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Economic Commission for Latin America and the Caribbean
Subregional Headquarters for the Caribbean

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Convention on the Rights of Persons with Disabilities
11-12 November 2010
Port of Spain, Trinidad and Tobago

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**REPORT OF THE SUBREGIONAL WORKSHOP ON THE
IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF
PERSONS WITH DISABILITIES**

This report has been reproduced without formal editing.

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A. DECISIONS AND RECOMMENDATIONS

1. There should be a centralized registry of focal points on disability in each country.
2. Model legislation should be developed on disability.
3. Strong linkages should be developed with all stakeholders, especially with ministries of foreign affairs and central statistical offices.
4. Focal points in countries should assist in ensuring that all members of Parliament receive a copy of the Handbook on Disability.
5. Political will should be mobilized through a campaign, comprising celebrities, to raise awareness of the Convention on the Rights of Persons with Disabilities (CRPD), possibly through the establishment of a Group of Friends of the CRPD.
6. A donors' list should be circulated to focal points.
7. National registries on persons with disabilities should be established in each country.

B. ATTENDANCE AND ORGANIZATION OF WORK

1. Place and date of the session

8. The Economic Commission for Latin America and the Caribbean in collaboration with the Department of Economic and Social Affairs and the Office of the High Commissioner for Human Rights, supported by the United Nations Children's Fund (UNICEF) and the United Nations Population Fund (UNFPA), convened the workshop on the Implementation of the Convention of the Rights of Persons with Disabilities (CRPD) in Port of Spain, Trinidad and Tobago on 11-12 November 2010.
9. The Economic Commission for Latin America and the Caribbean (ECLAC) in collaboration with the Department of Economic and Social Affairs (DESA) and the Office of the High Commissioner for Human Rights (OHCHR) convened the meeting in Port of Spain, on 9 to 10 November 2010. Other sponsors of the meeting were the United Nations Population Fund (UNFPA) and the United Nations Children's Fund (UNICEF).

2. Attendance

10. Representatives of the following member States attended the meeting: Antigua and Barbuda, Barbados, Dominica, Grenada, Guyana, Jamaica, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, and Trinidad and Tobago.
11. Five associate members were represented: Anguilla, Aruba, British Virgin Islands, Cayman Islands and Montserrat.
12. The United Nations Secretariat was represented by DESA, the Economic and Social Commission for Asia and the Pacific (ESCAP) and OHCHR.
13. The following United Nations bodies were represented: UNICEF, United Nations Development Programme (UNDP), and UNFPA.
14. The specialized agency of the United Nations, the International Labour Organization (ILO), attended the meeting.
15. Representatives of the Caribbean Community (CARICOM) Secretariat, the University of the West Indies (UWI) and Disabled Peoples' International (Trinidad and Tobago Chapter) attended the meeting.

C. AGENDA

16. The provisional agenda was adopted, as follows:
 1. Ratifying, implementing and monitoring process of the CRPD: Implications of the Convention :Tools for assessing the current situation
 2. Mainstreaming tools for evaluation, legislation, policies, programmes and activities in the context of the CRPD
 3. Considering the built environment; conducting an accessibility audit
 4. Creating a log-frame: identifying what needs to be done, identifying priorities, allocating responsibility among stakeholders
 5. Setting the stage for implementation
 6. Disability statistics and data collection
 7. Identifying needs for support and cooperation
 8. Summary and closing

D. SUMMARY OF PROCEEDINGS¹

1. Ratifying, implementing and monitoring process of the CRPD: Implications of the Convention: Tools for assessing the current situation

17. That session examined the steps to be taken for ratification of the Convention and included discussions on national measures, domestic processes, the scope of reservations and interpretive declarations, the monist and dualist approaches for incorporating the CRPD in domestic legal systems. The hierarchy of convention in the legal system of States Parties was examined, along with general legal obligations, implementation measures, international monitoring mechanisms, the ingredients for compliance and the content of legal measures.

2. Mainstreaming tools for evaluation, legislation, policies, programmes and activities in the context of the CRPD

18. That session provided information and techniques for mainstreaming disability. The goals of mainstreaming and the definitions were outlined, as well as the essential elements that national capacity should contain. The rationale for mainstreaming disability was identified, the timing and techniques involved and the question of responsibility for that process. Finally, a checklist for mainstreaming disability was also provided.

3. Considering the built environment; conducting an accessibility audit

19. This was a practical session where participants were divided into small groups. The groups were given a questionnaire and instructed to conduct an audit of a specific aspect of the hotel where the workshop was convened. The areas audited included:

- Approach and car parking
- Routes and external level change including ramps and steps
- Entrances and reception
- Horizontal movement and assembly
- Vertical movement and internal level change
- Doors
- Lavatories
- Fixtures and fittings
- Information
- Means of escape

4. Creating a logframe: identifying what needs to be done, identifying priorities, allocating responsibility among stakeholders

20. That session was accomplished through a practical exercise. Guidelines on implementation through the creation of a logframe were provided to participants who were taught how to:

- (a) Construct two types of objectives
- (b) Articulate outputs and results
- (c) Establish activities, objectively verifiable indicators and the means of verification
- (d) Make assumptions, and
- (e) Examine other factors.

¹ A full summary of the content of each workshop module is contained in Annex 2

5. Setting the stage for implementation

21. Discussions were centred on developing and strengthening regular mechanisms of inclusion of persons with disabilities in decision-making, planning, implementation and evaluation at all levels, making use of information and data collection, advocacy, resource mobilization and networking. Methods of overcoming challenges were also explored.

6. Disability statistics and data collection

22. The session explored issues relative to statistics on disability and data collection. Participants looked at ways to improve the collection of disability statistics in support of the CRPD and the Millennium Development Goals. The census as a tool for collecting disability data was examined. Guidelines for the development of disability statistics, the purpose for collecting data on disability and the definition of disability were also reviewed.

7. Identifying needs for support and cooperation

23. A planning and priorities subcommittee was established to be coordinated by ECLAC. Membership of that subcommittee included: Guyana, Jamaica, Saint Lucia, University of the West Indies, Disabled Peoples' International.

24. At the end of the workshop sessions, there was a brief presentation by Disabled Peoples' International of a proposal for the establishment of a regional registry of persons with disability.

25. The workshop closed with further discussions on the kind of technical cooperation available from the United Nations agencies.

Annex I**LIST OF PARTICIPANTS****A. Member countries****Antigua and Barbuda**

- Jean Emelda Wade, Policy Director, National Vocational Rehabilitation Centre for Disability.
Email: jewy49@hotmail.com

Barbados

- Kerryann Ifill, Deputy President, Senate Barbados. Email: kerryann.ifill@barbados.gov.bb

Dominica

- David Johnson, Chief Medical Officer, Ministry of Health. Email: johnsond@dominica.gov.dm | dravjo_007@yahoo.com

Grenada

- Jeannine Sylvester-Gill, Social Worker, Ministry of Social Development. Email: jeannine.sylvester@gmail.com

Guyana

- Hugh Glasgow, Commissioner, National Commission on Disability. Email: ncd@gol.net.gy

Jamaica

- Christine Hendricks, Acting Executive Director, Jamaica Council for Persons with Disabilities.
Email: crizmax@hotmail.com | jcpd@cwjamaica.com

Saint Kitts and Nevis

- Denise Byron-Morris, Acting Supervisor, Ministry of Health, Social Services, Community Development, Culture and Gender Affairs. Email: tenns3@hotmail.com

Saint Vincent and the Grenadines

- Denise Harold, Case Worker, Ministry of National Mobilization, Social Development, Youth Affairs and Sports. Email: denised1525@hotmail.com | mobilisation1@hotmail.com

Saint Lucia

- Lancia Isidore, Executive Director, National Council for and of Persons with Disabilities in Saint Lucia. Email: lanciaisi@hotmail.com

Trinidad and Tobago

- Devika Goptar, Disability Affairs Specialist, Disability Affairs Unit, Ministry of the People and Social Development. Email: disabilityaffairs@gmail.com

- Patricia Lewis-Nelson, Research Officer I, Disability Affairs Unit, Ministry of the People and Social Development. Email: disabilityaffairs@gmail.com

- Kathleen Patrice, Special Education Teacher 2, Student Support Services Division, Ministry of Education. Email: patricekathleen@gmail.com

- Sean O'Brien, Central Statistical Office. Email: seanobrien.cool@gmail.com

- Jennifer Rouse, Director, Division of Ageing, Ministry of the People and Social Development.
Email: rousej@msd.gov.tt

B. Associate member countries

Anguilla

- Clive Smith, Senior Social Worker, Elderly and Disabled Unit, Department of Social Development, Ministry of Health and Social Development. Email: Fsmith8691@yahoo.com

Aruba

- Carroll Kock, Policy Advisor, Department of Social Affairs. Email: caroll.kock@dsz.gov.aw
 - Desiree Helder, Manager, Health Statistics, Central Bureau of Statistics. Email: dhelder@cbs.aw

British Virgin Islands

- Carolyn Stoutt-Igwe, Deputy Secretary, Ministry of Health and Social Development. Email: cstoutt-igwe@gov.vg

Cayman Islands

- Brent Holt, Senior Policy Advisor, Special Educational Needs, Ministry of Education, Training & Employment. Email: brent.holt@gov.ky

Montserrat

- Laura Taylor-Scotland, Director, Community Development, Ministry of Youth Affairs, Community Services and Sports. Email: taylorl@gov.ms

C. United Nations Secretariat

Department of Economic and Social Affairs (DESA)

- Akiko Ito, Chief, Secretariat for the Convention on the Rights of Persons with Disabilities. Email: ito@un.org
 - Bob Huber, Chief, Technical Cooperation Unit, Division for Social Policy and Development. Email: huber@un.org
 - Oleg Serezhin, Social Affairs Officer, Technical Cooperation Unit, Division for Social Policy and Development. Email: serezhin@un.org

Economic and Social Commission for Asia and the Pacific (ESCAP)

- Alastair Wilkinson, Regional Adviser Social Development and Planning. Email: wilkinsona@un.org

Office of the High Commissioner for Human Rights (OHCHR)

- Safak Pavey, Secretary to the Committee, Rights of Persons with Disabilities. Email: Spavey@ohchr.org

D. United Nations Bodies

United Nations Children's Fund (UNICEF)

- Charlene Thompson, Communications Officer. Email: cthompson@unicef.org

United Nations Population Fund (UNFPA)

- Derven Patrick, Technical Specialist, Subregional Office for the Caribbean. Email: patrick@unfpa.org

United Nations Development Programme (UNDP)

- Howie Prince, Disaster Risk Reduction Specialist, Regional Centre Port-of-Spain Office. Email: howie.prince@undp.org

E. Specialized Agencies

International Labour Organization (ILO)

- Hassan Ndahi, Senior Specialist, Skills and Employment, Caribbean Office. Email: ndahi@ilocarib.org.tt

F. Intergovernmental Organizations

Caribbean Community (CARICOM)

- Halima-Sa'adia Kassim, Deputy Programme Manager (Gender). Email: hkassim@caricom.org

G. Non-Governmental Organizations

Disabled Peoples' International (DPI)

- Kenneth McKell, Chairman, Annual General Meeting and Compliance Steering Committee (ACSC), Trinidad and Tobago Chapter of Disabled Peoples' International (TTDPI). Email: dpi_tt@yahoo.com | kmckell@flowtrinidad.net

H. Regional Institutions

The University of the West Indies (UWI)

- Innette Cambridge, Senior Advisor and Co-ordinator, Social Policy Programme and Disability Studies Unit, Department of Behavioural Sciences. Email: innette.cambridge@sta.uwi.edu
- Maria Thomas, Lecturer in Disability Studies, Disability Studies Unit, Department of Behavioural Sciences. Email: mdtspeced@gmail.com

I. Observers

- Fiona Walls, Senior Lecturer, Education, James Cook University, Australia. Email: Fiona.walls@jcu.edu.au

J. Secretariat

Economic Commission for Latin America and the Caribbean (ECLAC)

Subregional Headquarters for the Caribbean

- Hirohito Toda, Deputy Director/Officer-in-Charge. Email: hirohito.toda@eclac.org
- Sheila Stuart, Coordinator, Social Development Unit. Email: sheila.stuart@eclac.org
- Karen Bart-Alexander, Social Affairs Officer, Social Development Unit. Email: karen.bart-alexander@eclac.org
- Sinovia Moonie, Statistical Assistant. Email: sinovia.moonie@eclac.org
- Candice Gonzales, Research Assistant. Email: Candice.gonzales@eclac.org

Annex II

DETAILS OF WORKSHOP CONTENT

During the workshop, a number of presentations and interactive training exercises were conducted that enabled participants to gain knowledge and develop skills in addressing issues of disability in their countries. The content of the workshop sessions is reproduced below.

Session I: Ratification, Implementation and Monitoring of CRPD: Tools for assessing the current situation

Measures for ratifying and implementing the Convention

Objectives

- Understand the steps that States need to take at both national and international level for the ratification of the Convention;
- Propose measures to give effect to the Convention in the national legal order and highlight areas where adoption of or amendment to legislation might be required;

HRC interactive debate on legal measures

- The focus of the Module is the legal measures required for the ratification and the effective implementation of the Convention on the Rights of Persons with Disabilities.

Status of ratifications

International measures for ratification

- States must express their consent to be bound by the treaty in one of the forms prescribed by the Convention: ratification, accession or confirmation.

National measures for ratification

- Despite differences and specificities between countries, two approaches can be identified for national ratification,
- In civil law countries, ratification takes place through the approval of the treaty by the legislative branch.
- In most countries with a common law tradition, as well as in other legal systems, ratification of the Convention take place through an act of the executive

Domestic processes for ratification

- Regardless of the differences between the two approaches, domestic processes for ratification offer important opportunities for awareness-raising and promoting understanding of the treaty under consideration.
- To assess benefits and challenges of ratification, it is practice in certain States of conducting national interest analyses
- States should engage in wide **national consultation** prior to ratification. In particular, States have a duty States to closely consult and actively involve persons with disabilities in the development and implementation of actions that affect them (“*nothing about us, without us*”).

Reservations and interpretative declarations

- States -at the moment of the signature, ratification or accession of the Convention on the Rights of Persons with Disabilities- may wish to **adjust the application of the treaty by means of interpretative declarations or reservations**.

- Article 46 of the CRPD allows parties to lodge reservations provided that these are not **“incompatible with the object and purpose of the present Convention”**.

The incorporation of the Convention in the legal system of States parties

- It should not be assumed that once the Convention has entered into force for a State, it has automatically become part of its national law.
- There exist two main approaches to the status of treaties within the domestic legal system, States are free to decide on the manner in which they want to respect international law. One approach or the other are usually the result of legal traditions.

The hierarchy of the Convention in the legal system of States parties

- Some countries recognize to the Convention a **supra-constitutional rank**; others recognize to the Convention a **constitutional level**, similar to other human rights treaties; for some other countries international human rights treaties to which the State is a party are regarded as **standing above national laws**.
- Human rights treaty bodies have often addressed the issue of the place of international human rights treaties in the domestic legal hierarchy, demanding clarity as to the level of the treaty. Appreciation has been consistently expressed for States that have recognized **human rights treaties as holding constitutional status**.

General legal obligations

- **Article 4 of the CRPD** requires States “to ensure and promote the **full realization of all human rights** and fundamental freedoms **for all persons with disabilities without discrimination of any kind on the basis of disability**” and provides the overarching framework within which the rights specified in the Convention are to be promoted and protected.
- States are required to “**refrain from engaging in any act or practice that is inconsistent**” with the Convention and to “adopt **all appropriate legislative, administrative and other measures** for the implementation of the rights recognized in the ... Convention”.

Implementation measures

- Part of the implementation is a comprehensive review of the national legislation and policy framework. A review of existing laws, policies and programs/services is a duty that applies to all States. It is necessary to ensure that all relevant domestic law, including local or customary law, are brought into compliance with the Convention.
- States will be expected to amend or create implementing legislation. States will need to prohibit discrimination against persons with disability and find the most suitable formula.

Enhancing legal measures: Ingredients for Compliance

- The adoption of legal measures facilitating compliance with the Convention requires a re-qualification of priorities and goals in the different relevant areas. Some common elements emerge:
 - domestic legislation need to make explicit references to the CRPD;
 - higher standards of protection prevail: if the CRPD is ‘weaker’ than the state on certain issues then the national standard should be leading;
 - standards and guidelines for accessibility need to be provided and linked with societal benefits (not only for PWDs);
 - prohibition of discrimination on the ground of disability need to be ensured in all areas;
 - it is key to identify duty-bearers, including different levels of government, and private actors and their clear responsibilities;
 - DPOs and PWDs have a key role not only during the consultation process but also in the enhancement, monitoring and evaluation of legal measures;
 - an open format, where measures for accommodation are linked with measures for autonomy and protection of PWDs, is preferred;

- the role of national and international independent agencies and institutions to monitor and advocate for implementation, is key;
- the relevance of non discriminatory affirmative/positive actions;
- measures' objectives correspond to common achievements (the whole society, including other individuals and groups facing discrimination, will achieve results in the area of education, economic growth, culture, fight to discrimination, etc)
- factors for reasonableness of accommodation should be neutrally defined (individual differences rather than impairments);
- each measure requires mechanism for monitoring and accountability.

Content of legal measures

Definition of disability

- It is essential that definitions of disability in national legislation reflect an understanding of disability as a social phenomenon.
- National disability legislation must unequivocally protect all persons with disabilities, including persons with mental and intellectual disabilities, short term disabilities and other forms of disabilities not directly mentioned in the CRPD.

Equality and non-discrimination

- For the effective implementation of the right to equality and non-discrimination, it is above all necessary that:
 - a general guarantee of equality and prohibition of discrimination on the basis of disability be included in legislation, which shall apply to all public and private actors operating in a given country. Such guarantee shall extend to all forms of discrimination based on disability
 - legislation must afford a person reasonable accommodation, the obligatory nature of which must be clearly established.
 - equality legislation should foresee the adoption of positive measures required to promote de facto equality of persons with disabilities. Such measures might be either temporary or permanent, and shall not be considered discriminatory.

Accessibility

- For accessibility legislation to be effective, it is necessary first and foremost that minimum standards and guidelines for the accessibility of services and facilities open to the public be adopted.

Recognition before the law, legal capacity and decision-making

- In the area of civil law, interdiction and guardianship laws should represent a priority area for legislative review and reform.
- Besides abolishing norms that violate the duty of States to respect the human right to legal capacity of persons with disabilities, it is equally important that measures that protect and fulfill this right are also adopted.

Right to liberty and security of the person

- The Convention forbids deprivation of liberty based on the existence of any disability, including mental or intellectual, as discriminatory.

Right to live independently and be included in the community

- The key element of any intervention aimed at giving effect to the right to independent living and community inclusion is the explicit legal recognition of the right of persons with disabilities to determine where and with whom to live.
- It is necessary that the independent living principle be rooted in a legislative framework which clearly establishes it as a legal right and in turn places duties on authorities and service providers, while also allowing for recourse in case of violation.

Right to education

- Persons with disabilities have the right to education in an inclusive education system and the removal of legal barriers to the inclusion of persons with disabilities in the regular education system of the country.
- The duty to provide reasonable accommodation of the individual's requirements must be clearly established in national legislation. Such obligations shall be clearly established for all education providers, public or private.
- The obligations related to the right of children with disabilities to free and compulsory primary education are immediately applicable.

Right to work and employment

- Any legislation on employment of persons with disabilities needs to protect against any form of discrimination, direct and indirect, in all sectors, forms and levels of employment.
- National legislation shall impose the duty to provide reasonable accommodation, clarify the elements of such conduct and the factors upon which to assess the reasonableness of the accommodation, and unequivocally link a denial of reasonable accommodation to an act of discrimination.
- A general provision on the admissibility of affirmative action measures should be included in legislation,

Tips for StatesJudicial measures

- For rights to have meaning, effective remedies must be available to redress violations.
- States parties are also required to promote appropriate training on the Convention for the judiciary

International Monitoring Mechanisms**Objectives**

- Appreciate the relevance of the international monitoring mechanism established by the CRPD and its OP
- Know the main features of the Comm-CRPD and the steps required to initiate and follow up an individual communication and an inquiry procedure
- Identify main roles of states, DPOs, and OHCHR presences in promoting the ratification of the OP and ensuring appropriate follow up

The UN treaty bodies system

- The human rights treaty bodies are committees of independent experts that monitor implementation of the [core international human rights treaties](#). They are created in accordance with the provisions of the treaty that they monitor.
- There are eight human rights treaty bodies

Human rights complaint mechanisms

- Main UN mechanisms:
 - Complaint under the human rights treaties i.e. OP CRPD
 - Communications under special procedures
 - Human Rights Council's complaint procedure
 - complaint procedure of the Commission on the Status of Women (CSW)

International 'pressing'

- By maintaining a permanent constructive dialogue with states parties based on exchange of views, comments, recommendations and examination of complaints treaty-bodies keep states' responsibilities alive.

International monitoring mechanism established by the CRPD

- Article 34 of the CRPD establishes a Committee on the Rights of Persons with Disabilities, a committee of independent experts with several functions
- By becoming parties to the CRPD, States commit to provide the Committee with periodic reports on the implementation of the Convention.
- The Committee engages in a constructive dialogue with States and issues concluding observations and recommendations for follow-up action to improve and strengthen implementation of the CRPD.
- The Committee also holds days of general discussion during which the Committee discusses issues of general interest arising from the Convention; the Committee issues General Comments on specific provisions in the Convention or on specific issues which provide authoritative statements that clarify issues arising in the implementation of the CRPD.
- By becoming parties to the Optional Protocol to the CRPD (OP-CRPD), States commit (art.1 OP) to invest the Committee with the authority to receive complaints from individuals (known as communications) alleging violations of any of the provisions of the Convention.
- The Optional Protocol (art.6) also provides the Committee with the opportunity to undertake inquiries in ratifying countries upon receipt of reliable information indicating grave or systematic violations of the CRPD.

What's the Committee on the Rights of Persons with Disabilities?

- The Committee on the Rights of Persons with Disabilities is a body of 18 independent experts tasked with reviewing States' implementation of the Convention.
- States parties chose the experts on the basis of their competence and experience in the field of human rights and disability, and also in consideration of equitable geographic representation, representation of different forms of civilization and legal systems, gender balance, and participation of experts with disabilities. These experts serve in their personal capacity.

What is the OP-CRPD?

- The Optional Protocol is an international treaty, and a separate legal instrument attached to the Convention on the Rights of Persons with Disabilities (CRPD).
- The Optional Protocol is subject to separate ratification or accession.
- Reservations to the Optional Protocol are allowed if they are not incompatible with the object and purpose of the CRPD and the Protocol.
- The Protocol is 'optional'.
- The Optional Protocol establishes two procedures aimed at strengthening the implementation and monitoring of the Convention:
 - The first is an individual communications procedure;
 - the second mechanism is an inquiry procedure.

The OP's procedure for individual communications

- Individuals can complain to the CRPD Committee if they have been treated contrary to any of the articles of the CRPD.
- After examining the communication, the Committee will forward suggestions and recommendations to the State Party and the petitioner.

The OP's inquiry procedure

- The inquiry procedure allows the Committee to conduct an inquiry into reliable information indicating grave or systematic violations of the CRPD by a State Party.
- The Committee may transmit its findings, together with potential comments and recommendations to the State Party concerned.

Relevance of the OP-CRPD

- The OP-CRPD represents a key mechanism for the protection of victims of human rights and for the strengthening of national capacities.
 - The OP provides victims with an international accountability mechanism for addressing violations of the rights under the CRPD.
- The OP strengthens response of domestic remedies.
 - Through interpreting CRPD rights in the context of specific cases, it offers the Com-CRPD an opportunity to refine the understanding of their content.
 - It provides the Com-CRPD with a power of inquiry on allegations of serious violations against the CRPD
- The Optional Protocol will offer guidance to domestic courts and other human rights protection mechanisms by developing further the substantive content of CRPD rights and related obligations of States.

‘Fast’ adoption of the OP-CRPD confirms new trend in rights’ justiciability

Hints for complainants

- Who can apply?
- Against who?
- How?
- Admissibility criteria

Communications: Procedural Steps

The role of DOs and civil societies

- Civil societies and DPOs have a crucial role in strengthening the national implementation of the CRPD:
 - Assist individuals in bringing complaints.
 - Represent them before the Committee.
 - Inform inquiries.
 - Can and should monitor compliance by SP with recommendations.
 - Disseminate the jurisprudence
 - Filter between international (Committee) and national (NHRI-led framework) monitoring structures
 - Related activities: shadow reports, other complaints

Work of OHCHR field presences towards ratification of the OP-CRPD

- Some of the proposed activities that field presences may undertake towards ratification of the OP-ICESCR include:
 - use good arguments when advocating for ratification
 - training of relevant actors
 - encouraging legal and judicial activism,
 - ensuring that domestic courts and tribunals adequately provide redress for victims of violations of ESCR
 - gain support from other relevant UN components
 - issuing a press release on the anniversary of entering into force of the two instruments (3 May 2008) or the anniversary of ratification of the CRPD by the State
 - approaching and briefing parliamentarians to support ratification
 - raising ratification of the OP-CRPD in discussions with the Ministry of Foreign Affairs.
 - reviewing national legislation to assess the openness to complaints in the area of disability
 - identifying good national practices of judicial or NHRI protection of the rights of persons with disabilities

- briefing human rights and civil society organizations on the OP-CRPD and its meaning,
- highlighting the importance of ratifying the OP-CRPD when campaigning for specific rights
- underscoring the importance of access to remedies when discussing about impunity and the rule of law
- support media information campaign on disability rights, including on success stories from other countries parties to the OP

HROs' support to the CRPD international monitoring mechanism

- Provide national monitoring mechanisms (framework) with information on the State of implementation of the CRPD
- Provide information to the Committee for its constructive dialogue with States
- Provide expert advice and submit reports on the implementation of the Convention in areas falling within the scope of their mandates as required
- Identify potential breaches of the rights of individuals under the CRPD which could form the basis of a communication to the Committee under the Optional Protocol if the concerned States has ratified it
- Identify reliable information on grave or systematic violations of the CRPD which could be submitted to encourage the Committee to undertake an inquiry under the Optional Protocol if the concerned States has ratified it
- Follow-up on recommendations of the national monitoring mechanisms and the Committee to strengthen implementation of the CRPD
- Liaise with other United Nations relevant offices Admissibility criteria: Disseminate relevant documents and information to national and international partners
- Ensure consistency of reports and actions with international treaty bodies recommendations²

Session II: Mainstreaming: Tools for evaluating legislation, policies, programmes and activities in the context of the CRPD

Why Mainstreaming?

- Because everything we do affects people with disabilities
- Mainstreaming (if done properly!) is productive and involves more stakeholders and resources
- We benefit from the ideas and experience of others

Defining mainstreaming:

- A process of systematically bringing particular issues to the center of attention
- A tool for focus and inclusion
- A proxy for advocacy
- A strategy and process as well as a multi-dimensional effort

Goals of Mainstreaming:

- Greater social integration of persons with disabilities
- Inclusion of disability concerns into all aspects of social, political, economic and cultural life

² OHCHR Materials to assist in assessing the current situation of CRPD, various implementation, monitoring, ratification and reporting tools and publications were shared with the participants, which are all available on the CRPD Committee's website:

<http://www.ohchr.org/EN/HRBodies/CRPD/Pages/CRPDIndex.aspx>

<http://www2.ohchr.org/SPdocs/CRPD/CRPD-C-2-3.doc>

<http://www.un.org/disabilities/documents/toolaction/ipuhb.pdf>

http://www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf

Definition of Mainstreaming:

Mainstreaming of *disability* is the **process of assessing** the implications for *people with disabilities* of any planned action, including legislation, policies or programmes, in all areas and all levels. It is a **strategy** for making their concerns and experiences an integral dimension of the design, implementation and evaluation of policies and programmes in all political, economic and societal spheres so that *people with disabilities* benefit equally....”

Mainstreaming IS: A practical strategy to promote inclusion and action on disability across policy spheres.

Mainstreaming is NOT:

- Handing over responsibility for implementation to others;
- Inserting persons with disabilities into one component of a comprehensive national strategy or development plan;
- Adding the words “and persons with disabilities” in various parts of a policy document with no corresponding activities or budgetary allocation;
- Taking the place of specific projects or activities targeting persons with disabilities;
- Going to reduce the visibility of disability issues or persons with disabilities by “diluting” their concerns within other programmes.

Why should we mainstream disability?

- To ensure that policies and programmes
- reflect and respond to the interests and
- needs of persons with disability;
- To optimize resources by integrating disability into *existing* policies and programmes;
- To reduce differences between persons with disabilities and other members of society – to promote a “society for all”;
- To reduce the marginalization and social exclusion of persons with disabilities;
- To optimize contributions of persons with disabilities to society;
- To change stereotypes.

To mainstream we need to:

- Collect and use disaggregated quantitative data
- Collect and use qualitative information
- Analyze the situation of persons with disabilities in all regions
- Consider the impact of all policies and programmes on persons with disabilities
- Provide information and training to relevant officials, NGOs... on mainstreaming
- Establish focal points on disability in relevant government offices
- Improve networking/coordination among all stakeholders

Who is responsible for mainstreaming?

- Focal point on disability
- Ministry of Social Development, Health, Social Protection, Labour, Transport, Finance, Planning, Agriculture.....more?
- Non-governmental organizations (providing social services, research, publicity, grass roots projects)
- Religious/faith-based organizations (providing services, charity, small projects)
- Private sector (businesses, health insurance, service providers)
- Research community (data collection and analysis).

Some questions to be addressed:

- Is mainstreaming an understood and accepted strategy in your country?
- What experience and knowledge do you have, if any, on mainstreaming of any social group or issue (i.e. gender, ageing, human rights)?
- How successful have mainstreaming efforts (of any group) been? What has worked and what has not and why?
- What are obstacles to mainstreaming?
- What opportunities could a disability mainstreaming strategy create?

When is mainstreaming undertaken? From start to finish:

During situational analysis; policy development and implementation and monitoring

Tools and techniques for successful mainstreaming:1. Data collection and analysis (surveys)

- Disaggregated data on the socio-economic situation of persons with disabilities
- Participatory methods for collecting information to complement quantitative data

2. Awareness raising, advocacy and education

- Information dissemination regarding disability and persons with disabilities → to sensitize public opinion and combat negative stereotypes and ignorance
- Public advocacy of objectives of CRPD

3. Performance indicators

- Benchmarks to measure improvement of life quality and success of overall policy
- Periodic review of policies and programmes benefiting persons with disabilities

4. Reflection of disability in the social budget

- Establish mainstreaming office in finance ministry
- Annual budget process must take the concerns and problems of persons with disabilities into consideration → improved equity in national resource allocation

5. Evaluation of current laws, legislation and policies

- Review existing policies to ensure they reflect the concerns of persons with disabilities
- Impact analysis for new policy, programmes and laws regarding impact on disability

6. National coordination and international cooperation

- Coordinate development, sequencing of actions, implementation and evaluation of policies
- Share good practices
- Develop capacity of governments, NGOs, international organizations and donors for effective mainstreaming

Check List for Assessing Mainstreaming of Disability

- Is disability (or persons with disabilities) mentioned?
- Are persons with disabilities included as contributors and as target beneficiaries?
- Do the objectives address the needs of all?

- Indicators/data – disaggregated?
- Implementation – are persons with disabilities included in activities and budgets?

Session III: Considering the built environment: Conducting an accessibility audit³

What is Accessibility?

Article 9 of the Convention on the Rights of Persons with Disability refers to Accessibility:

- To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas. These measures, which shall include the identification and elimination of obstacles and barriers to accessibility, shall apply to, *inter alia*,
- Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces;
- Information, communications and other services, including electronic services and emergency services.

The CRPD is the first legally binding international instrument to provide in-depth articulation of the **responsibilities of governments to thoroughly address accessibility** so that people with disabilities may “live independently and participate fully in all aspects of life”.

States’ obligations with regard to accessibility include:

- Obligation to respect by refraining from engaging in any act, custom or practice that creates barriers to accessibility;
- Obligation to protect by ensuring that non-State or “private” actors (such as businesses that offer services and facilities to the public) do not create or fail to remove barriers to access for people with disabilities;
- Obligation to fulfil by affirming that States must take proactive action (such as indicated in the provisions outlined in Article 9) to ensure accessibility for people with disabilities.

³ Materials for conducting the accessibility audit were obtained online from the Essex County Council, United Kingdom, Schools Infolink website as well as University of Wisconsin’s:
<http://esi.essexcc.gov.uk/vip8/si/esi/dis/content/index.jsp?sectionOid=895&channelOid=19189&guideOid=19200&guideContentOid=21009>

Thinking about Accessibility

No one can enjoy a human right to which they do not have access, and the barriers that currently prevent people with disabilities from fully enjoying their human rights are abundant. Indeed, it is these barriers that are part of the concept of “disability” itself. As noted in the Preamble of the CRPD

(e) Recognizing that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environment barriers that hinders their full and effective participation in society on an equal basis with others.

Barriers to Accessibility

- **Physical:** These barriers include environmental barriers, especially those that exist in the built (in other words, human-made) infrastructure. They are some of the first barriers that people think of when considering access for people with disabilities, as they are the most obvious. For example, many people are now aware of the importance of ramps for wheelchair access to buildings with stairs or the need for curb-cuts in sidewalks to facilitate street-level access. Other physical barriers may be less obvious, however. For example, many people are unaware of the barriers faced by little people, who frequently have to interact with a built-environment primarily designed for “average-sized” people. In addition, people may not be sufficiently aware of the need for tactile or high colour-contrast surfaces to assist people with visual impairments as they navigate streets and buildings.
- **Informational:** Both the form and content of information can constitute barriers to access for people with disabilities. For example, publications or websites in small print or without adequate visual contrast may be inaccessible to people with low vision. Television that does not include captioning, subtitles, or in-set sign language interpretation will be inaccessible to people who are deaf. Similarly, television programming may also be inaccessible to people who are blind unless audio-description is available. Information that is not in Braille or other appropriate tactile forms may be inaccessible to people who are blind. In addition to form, the content of information is also of critical importance. For example, information that is not provided in plain language is unlikely to be accessible to many people with intellectual disabilities.
- **Institutional:** These include legislation, practices, or processes that actively prohibit or fail to facilitate access by people with disabilities. For example, in some countries people with psycho-social disabilities are expressly prohibited from participating in voting, while other people with disabilities may be unable to vote because of the absence of legislation or practice that ensures that they can both gain physical access to polling venues or voting booths and have access to the ballot and other voting information once they are there.
- **Attitudinal:** Perhaps the most pervasive barrier is the attitudes of many people. Sometimes people’s myths and stereotypes about people with disabilities can cause societies unconsciously to create accessibility barriers. In other cases barriers are created or maintained simply because people are unaware of their existence and the detrimental effect they have on the lives of persons with disabilities. For example, a restaurant owner may mistakenly believe that his restaurant is accessible to wheelchair users because there are “only a couple of steps” at the entrance, and may not appreciate the need for people to be able to enter and exit safely and independently. Such lack of awareness can have especially detrimental consequences in the area of technology. Although technology has the potential to enhance access for people with disabilities, technological advances that occur without incorporating accessibility features can create barriers. For instance, at a time when people increasingly rely upon mobile phones and the internet as sources of information and means of communication, many of the devices and software programmes available are not usable by

people who are deaf, blind or deafblind, leading to further marginalization and exclusion of these groups.

Important Concepts:

- “Reasonable accommodation”: necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms;
- “Universal design”: the design of products, environments, programmes and services to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design.

Conducting an Accessibility Audit:

To consider the extent to which the following promote or hinder accessibility for people with disabilities:

- the built environment
- attitudes and stereotypes
- institutional arrangements

An Accessibility Audit includes:

- Physical inspection of premises
- Use detailed checklists
- Conduct interviews with relevant stakeholders
- Record of findings
- Analysis of empirical evidence
- Suggestions and recommendations for improvement
- Timeframe and costing
- Follow-up, monitoring and evaluation of results

Session IV: Creating a Logframe: identifying what needs to be done, identifying priorities, allocating responsibility among stakeholders

A logical framework (or logframe) is a tool used for planning and implementation. It provides a structure for moving from goals and objectives to actions. A logframe creates the template for breaking large objectives down into manageable activities that can be more easily handled.

There are two types of objectives

1. The Ultimate Objective (long-term)

What is the reason for the Action - the broader goal towards which efforts are directed? What are we ultimately trying to achieve? Example: To contribute towards improving the quality of life of persons with disabilities through fulfillment of basic needs

2. The Immediate Objectives

What specific effects will the plan/policy achieve? Example: Improved social security and social welfare measures

Outputs/Results:

What kinds and how many outputs will be needed to meet the immediate objectives? Example: Formal social security systems established targeting vulnerable persons through the National Health Insurance Fund branches

Activities:

What activities need to be undertaken to produce the outputs? Examples: Support advocacy groups (including persons with disabilities) to hold talks with policy makers and programme planners at the National Social Health Insurance Fund

Objectively verifiable indicators:

Example: A (specific) number of groups established (by a set date) and talks held (by a set date)

Means of verification:

- How do we know whether we are making progress towards our immediate objective?
- What tools or methods are available to verify progress?

Assumptions:

What has to be in place or what has to happen in order for us to meet our immediate objective?

Other factors:

- Inputs:
 - What money, personnel, materials are necessary to conduct activities?
 - Who is responsible for the input and activity? Which is the lead agency?
 - In what timeframe will the activities be accomplished?

See Annex for a sample Logframe template.

Session V: Strengthening mechanisms for inclusion

- Challenges
- Overcoming challenges through:
 - information and data collection
 - advocacy
 - resource mobilization
 - networking

- Examples of some of the reasons most often cited for lack of implementation include:
 - Lack of information, research or data for politicians and policymakers – no disaggregated data;
 - Outdated information;
 - Weak or marginalized constituency; lack of critical numbers;
 - Other constituencies or issues are more visible or considered more pressing;
 - Low priority from donors;
 - Cost/benefit argument – what benefit will accrue to the politician, policymaker or government official? Who will care if they do anything for this group or not?
 - No commitment by working level civil servants to implement programmes – without the
 - Enthusiasm of mid and lower level personnel who are responsible for policy implementation, efforts will be slow and uneven;
 - No policy "ownership" due to little or no consultation with stakeholders during the policy formulation stage.

How to overcome challenges?

- Information and Data Collection
- Advocacy
- Resource mobilization
- Networking

Information and Data Collection for Policy Development

- Often called a "needs assessment"
- Consider types of information
 - quantitative
 - qualitative
- Define objective(s)
- Identify information at hand
- Identify additional sources of information
- Undertake a desk analysis of existing information and data
 - Major development documents that establish national priorities and goals – opportunities for mainstreaming?
 - Whether disability is considered in national legislation and policy
 - How is disability considered in national legislation and policy documents? ("welfare" vs. "empowerment")
- Identify gaps in existing information and data
 - What does the information tell you and what does it leave out?
 - What critical areas and priorities for policy does the information suggest?
 - What more do you need to know
 - Who else might provide the information you need?
- Consider stakeholder analysis
 - Who or what is a stakeholder?
 - What is the relevance of stakeholder analysis?

- What are the levels of stakeholders?

Establish a framework

1. Problem definition: What questions do you wish to have answered? What information are you seeking?
2. Recruitment of stakeholders: Who is responsible for identifying participants? What characteristics should they have?
3. Contact with respondents: Who will invite participants? How?
4. Incentives: Is it necessary to provide incentives for participation? If so, what incentives are deemed necessary (refreshments, transportation, stipend?)
5. Place: Where will the discussion be held? What do you need to do to ensure that the venue is available? Is the venue fully accessible?
6. Number of respondents: How large should the focus group be?
7. Guidelines for discussion: What topics will be discussed? How will the discussion be structured? How will participants make their contributions?
8. Moderator: Who will facilitate the discussion? What skills does he or she need to possess?
9. Conduct of the discussion: What is the timeframe for the discussion? How will inputs be received and how will information be recorded?
10. Analysis and validation: Who will review and analyze the information recorded during the discussion? What validation process is envisaged?

- Analyzing results
 - Major challenge
 - Important for policy relevance
 - Helps to build support
 - Leads to evidence-based policy
 - Ties into cycle of monitoring, evaluation and policy renewal

Advocating for and with persons with disabilities

- Perceptions of persons with disabilities have a big impact on the degree to which they are engaged and empowered.
- Advocacy with and for persons with disabilities takes time and attention.
- Advocacy aims to overcome longstanding negative stereotypes to generate support and to improve the likelihood that action will be taken.
- A key is identifying issues and developing an approach that works within the parameters of the national development agenda. Advocate the case for disability issues by suggesting that:
 - Including persons with disabilities will provide an economic boon to the country; Ignoring or excluding a large segment of the population is costly;
 - Involving persons with disabilities in social networks ensures that their knowledge, experience and point of view are included and can enrich national debates;
 - Involving persons with disabilities in national and community life helps to ensure the human rights and quality of life of everyone.
- *Establish or strengthening national committees*
- *Nurture links with academia and the research community*
- *Work with civil society organizations*
- *Work with the media*
- *Cooperate with the development community*
- *Engage the private sector*

Resource mobilization

- Resources are not just financial (also time, information, expertise)
- Build upon your own network and start locally.
- Consider the private sector and international sources. Which are the largest employers, how many small businesses are in your area? Are they aware of issues of disability? Are they supportive?
- Create a link between your organization's work and positive, measurable results.
- What kind of assistance is a potential donor able to provide (financial, in-kind, capacity building)? What are their requirements and how can you tailor your request to meet them? Indicate that you know a donor's work and can demonstrate how it fits with yours.

Networking

- There is strength in numbers!
- Successful organizations link with others, share activities and experiences and that are open to teamwork
- Networking is the ability to reach potential partners.
- Networking is part advertising, part public relations and part self-promotion.
- Networking is building relationships and developing a reputation for reliability.
- The best networkers are always in demand!
- Use all available resources:
 - Existing structures
 - Existing activities
 - Electronic resources
- Relationships are not passive.

Annex III**FAMILY POLICY LOGICAL FRAMEWORK WORKSHEET**

		Objectively verifiable indicators	Means of Verification	Assumptions	Other factors
Ultimate Objective or Goal of Policy	I. Strengthen and support families and local communities in providing care for children with disabilities				
Immediate objective:	1. Increase local caring and nurturing skills				
Output or results	1.1 System established for family and community education				
Activities	A.				
	B.				
	C.				