

MONITORING THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES



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CRPD monitoring – why, what and how?

Why monitor?

- Monitoring of implementation both on international and national level

Legal reasons:

- CRPD expressly provides for the designation of focal point(s) within the government and the establishment of a monitoring framework
- CRPD is also the first UN Human Rights Treaty with a specific provision on statistics and data collection

Practical reasons:

- Ensures gaps in government policies and laws are identified and can be remedied
- Facilitates reporting to monitoring bodies at national and international level
- Allows highlighting of promising practices at national and international level

CRPD – Article 31: Statistics and data collections

“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:

- comply with legally established safeguards i.e. **data protection, confidentiality** and respect for **privacy**;
- comply with **ethical principles in the collection and use of statistics**.

Information shall be:

- **disaggregated**;
- **identify** and address the **barriers** faced by persons with disabilities;
- **disseminated** and **accessible**.

Committee recommendations to State parties

- Develop a system for collecting data on persons with disabilities **disaggregated** by age, sex, sexual orientation, gender identity, race, ethnicity, income, migration status, level of education, employment situation and place of residence.
- The system and procedures should ensure **confidentiality and respect the privacy** of persons with disabilities;
- Allocate **funds to undertake periodic research** on the rights of persons [...];
- Support **independent and participatory research, both quantitative and qualitative** [...].

Concluding observations on the initial report of Estonia, May 2021

... **Committee recommendations to State parties**

- Systematically collect, analyse and disseminate data [...] relying on the methodology of the **Washington Group Short Set of Questions on Disability**.
- Ensure the **involvement of organizations of person with disabilities** in the development of data collection and analysis procedures.
- Develop **evidence-based policies**, in consultation with their representative organizations.
- Ensure the access of persons with disabilities to all statistical **data in accessible formats**.

Concluding Observations on Greece, Oct. 2019; Spain, May 2019; Norway, May 2019; and Malta, Oct. 2018

What to monitor?

- identifying the **gaps** that prevent persons with disabilities from fully enjoying their rights (and of duty bearers to implement their legal obligations);
- measuring the **impact of mainstream & disability-specific policies** and programmes on persons with disabilities
- monitoring should not only focus on the results of policies but also **take into account the structural and policy frameworks** and the processes in place to achieve such results

Guidelines on independent monitoring frameworks and their participation in the work of the Committee. IV. Monitoring implementation of the Convention at the national level, para. 39.

How to monitor?

- developing a **system to assess the impact** of the implementation of legislation and policies;
- developing **indicators** and benchmarks;
- maintaining **databases** containing information on practices related to the implementation of the Convention.

Guidelines on independent monitoring frameworks and their participation in the work of the Committee. IV. Monitoring implementation of the Convention at the national level, paras. 13, 39.

Need for more and better data

Limited availability of reliable data and challenges impede proper monitoring

- lack of disaggregated data;
- lack of systematically and regularly collected data by national statistics systems;
- difference in methods/systems for assessing disability by different ministries;
- lack of or insufficient participation of persons with disabilities and their representative organisations in development of data collection;
- prevalence of inadequate systems for the collection of data / data collection systems often based on the medical model of disability;
- lack of systematic use of baselines, indicators and benchmarks in data collection and analysis efforts;
- hard to reach groups remain hidden to the public eye and invisible in statistics.

Guidelines on independent monitoring frameworks and their participation in the work of the Committee. IV. Monitoring implementation of the Convention at the national level, para. 35,37

Multi-tiered effort

- Improving the systems for collecting and analysing data requires collective, coordinated and continuous efforts, by:
 - national statistical offices;
 - the focal points and coordination mechanisms;
 - the independent monitoring framework(s);
 - civil society organisations and persons with disabilities through their representative organisations.
- Explore and use all available data sources:
 - official statistics (administrative records; census data; data from official surveys)
 - academic research (qualitative studies; victims surveys; discrimination testing)
 - complaints data (police crime report data; justice system data; Equality bodies and ombudsperson complaints; CSOs monitoring data)

Human rights based indicators

Structural	Legal, policy and institutional framework	Commitment	Commitment to international human rights law Legislation in place Policies, strategies, action plans, guidelines, adopted Institutional framework Complaint and support mechanisms exist	Duty bearers
Process	Policy implementation, effectiveness of complaints and support systems	Effort	Budgetary allocations Implementation of policies, strategies action plans, guidelines, etc Effectiveness of complaint and support mechanisms	Duty bearers
Outcome	Situation on the ground – rights realised in practice	Results	Actual awareness of rights Actual impact of policies and other measures Actual occurrence of violations	Rights holders

Structural indicators

- Focus on the State's **commitment** to human rights obligations and reflect, for example:
 - legislation and policies in place;
 - existence of institutional mechanisms.
- Common structural indicators include:
 - formal acceptance of standards – human rights treaty ratification;
 - scope/content/timeframe of strategies, policies, action plans;
 - independence and mandate of monitoring framework.

Process indicators

- Focus on the State's **efforts** to transform commitments into results and capture, for example:
 - the implementation of policy instruments;
 - effectiveness of the complaints and monitoring mechanisms.
- Common process indicators include:
 - budget allocation, sustainability and trend over years;
 - characteristics of complains mechanisms – judicial and quasi-judicial (e.g. availability, accessibility, affordability);
 - awareness raising efforts (existence, content, scope, training).

Outcome indicators

- Relate to the situation on the ground and focus on measuring the **results** of the states' commitments and efforts on individuals' human rights situation.
- Common outcome indicators include:
 - perception of human rights enjoyment;
 - number of respondents (in a survey) experiencing violations;
 - number of people participating in (empowerment) trainings;
 - number of people with disabilities who have access to personal support / assistive devices.

Structural indicators - example (general)

- Has there been a review of existing legislation to assess a Member State's compliance with Article XX, CRPD?
- Have existing or new legislation been amended to ensure compliance with Article XX, CRPD?
- How many 1) civil servants; 2) social workers; 3) health workers; 4) educators and 5) other service providers have been trained in CRPD annually since 2015?

Process indicators - example (Article 29)

- Is information on complaints mechanisms regarding political participation accessible to persons with disabilities?
- Are there guidelines for ensuring and improving access to polling stations? Scope and application (e.g. all types of disability?)

Outcome indicators: example (Article 19)

- Share of persons who live in a household having difficulty to access at least one service (grocery services or banking services or postal services or primary healthcare services or public transport) (*EU-SILC data*)
- Persons with disabilities receiving help (personal assistance, technical aids, housing adaptations) (*EHIS Wave 1*)

Indicators used in other EU countries – selected examples

Germany

- Dedicated website provides updated information on the implementation of the CRPD in the 16 Länder
- Monitoring of five areas:
 - Action plans
 - Equality laws and strategies
 - Voting rights
 - Coalition agreements
 - Violence in institutions

Voting rights for persons who have care in all matters



- Bundestag elections: yes
- Elections to the European Parliament: yes
- Baden-Württemberg: yes, temporarily until 24.10.2021
- Bavaria: yes
- Berlin: yes
- Brandenburg: yes
- Bremen: yes
- Hamburg: yes
- Hesse: no
- Mecklenburg-Vorpommern: yes
- Lower Saxony: yes
- North Rhine-Westphalia: yes
- Rhineland-Palatinate: no in state elections, yes in local elections
- Saarland: yes
- Saxony: yes
- Saxony-Anhalt: no in state elections, yes in local elections
- Schleswig-Holstein: yes
- Thuringia: yes

Voting rights for persons who are housed in a psychiatric hospital in prison



- Bundestag elections: yes
- Elections to the European Parliament: yes
- Baden-Württemberg: yes

Is the establishment of accessibility in local public transport a declared goal?



Indicators of accessibility in public transport were:

1. accessibility of stops and vehicles and barrier-free access to information (tickets, timetables, etc.);
2. a clear commitment to the establishment of unrestricted accessibility of public transport ("comprehensive", "full" accessibility of public transport or similar formulations);
3. Accessibility according to the requirements of the Passenger Transport Act ("full accessibility" of public transport until 01.01.2022, section 8 paragraph 3).

In order to achieve a positive evaluation, at least one of the three indicators must be met.

- **Bund:** yes
- **Baden-Württemberg:** yes
- **Bavaria:** yes
- **Berlin:** no
- **Brandenburg:** no
- **Bremen:** yes
- **Hamburg:** yes
- **Hesse:** yes
- **Mecklenburg-Vorpommern:** no
- **Lower Saxony:** yes
- **North Rhine-Westphalia:** no
- **Rhineland-Palatinate:** yes
- **Saarland:** yes
- **Saxony:** no
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- **Thuringia:** no



Denmark - 10 "golden" indicators

- “Performance” indicators based on statistics
- Developed as a result of wide consultation
- 10 areas
 - Equality and non-discrimination
 - Violence
 - Accessibility and mobility
 - Freedom and security of the person
 - Independent living and inclusion in the community
 - Education
 - Healthcare
 - Employment
 - Social security
 - Political participation



Number of persons affected by one or more coercive measures

Registry data from 2012 consist of a baseline determined as an average of the years 2011-2013, while registry data from 2016 are from the period 1 July 2016 to 30 June 2017. All 5 regions are included. The figures include adults, children and adolescents being treated in psychiatry. Coercive measures include: belt, straps, sedative medication, restraint, personal shielding, medication, coercion, and restraint. Source: The National Board of Health Data Indicators on [Forced Psychiatry](#).

Proportion of persons affected by one or more coercive measures in relation to the number of inpatients in psychiatry:

23%

6118

Between 2012 and 2016, the number has increased by 252 people or 4.3%

The total number of belt fixations over 48 hours:

488

Number of people being coerced (does not include emergency sedation):

810



Have you experienced financial deprivation within the last three years?

There are questions available for 2016 only, and not for 2012

[Show me more numbers >](#)

People with major mental disabilities who have experienced financial deprivation within the past three years:

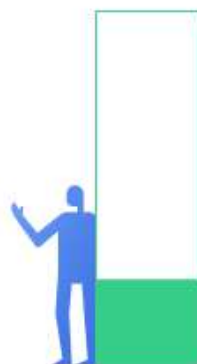
44%

People with minor mental disabilities who have experienced financial deprivation within the past three years:

29%

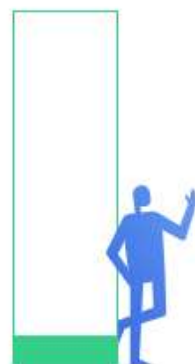
People with major physical disabilities who have experienced financial deprivation within the past three years:

36%



24%

People with disabilities



8%

People without disabilities



Conclusions

- When developing and using indicators, ensure wide engagement
- Start using the available data (indicators and areas for which there is data), then move on to topics for which there is (yet) no data
- Focus on topics of key importance for your country
- Ensure accessibility of communication

Thank you!



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