Information Note from the Commission
on progress in implementing the UN Convention on the Rights of Persons with Disabilities

Introduction

This note, which is based on the third report from the Disability High Level Group\(^1\), outlines progress in ratifying by the Member States the UNCRPD as well as the formal confirmation by the EU, including the prospects for finalisation of the process. It also reports on developments in national implementation and monitoring of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

It focuses on governance aspect as covered by Article 33 of the UNCRPD (formal governance mechanism, participation of civil society and collection of statistics on disability). Furthermore it provides information on national strategies and actions developed in order to effectively put in practice the UNCRPD and it draws attention to areas for EU-level cooperation.

Ratification/formal confirmation/accession

As already reported before, the Convention has been signed by the European Union and all its Member States. Significant progress has been achieved since the publication of the previous report (June 2009). Latvia has signed the Optional Protocol. Seven\(^2\) Member States have ratified the UNCRPD. Four\(^3\) Member States have ratified the Optional Protocol.

The current situation is\(^4\):

- All Member States and the EU have signed the Convention.
- 21 Member States have signed the Optional Protocol to the Convention.
- 14 Member States have ratified the Convention. (Austria, Belgium, Germany, France, Hungary, Italy, Portugal, Spain, Slovenia, Sweden, United Kingdom the Czech Republic, Denmark and Latvia)

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\(^1\) [http://ec.europa.eu/social/BlobServlet?docId=2790&langId=en](http://ec.europa.eu/social/BlobServlet?docId=2790&langId=en). The report goes into more detail on the state of play in the conclusion of the Convention and the Optional Protocol and provides a detailed overview of progress in national implementation and monitoring of UNCRPD, containing both governance aspect as covered by Article 33, as well as information on national strategies and actions developed in order to effectively put in practice the UNCRPD.

\(^2\) BE, CK, DK, FR, LV, PT, UK

\(^3\) BE, FR, PT, UK

\(^4\) Annex 1 to the Third HLG Report provides a table with a detailed overview.
11 Member States have ratified the Optional Protocol (Austria, Belgium, Germany, France, Hungary, Italy, Portugal, Spain, Slovenia, Sweden and United Kingdom).

The EU made significant progress in its internal procedures to conclude the UNCRPD, adopting in November 2009 the Council Decision concerning the conclusion by the EU of the UNCRPD. This is an important milestone, even if the EU has not yet deposited the instruments of formal confirmation with the UN Secretary General given the need to firstly adopt a Code of Conduct that contains the details for the cooperation between the Member States and the EU.

The proposal for the EU accession to the Optional Protocol is still under discussion in the Council.

As the Convention and the Optional Protocol came into force already on 3 May 2008, the conclusion of both instruments by the Union and all its Member States has become a matter of increasing urgency. The procedures that need to be completed in the Member States and at EU level should be actively pursued with a view to the deposit in due time of all the instruments of ratification/formal confirmation and/or accession.

The process

The ministers gathered at the first informal ministerial meeting on disability issues on 11 June 2007 organised under the German Presidency, mandated the Disability High-Level Group5 (‘HLG’) to report annually on the progress by the EU and the Member States in implementing the Convention.

The first joint report was discussed by the ministers responsible for disability issues, in Kranjska Gora on 22 May 2008 under the Slovenian Presidency.

The HLG's second report responded both to the Council's requests in the Resolution6 to assess how national actions reflect the commitments entered into by the European Union and the Member States with a view to implementing the UNCRPD and to the Slovenian Presidency's Conclusions 7. The second report, identifying seven priority areas where collaboration at EU level could be useful, highlighted progress in the nine priorities for joint action that were identified in the first report. The second report also highlights the importance of four key matters for the implementation of the UNCRPD that were presented at the ESPSCO Council in June 2009.

The third HLG Report on the implementation of the UNCRPD complements the two previous Reports. The first and second Reports focussed on areas mainly under the material scope of the UNCRPD and this information in most cases has not changed substantially in one year. In the third Report there is an additional focus on procedural matters and governance aspects.

5 HLG comprises Member State experts and stakeholders
All three Reports together shall contribute to the development of the future EU Disability Strategy and also aim to facilitate the later reporting under the UNCRPD obligations.

**Implementation and monitoring of the UNCRPD**

*Implementation*

The effective implementation of the UNCRPD shall ensure the full realization of all human rights and fundamental freedoms for all persons with disabilities. Given the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination, the most appropriate way to fulfill the commitments under the UNCRPD is the development of a comprehensive strategy.

At the EU level already seven Member States are undertaking strategies which specifically aim to implement the UNCRPD at a national level. Further eight Member States and the EU are currently developing such strategies. Some Member States are currently undertaking national strategies which deal with issues corresponding to those addressed in the UNCRPD without explicitly referring to the Convention.

Furthermore an effective implementation of the UNCRPD requires also a proper governance structure. To that end, Article 33.1 UNCRPD obliges the States Parties, to designate one or more focal points within government for matters relating to the implementation of the UNCRPD, and to give due consideration to the establishment of a coordination mechanism to facilitate related action in different sectors and at different levels.

By now twenty four Member States and the EU have established or decided upon a focal point. Thirteen of them have also established or decided upon specific coordination mechanisms. The details of the Commission's role as focal point for the implementation of the Convention on behalf of the European Union, as well as close cooperation between the EU mechanisms and those of Member States are to be laid down in the Code of Conduct and will be implemented in the new European Disability Strategy 2010-2020.

The UNCRPD is a mixed agreement, meaning that the matters it covers fall within the competence of Member States and/or of the European Union. Implementation work done in Member States and in the EU, while recognising the separate responsibilities, should aim to increase co-operation between them. This should be facilitated within the new European Disability Strategy, where this delivers benefits in terms of improving the situation of persons with disabilities across Europe and allowing for effective delivery of Member States and EU responsibilities and a better coherence between them. Because of the monitoring and reporting requirements on the EU and Member States stemming from the UNCRPD, co-operation between focal points, for example, may be beneficial in terms of reporting processes adopted to ensure an efficient approach. In more general terms, and

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8 AT, CZ, DK, DE, LV, SI, ES  
9 BE, BG, EE, FI, HU, IE, LU, SE  
10 CY, EL, FR, LU, LV, NL, PL, PT, SK, SE, UK  
11 AT, BE, BG, CY, CZ, DK, DE, ES, FR, HU, IE, IT, LV, LU, LT, MT, NL, PL, RO, SK, SI, SE, UK  
12 AT, BE, CY, DK, DE, ES, FR, HU, IT, NL, SE, SK, UK
responding to the duty of close co-operation, there may be benefits from co-operation between MS and the EU in, for example, exchange of ideas and good practice and in joint implementation in areas relevant for the single market.

**Monitoring**

Article 33.2 of the Convention obliges State Parties to maintain, strengthen, designate or establish a framework, including one or more independent mechanisms in line with the Paris principles \(^{13}\), to *promote, protect and monitor* its implementation. The Convention also lays down specific provisions on the full involvement and participation of persons with disabilities in the monitoring process.

Six\(^{14}\) countries have already established independent mechanisms for monitoring. All Member States recognise the importance of the role of civil society in developing or implementing laws related to disability-issues and they all already strongly involve civil society in advising, supporting and fostering of national laws related to disability-policy. However, only eight\(^{15}\) of them have developed a specific strategy or mechanism to involve civil society in the process of monitoring the UNCRPD. Given the complexity of the matter, also the EU is still in a process of studying the best ways to establish an independent mechanism for monitoring and for the involvement of civil society.

The monitoring system and proper reporting require collection of statistical data. Eighteen\(^{16}\) Member states are currently using national mechanisms to collect data relevant to the information referred to in the UN Convention but they express the need for additional data to comply with the reporting Guidelines issued by the Committee on the Rights of Persons with Disabilities. Further five\(^{17}\) are also developing indicators or mechanisms for statistics collection which correspond to the mechanisms referred to in the UNCRPD.

However, there are still Member States that either do not yet have a statistics mechanism relevant to the Convention, or still encounter difficulties in the collection of specific data on disability. Furthermore as many of the articles of the UNCRPD deal with matters falling under EU competences there is a need to collect statistical data in a comparable manner in the EU that addresses those areas. This was already highlighted as a conclusion in the previous report and deserves urgent attention and support.

Therefore it would be beneficial to look for *common indicators* and specific parameters drawn up at EU level especially in respect of areas of EU competence. There is a need to consider comparable, systematic *data collection* in the EU in order to have an overview of the situation of persons with disabilities in relevant areas of life.

In this context due attention shall be given to the parallel work on indicators done by the Council of Europe.

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\(^{14}\) AT, CZ, DE, ES, LV, UK

\(^{15}\) AT, CZ, ES, FR, DE, IE, SI, UK

\(^{16}\) AT, CZ, DK, EE, EL, FI, FR, DE, IE, IT, LV, LT, LU, MT, RO, SI, ES, UK

\(^{17}\) CY, HU, LV, NL, ES
Conclusions

1) National contributions to the report largely expressed the need to share information, experiences and good practices. In this light, Member States suggested the organisation of focussed thematic meetings and workshops, where peer reviews and discussions could lead to an effective exchange of experiences in order to ensure the effective implementation of the UNCRPD in the European Union.

This could be done on a regular basis with a proper follow-up and dissemination of the gathered information. Anticipating on the planned publication of the EU new Disability Strategy 2010-2020 in the autumn of 2010, one could see the added value of the developing national strategies to implement the UNCRPD in close cooperation throughout the EU.

2) Member States suggested that mutual learning and coordination would be beneficial in relation to setting up a regular framework for implementation and monitoring of the Convention, implementing Article 33 of the UNCRPD. Member States and the EU could develop methods of cooperation and they would benefit from regular contact and exchange of information. Pursuant to Article 33.3 a stronger involvement of European Disability organizations at European level and national NGOs at Member State level needs to be considered as well as increased coordination between national and EU level NGOs.

In that context regular meetings of the governance mechanisms of the Convention at an EU work forum would be of added value.

3) In this context, need for coordination of the reporting to the UN and coherent implementation of UNCRPD in areas of mixed competences was pointed out. Therefore close cooperation by setting up the EU coordination mechanism and looking at reporting guidelines\(^\text{18}\) to ensure efficient operation was welcomed.

There is a clear need to start working on that even before all the Member States and the EU deposit their instruments of conclusion.

4) National contributions also proved that in order to prepare an appropriate report, there is a common need to reflect on how to address the statistical/data requirements at three levels. The EU and Member States focal points could work together to see what data Member States need to provide to cover their areas of competence, what is needed to service shared competences, and what data the EU needs to cover areas of its sole competence. In order to be able to respond to the UNCRDP reporting requirements and informed policy making, the EU may carry out EU wide surveys on disability statistics and data collection.

5) Member States have reported putting in place a number of instruments for the changes needed to implement the UNCRPD that deserve to be better known. Their visibility can be raised by providing a clear common overview of these instruments. The European Commission will consider the elaboration of such a tool as an element of the New European Disability Strategy to be in place across the EU by 2015.

6) The fact that the EU, together with its Member States is for the first time ever becoming a party to an UN comprehensive human right treaty, requires raising the profile of disability matters in main EU policies. In this regard, it was considered of great importance that the New European Disability Strategy establishes clear links to Europe 2020 by mainstreaming disability matters in all the relevant flagship initiatives.