arrangements

| **Outcome/Output number** | **UNPRPD Focal Point** | **Implementing agencies** | **Other partners** |
| --- | --- | --- | --- |
| **1 Practical Guide on Independent Monitoring Mechanisms** | **Sarah Rattray**  Policy Specialist for Human Rights. Rule of Law, Security and Human Rights for Sustaining Peace  United Nations Development Programme Crisis Bureau | **Christina Meinecke**  Coordinator, Capacity Building Programme, Human Rights Council and Treaty Mechanisms Division  Office of the United Nations High Commissioner for Human Rights | [GANHRI including through its Working Group on Disabilities, UNDP, OHCHR CRPD secretariat and OHCHR disability advisor] |
| **2 Web-based accessible repository of “State parties to the Convention on Persons with Disabilities and their designated Independent Monitoring Mechanisms** | **Sarah Rattray**  Policy Specialist for Human Rights. Rule of Law, Security and Human Rights for Sustaining Peace  United Nations Development Programme Crisis Bureau | **Christina Meinecke**  Coordinator, Capacity Building Programme, Human Rights Council and Treaty Mechanisms Division  Office of the United Nations High Commissioner for Human Rights | [GANHRI including through its Working Group on Disabilities, UNDP, OHCHR CRPD secretariat and OHCHR disability advisor] |

# 7. Risk Management

| ***Type of risk\****  ***(contextual, programmatic, institutional)*** | ***Risk*** | ***Likelihood***  ***(Low, Moderate, High)*** | ***Impact on result***  ***(Low, Moderate, High)*** | ***Risk Mitigation strategies*** | ***Responsible entity for Risk treatment*** |
| --- | --- | --- | --- | --- | --- |
| ***Contextual*** | ***Lack of finding good practices examples*** | ***Low*** | ***Moderate*** | ***Partnership with GANHRI and IDA to identify good examples*** | ***OHCHR*** |
| ***Programmatic*** | ***Lack of finding right consultants*** | ***Low*** | ***Moderate*** | ***Identify right person with expertise early on*** | ***OHCHR*** |

# 8. Budget

## Project Budget

| **Category** | **Item** | **Unit Cost** | **No units** | **Total cost** | **Request from UNPRPD Fund** | **UNPRPD POs cost-sharing** | **Other partners cost-sharing** |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Staff and Personnel Costs** | IT expert | 7,971 $ per month | 2 months in 2021 | **15,942** | **15,942** | […] | […] |
|  | IT expert | 7,971 $ per month | 1 month contract in 2022 | **7,971** | **7,971** | […] | […] |
| **Contractual Services** | Consultant to draft the Practical Guide | 7,971 $ per month | 3 months contract in 2020 | **23,913** | **23,913** | […] | […] |
|  | Consultant to draft the Practical Guide | 7,971 $ per month | 1 month contract in 2021 | **7,971** | **7,971** | […] | […] |
|  | ITC ILO Guide editing and designing in English | 14,310 $ | 30,000 words (0.45 $ per word) | **14,310** | **14,310** | […] | […] |
|  | Easy to read and print in Braille : | 19,080 $ | 30,000 words, (0.60 $ per word) | **19,080** | **19,080** | […] | […] |
| **Subtotal** |  |  |  | **89,188** | **89,188** |  |  |
| **Indirect costs (7%)** |  |  |  | **6,243** | **6,243** |  |  |
| **Total** |  |  |  | **95,432 $** | **95,432 $** |  |  |

1. Funds administered by OHCHR [↑](#footnote-ref-1)
2. See Annex of CRPD’s rules of procedures 10 October 2016, [CRPD/C/1/Rev.1, annex](https://www.un.org/en/ga/search/view_doc.asp?symbol=CRPD/C/1/Rev.1). [↑](#footnote-ref-2)
3. But see <https://nhri.ohchr.org/EN/Themes/PersonsDisabilities/Documents/Human_Rights_and_Disability_Manual.pdf> [↑](#footnote-ref-3)
4. *For Guide: Keep in mind good example of Romania under OPCAT SF.* [↑](#footnote-ref-4)
5. *In defining the above, please refer to the following definitions based on the UNDG Harmonized RBM Terminology.*

   ***Impact:*** *Positive and negative long-term effects on identifiable population groups produced by a development intervention, directly or indirectly, intended or unintended. These effects can be economic, socio-cultural, institutional, environmental, technological or of other types.*

   ***Outcome:*** *The intended or achieved short-term and medium-term effects of an intervention’s outputs, usually requiring the collective effort of partners. Outcomes represent changes in development conditions which occur between the completion of outputs and the achievement of impact.*

   ***Outputs:*** *The products and services which result from the completion of activities within a development intervention.* [↑](#footnote-ref-5)