

Articles 1 to 4: List of illustrative indicators on the purpose, definitions, principles and general obligations of the Convention on the Rights of Persons with Disabilities (CRPD)

ADVANCE VERSION

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Articles 1 to 4: List of illustrative indicators on the purpose, definitions, principles and general obligations of the Convention on the Rights of Persons with Disabilities (CRPD)

Attributes/ Indicators	Status of the CRPD and its OP and legal harmonization	Institutional framework and policy development	Participation of persons with disabilities
Structure	<p>1/4.1 Absence or effective withdrawal of:</p> <ul style="list-style-type: none"> any reservation issued when ratifying or acceding to the CRPD; and/or any interpretative declaration made to provisions of the CRPD which are incompatible with the object and purpose of the treaty. <p>1/4.2 Ratification of the Optional Protocol to the CRPD.</p> <p>1/4.3 Adoption of appropriate measure(s) to incorporate the CRPD in the domestic legal order and/or ensure its direct applicability and enforceability by courts.ⁱ</p> <p>1/4.4 Legislation enacted on the rights of persons with disabilities in line with the purpose, definitions, principles and general obligations of the CRPD.ⁱⁱ</p> <p>1/4.5 Adoption of a national plan/strategy for legal harmonisation in line with the CRPD.ⁱⁱⁱ</p>	<p>1/4.6 Adoption of a national action plan/strategy for the implementation of the Convention, which includes timeframes, specific indicators and benchmarks, and data collection and disaggregation by disability and resource allocation.^{iv}</p> <p>1/4.7 Legal and/or statutory appointment of one or more focal points within government (across all branches and levels of government; across all ministries and sectors) with sufficient authority to mainstream the rights of persons with disabilities for implementation of the Convention (idem 33.1)</p> <p>1/4.8 With a view to enhancing national implementation, legal and/or statutory appointment of a coordination mechanism within government to facilitate related action in across different sectors and levels, with a clear structure, mandate, leadership, and sufficient authority to ensure mainstreaming and implementation of the Convention (idem 33.2)</p>	<p>1/4.9 Legal or regulatory provision(s) which establish inclusive and accessible procedures and mechanisms for the involvement of persons with disabilities, including children with disabilities, and their representative organizations, across all disability constituencies, in the development and implementation of legislation and policies to implement the Convention (similar 33.8).^v</p> <p>1/4.10 Legislation enacted on the right to freedom of association inclusive of persons with disabilities, including supporting the development of organizations of persons with disabilities, and protection against intimidation, harassment and reprisals, particularly when expressing dissenting opinions (idem 29.9).</p> <p>1/4.11 Legal provision(s) requiring allocation of funds from the national budget to financially support the development and strengthening of organizations of persons with disabilities to participate in the development and implementation of legislation and policies to implement the Convention.^{vi} (similar 33.9)</p>

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Process	<p>1/4.12 Any disability assessment and certification system must be compatible with the CRPD, free of charge and accessible to all persons with disabilities, including in urban, rural and remote areas.vii</p> <p>1/4.13 Overall budget allocated for the realization of the economic, social and cultural rights of all persons with disabilities disaggregated by policy area and origin of funds.</p> <p>1/4.14 Budget allocated to undertake or promote research, including participatory research, research co-led by persons with disabilities, and user-led research, and development of:</p> <ul style="list-style-type: none"> • Universally designed goods, services, equipment and facilities. • New technologies including information and communication technologies, mobility aids, devices and assistive technologies, giving priority to those at an affordable cost. 		<p>1/4.15 Regulations and measures to ensure registration systems of civil society organizations (e.g. associations, foundations, etc.) that are simple, flexible, expeditious, accessible, non-onerous (or affordable) and/or free of charge (idem 29.23)</p> <p>1/4.16 Budget (including resources from international cooperation) allocated and distributed among organizations of persons with disabilities to strengthen their capacity and ensure their participation in the development and implementation of legislation and policies in line with the Convention. (similar 33.17)</p> <p>1/4.17 Number of capacity building activities funded by the State to strengthen the capacity of organizations of persons with disabilities. (similar 33.19)</p> <p>1/4.18 Number of public sector staff involved in consultation processes trained on the human rights based approach to disability including non-discrimination and the provision of reasonable accommodation, and accessible information and communications.</p>
	<p>1/4.19 Awareness raising campaigns and activities to promote and inform persons with disabilities, their families, policymakers of public authorities at national and local levels, the general public, on the rights of persons with disabilities under the CRPD, including dissemination of the CRPD, its Optional Protocol and the General Comments by the CRPD Committee.</p>		
	<p>1/4.20 Number and proportion of public sector staff (from national to municipal levels), members and staff of Parliament, and relevant professionals, including e.g. judges, law enforcement officials, health care professionals, teachers, etc., trained on the rights of persons with disabilities, including on provision of reasonable accommodation procedural accommodation, and universal design.viii</p>		
	<p>1/4.21 Consultation processes undertaken to ensure the active involvement of children, youth and adults with disabilities, including through their representative organizations, in the design, implementation and monitoring of laws, regulations, policies and programmes, research and training, related to the rights of persons with disabilities under the CRPD, disaggregated by topic and geographical location.ix</p>		
	<p>1/4.22 Proportion of received complaints alleging non-compliance with CRPD provisions that have been investigated and adjudicated; proportion of those found in favour of the complainant; and proportion of the latter that have been complied with by the government and/or duty bearer (e.g. private school); each disaggregated by kind of mechanism.</p>		

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Attributes/ Indicators	Status of the CRPD and its OP and legal harmonization	Institutional framework and policy development	Participation of persons with disabilities
Outcome	<p>1/4.23 Number of remaining reservations and/or interpretative declarations to provisions of the CRPD.</p> <p>1/4.24 Number of judicial decisions from national high-courts on the rights of persons with disabilities in line with the principles and provisions of the CRPD per year.</p> <p>1/4.25 Number of relevant legislation reformed to be harmonized with the CRPD and its provisions, disaggregated by topic.</p>	<p>1/4.26 Number of persons with disabilities who have undergone a disability assessment and are in possession of disability certification,^x compared to statistical estimations of the number of persons with disabilities.</p> <p>1/4.27 Number of concluded or on-going research projects funded by the State which feature(d) participatory research, research co-led by persons with disabilities, or user led research on:</p> <ul style="list-style-type: none"> • Universally designed goods, services, equipment and facilities; or • New technologies, including information and communication technologies, mobility aids, devices and assistive technologies 	<p>1/4.28 Number and proportion of organizations of persons with disabilities taking part in consultation processes for the implementation of the CRPD, disaggregated by kind of organization of persons with disability,^{xi} constituency represented among persons with disabilities and geographical location.</p> <p>1/4.29 Number and proportion of consultation processes/ activities which involved organizations of persons with disabilities, disaggregated by kind of organization and constituency represented among persons with disabilities.</p> <p>1/4.30 Number of persons with disabilities and organizations benefitting from capacity building activities funded or provided by the State, disaggregated by sex, age, disability and geographical location.</p> <p>1/4.31 Proportion of population who believe decision making is inclusive and responsive, by sex, age, disability and population group (SDG indicator 16.7.2) (Idem 29.32).</p>

- i The appropriate measure(s) will vary depending on their legal traditions. In some cases, ratification of an international human rights law instrument is sufficient for its incorporation in the domestic legal order and direct application. In other cases, passing a national legislation is a mandatory step. In connection to this, official translation to the national language of the Convention must be available and be fully respectful of the text and meaning of the Convention.
- ii Such legislation must:
- fully enshrine the human rights model of disability and seek to eliminate the charity and medical models from law and policy;
 - include the concept of persons with disabilities in line with article 1 of the Convention, recognizing all persons with disabilities as right-holders, irrespective of sex, age, faith, race, gender identity or sexual orientation, belonging to a minority, indigenous background, migrant or other status, , including all persons with actual or perceived mental health conditions, persons with autism, persons with albinism, persons living with chronic illnesses, such as HIV, and other groups;
 - reaffirm the definitions and principles provided in articles 2 and 3 of the Convention;
 - ensure protection of persons with disabilities against all forms of discrimination on the grounds of disability and on other grounds on an equal basis with others and recognize that the denial of reasonable accommodation amounts to disability-based discrimination;
 - require amendment or repeal of existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
 - prohibit public officials and institutions from engaging in any act or practice that is inconsistent with the objectives, principles and provisions of the Convention and ensure that public authorities and institutions act in conformity with them;
 - Prohibit disability-discrimination by private actors generally and in specific areas such as employment, education, health, housing, services and facilities for the general public, etc.;
- ensure that national data collection efforts (census, surveys, administrative data systems) are inclusive of persons with disabilities and disaggregate all relevant data “by disability” which includes identification by type of disability constituency (see FAQs)
 - prevent the use of, and repeal pejorative terminology to refer to persons with disabilities;
 - ensure the availability of effective remedies in case of violation of, or non-compliance with the rights of persons with disabilities, as well as appropriate sanctions for public and private perpetrators;
 - not refer to policies aimed at prevention of primary impairments as a measure of implementation of the Convention and the rights of persons with disabilities;
 - establish a process for the close consultation with and active involvement of persons with disabilities, including through their representative organizations. See footnote v.
- iii Such plan must ensure:
- mainstreaming of the human rights based approach to disability as enshrined in the CRPD perspective in all legislations and plans of actions;
 - amending or repealing existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
 - prohibiting from engaging in any act or practice that is inconsistent with the principles and provisions of the Convention and ensure that public authorities and institutions act in conformity with the them;
 - Repealing pejorative terminology to refer to persons with disabilities;
 - Close consultation with, and active involvement of persons with disabilities, including through their representative organizations.
- iv This must include measures to:
- ensure mainstreaming of the human rights based approach to disability as enshrined in the CRPD across general policies and include disability specific measures as required;
 - explicitly incorporate provisions in connection to women, children and older persons with disabilities, recognizing multiple and intersecting identities of persons with disabilities.
 - ensure appropriate budget allocation with the adoption of a marker on disability to track budgeting and spending;
 - undertake and promote research and development of universally designed goods, services, equipment and facilities.
 - undertake and promote research and development of new technologies, including information and communication technologies, mobility aids, devices and assistive technologies, giving priority to those at an affordable cost.
 - provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;
 - conduct training and capacity building of policymakers, professionals and staff working with persons with disabilities on the rights recognized in the CRPD, with the involvement of persons with disabilities, recognizing their expertise and experience;
 - ensure close consultation with, and active involvement of persons with disabilities, including through their representative organizations.
- v Such provisions must ensure that:
- Mechanisms for, and information about consultation processes are available in accessible formats for all persons with disabilities.
 - Mechanisms for consultation allow for meaningful participation by providing clear and sufficient timeframes for organizations of persons with disabilities to conduct internal processes of consultation amongst their members and prepare their inputs.

- Consultation mechanisms and processes are inclusive of all constituencies and backgrounds of persons with disabilities, including women, children, older persons, refugees and asylum seekers, lesbians, gay, bisexual and transgender persons, persons with psychosocial, persons with intellectual disabilities, persons with hearing and visual impairments, persons living with HIV/AIDS, persons living in rural areas and persons in need of a high level of support.
 - Mechanisms for consultation with and active involvement of persons with disabilities, including through their representative organizations, in all matters pertaining to implementation and/or monitoring of the Convention and any other matters affecting persons with disabilities or any constituency thereof, with direct outreach and prioritization of views of the constituency or constituencies directly affected.
 - Decision makers take into account the results of such consultations and reflect them in the decisions adopted.
- vi Particular attention should be put on supporting the development of organizations of: persons with intellectual disabilities, persons with psychosocial disabilities, women with disabilities and children with disabilities. Funding schemes should not compromise the independence of organizations of persons with disabilities in determining their advocacy agenda nor compromise their freedom to engage with the United Nations' human rights mechanisms.
- vii Such a system should:
- assess the needs, will and preferences of the individuals concerned,
 - focus on the elimination of barriers and the promotion of the full and effective participation of persons with disabilities in society.
- viii Training should be tailored to the targeted group and should always include: the human rights based approach to disability, non-discrimination and the provision of reasonable accommodation, universal design, accessibility (including accessible information and communications), the obligation to consult with and actively involve persons with disabilities and their representative organizations.
- ix This indicator requires verifying concrete activities undertaken by public authorities to involve persons with disabilities in decision-making processes related to issues that directly or indirectly affect them in line with article 4.3 of the CRPD and [general comment no. 7](#) of the CRPD Committee, including consultation meetings, technical briefings, online consultation surveys, calls for comments on draft legislation and policies, among other methods and mechanisms of participation. In this regard, States must
- ensure that consultation processes are transparent and accessible;
 - ensure provision of appropriate and accessible information;
 - not withhold information, condition or prevent organizations of persons with disabilities from freely expressing their opinions;
 - include both registered and unregistered organizations;
 - ensure early and continuous involvement;
 - cover related expenses of participants.
- x based on administrative data of the disability assessment(s) and certification system compatible with the CRPD.
- xi Including explicitly information on organizations of women with disabilities, children and youth with disabilities, and underrepresented groups such as indigenous persons with disabilities. See CRPD Committee's [General comment no 7](#) on Articles 4(3) and 33(3) of the CRPD.