



## **Convention on the Rights of Persons with Disabilities (CRPD) Joint Committee**

**November 2015**

### **IMNI Monitoring and State Party Implementation**

#### **Purpose**

1. This paper provides an update on progress by the Independent Mechanism for Northern Ireland (IMNI) with the United Kingdom State Party regarding the implementation of the United Nations Convention on the Rights of Persons with Disabilities (the Convention) since the Joint Committee Meeting of November 2013.

#### **Overview**

##### **A: Monitoring Implementation of the UNCRPD**

2. The paper first sets out coordination at EU, UK and NI levels as part of our ongoing work to monitor the implementation of the Convention. The paper also summarises key themes from our evaluation work to date as well as the next steps towards reporting to the UN.

## **B: Advancing Implementation of the UNCRPD in Northern Ireland**

3. The paper then summarises our policy work and associated engagements towards advancing the implementation of the Convention in Northern Ireland – including via the Disability Strategy. The summary in this paper is supported by the further details in the associated papers.

## **A: Monitoring Implementation of the UNCRPD**

4. Commissioners will recall that in the previous meetings we discussed the timetable of the UN CRPD Committee for examination of the UK State Party Report and our preparations to prepare a parallel report in alignment with this.
5. Although at the last meeting of the Joint Committee we anticipated that the List of Issues hearing by the UNCRPD Committee would take place in 2015 with examination of the State Party Report following in 2016, the secretariat has now confirmed that the List of Issues will not be adopted in 2015. The Committee has indicated that it is anticipated that the list of issues will be adopted in the Autumn session of 2016 with the examination taking place in the Spring session of 2017.
6. On the basis of this revised anticipated timeline, the sections below outline a range of related activities towards developing our monitoring submissions for the UN Committee as well as developments at UK and EU levels.

### **Coordination at UK, EU and UN Levels**

#### **UK**

##### **List of Issues submission**

7. The UKIM List of Issues submission was published in December 2014 as 'Monitoring the implementation of the UN Convention on the Rights of Persons with Disabilities: The UK Independent Mechanism list of issues interim report' and forwarded to the CRPD Committee. It was also published in Easy Read and a BSL sign language version was also issued.
8. In light of the further delays to the UN examination timetable, it is now envisaged that the submission will be updated to incorporate information concerning any further developments regarding the implementation of the Convention once a further date for the List of Issues hearing is announced.
9. It is therefore envisaged that a stakeholder seminar will be held by IMNI in the new business year to seek confirmation that the issues identified in the IMNI Jurisdictional and UKIM reports still remain priorities and to seek information about any new developments which should be included in the reports.

## **UN**

10. Members of UKIM secretariat continue to be in contact with the Committee secretary.

### Guidelines for the participation of National Monitoring Mechanisms in the work of the Committee

11. In February 2015, the European Network of NHRIs CRPD Working Group (the CRPD WG), on which IMNI is represented, forwarded comments on the 'guidelines on the participation of NHRIs/NMMs in the work of the Committee on the Rights of Persons with Disabilities', proposed to be developed by the CRPD Committee, following from the inaugural meeting between the Committee and NHRIs and other independent national monitoring mechanisms (NMMs) on 25 September 2014.
12. The CRPD WG recommended that the guidelines:

- ensure NHRIs'/NMMs' most effective participation in the Committee's work and processes by including specific opportunities for NHRIs/NMMs to contribute to and support the work of the Committee, at all stages, including the:
  - reporting process: In the run up to and during the pre-sessional working group and the inter-active dialogue with the State Party; and follow-up to Concluding Observations;
  - communication and inquiry procedures under the Optional Protocol;
  - days of general discussion;
  - development of General Comments;
- formalise opportunities for NHRIs /NMMs to brief the Committee at the pre-sessional working group and prior to the interactive dialogue;
- guarantee independent speaking rights – that is, not dependent on the agreement of the State Party concerned - for NHRIs/NMMs at the pre-sessional working group and the interactive dialogue with the State Party;
- approve the greater use of new technology, such as video conferencing, to improve accessibility and strengthen NHRIs'/NMMs' participation in the work of the Committee;
- clarify the role of NHRIs/NMMs under the simplified reporting procedure;
- formalise a process to 'put in touch' from the earliest opportunity in the reporting cycle, the designated country rapporteur and a named contact within the relevant NHRI/NMM;
- affirm the central role of NHRIs acting as independent mechanisms (IM) working within a wider national framework to promote, protect and monitor implementation of the Convention by States Parties and affirm A status NHRIs as a best practice model of an independent mechanism in accordance with the provisions of Article 33.2.

13. The CRPD WG also raised concerns about ensuring sufficient advance notice of reporting schedules and length of submissions.

A member of IMNI met with the Committee secretary to discuss the development of a General comment on engagement with NHRIs/NMMs. Since then the International Co-ordinating Committee of NHRIs held a survey of all NHRIs on the content of the general guidelines. The results of this survey are currently being assessed. Engagement with the Committee and secretariat is ongoing.

## **EU**

### EU CRPD Monitoring Framework

14. The first high-level meeting of the EU's monitoring Framework for the UNCRPD<sup>1</sup> was held on 4 March 2015.
15. The Framework is comprised of representatives from the European Commission (Employment Social Affairs Inclusion), the European Parliament, the European Ombudsman, the European Union Agency for Fundamental Rights and the European Disability Forum.
16. The Framework's activities cover areas of EU competence which includes EU legislation and policies as well as the EU's public administration such as recruitment and access to documents.

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<sup>1</sup> The EU has been party to the United Nations Convention on the Rights of Persons with Disabilities since January 2011. As of February 2015, 25 EU Member States have also ratified the UN Convention. Finland, Ireland and the Netherlands have signed, but not yet ratified. As a party to the UN Convention, the EU is required to have a mechanism responsible for promoting, protecting and monitoring its implementation, by raising awareness of the rights guaranteed by the UN Convention, scrutinising legislation for compliance, examining complaints and assessing progress in the enjoyment of these rights. National monitoring mechanisms carry the main responsibility for promoting, protecting and monitoring the UN Convention in the EU Member States. The EU Framework is complementary to those mechanisms.

17. At the meeting, in advance of the review of the EU's progress in implementing the Convention by the CPRD Committee later this year, the political leadership of the EU Framework:
- reaffirmed their commitment to promote, protect and monitor the CRPD in the EU;
  - reiterated the commitment of each member to contribute to the Framework within their responsibilities and functions, in particular by implementing the Framework work plan for 2015-2016;
  - confirmed their willingness actively to participate in the review of the EU by the CRPD expert committee and to contribute to the follow up of the review.

#### Annual EU Work Forum

18. The Annual EU Work Forum on the UNCRPD took place in Brussels on 29 April 2015. One of the primary aims of the annual Work Forum is to sustain momentum across the EU in the process of implementing and monitoring the UN CRPD and to promote mutual learning between the EU and its Member States. The Work Forum brings together the key actors in the implementation and monitoring process – the various focal points, coordination mechanisms, monitoring mechanisms, disabled persons organisations (DPOs) as well as civil society organisations (CSOs) and other relevant international bodies. UKIM members were invited by the Department of Work and Pensions to attend the Forum meeting. The agenda focused on two key themes:

- Improving synergies between the EU and the national level in the implementation of the UN Convention:
  - Fulfilling the UN Convention obligations in relation to data collection;
  - The EU's Structural and Investment Funds contribution to the implementation of the UN Convention.
- What could be done differently to implement the UN Convention in the EU?

- Presentation of various alternative reports on the EU's implementation of the Convention.

Restricted meeting between the EU Monitoring Framework and National Monitoring Mechanisms

19. IMNI representatives also attended a restricted meeting (30 April) between the EU Monitoring Framework and National Monitoring Mechanisms to discuss how the EU framework and national frameworks could effectively complement each other and cooperate in promoting, protecting and monitoring the Convention in areas of EU competence and in particular considering:
- Upcoming activities to promote, protect and monitor the implementation of the CRPD;
  - The role of monitoring mechanisms in the review process with the CRPD Committee and in the follow up of concluding observations;
  - Cooperation between the EU Framework and national monitoring mechanisms.

European Network of National Human Rights Institutions CRPD Working Group (ENNHRI CRPD WG)

20. IMNI representatives attended the Spring 2015 meeting of ENNHRI CRPD WG in Brussels (28 April). Delegates reported on their organisations CRPD activities since the last meeting, considered a presentation by Equinet of the European Union Disability Strategy, received a brief update on developments at the European Union, Council of Europe and UN levels, discussed the follow up to CRPD WG paper on draft guidelines on NHRI/NMM participation and discussed planning for CRPD WG's strategic priorities, activities and ways of working 2015-2017.
21. Although IMNI members were unable to attend the Autumn 2015 meeting of the ENNHRI CRPD WG in Zagreb (26-27 October), a presentation on CRPD related developments at the Council of

Europe was prepared and forwarded to members (the Council of Europe is in the process of evaluating its Disability Action Plan (2006 -2015) with a view to developing a new Plan).

## **B: Advancing Implementation of the UNCRPD in Northern Ireland**

### **The Northern Ireland Disability Strategy**

22. In May 2015, the OFMDFM Junior Ministers McIlveen and McCann announced that the NI Executive's 'Strategy to Improve the Lives of People with Disabilities 2012 – 2015' would be extended until March 2017<sup>2</sup>, to 'ensure that focus remains, and give additional time for priority areas in the strategy to be progressed' whilst also signaling that 'the extension will have the additional benefit of providing adequate time to consult on and develop a new strategy'.
23. This extension had been anticipated as many of the actions proposed by the strategy had not been implemented.
24. The OFMDFM has now published the first annual report<sup>3</sup> on the strategy. Although a detailed analysis of the progress report has not yet been undertaken by IMNI staff, a cursory examination reveals that there is no information on the realisation of the proposed signature projects whilst much of the information in the document relates to existing initiatives and actions linked to the DDA; the positive disability duties; and the S75 duties. Whilst outputs are recorded against each of the strategic priorities within the strategy many of these are limited, suggesting a lack of effective implementation.

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<sup>2</sup> OFMDFM - Junior Ministers Jennifer McCann and Michelle McIlveen have announced the Executive's Disability Strategy will be extended until the end of March 2017. ~ Tuesday, 12 May 2015.

<sup>3</sup> NI Executive 'A Strategy to improve the lives of people with disabilities 2012 – 2015' Annual Report (June, 2015).



25. The implementation of the strategy has been undermined by the absence of effective oversight. The annual report on the Disability Strategy reported on the establishment of a Departmental Disability Strategy Focus Group, made up of representatives from a number of Departments. The aim of the Focus Group is to ensure coordinated and joined up approaches to the implementation of the strategy across all Departments.<sup>4</sup> Given the cross departmental nature of issues affecting persons with disabilities this is a welcome development. The Executive has also committed to the establishment of:
- ‘an oversight group to drive forward and monitor the implementation of the strategy. This group will be comprised of key stakeholders from the statutory, voluntary and academic sectors as well as individuals with disabilities. The group will also assist with monitoring and reporting against the UN CRPD more generally’.*<sup>5</sup>
26. IMNI has made contact with OFMDFM officials regarding membership of the oversight group.
27. As noted in the attached Engagement Activities paper, contact was made with officials in the Department on the potential for delivery of training by the United Nations Office of the High Commissioner for Human Rights (OHCHR) on the CRPD. Following official confirmation of the training by OHCHR, representatives of IMNI discussed with officials the potential for the training to be linked to the development of the new/revised Disability Strategy, following the expiry of the current strategy this year.
28. Training subsequently took place with the Disability Strategy Team in OFMDFM and officials from other Departments involved in the delivery of the Strategy on 10 June 2015 (see accompanying Engagement Activities paper for further details).
29. OFMDFM issued a consultation on annual indicators for ‘A Strategy to improve the lives of people with disabilities 2012 -

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<sup>4</sup> Ibid., p. 29.

<sup>5</sup> Ibid., p. 28

2015' (see below and accompanying Policy and Research update paper for details of ECNI response).

### **Jurisdictional List of Issues Working Paper**

30. As noted at the previous meeting of the Joint Committee, IMNI published a 'Jurisdictional List of Issues Working Paper' in July 2014. In the context of further delays to the UN examination timetable, it is intended that a stakeholder seminar will be held later in the new business year to seek confirmation that the issues identified in the Jurisdictional report remain priorities and to enable identification of any new and emerging issues. The Jurisdictional report will be finalised prior to the LOI hearing.

### **Public Policy Interventions**

31. IMNI have continued to reinforce the implementation of the CRPD in the development of public policy in Northern Ireland and have submitted responses to the following:
- DHSSPSNI: *The future support of Independent Living Fund Users in Northern Ireland* (ECNI: December 2014);
  - DHSSPSNI: *Service Framework for Children and Young People* (ECNI: January 2015);
  - OFMDFM: *Annual Disability Strategy Indicators* (ECNI: February 2015);
  - DHSSPS: *The Right Time, The Right Place – An expert examination of the application of health and social care governance arrangements for ensuring the quality of care provision in Northern Ireland* (ECNI: April 2015)
  - NI Assembly Education Committee: *Evidence on the SEND Bill 2015* (ECNI: April 2015)
  - NI Assembly Education Committee: *Further evidence on the SEND Bill 2015* (ECNI: August 2015)

- NI Executive: draft Childcare Strategy 2015- 2025 (ECNI: November 2015)
- DHSSPS: Draft Northern Ireland Implementation Plan for Rare Diseases (NIHRC: January 2015)
- NI Assembly: *Welfare Reform Bill* (NIHRC, February 2015);
- DHSSPS: Draft Standards for Supported Lodgings for Young Adults (aged 16-21) in Northern Ireland (NIHRC: February 2015);
- NI Assembly Education Committee: Evidence on the SEND Bill 2015 (NIHRC: March 2015)
- NI Assembly: Mental Capacity (NI) Bill (NIHRC: July 2015)

32. The accompanying Policy and Research update paper provides further details.

**IMNI**  
**November 2015**