



**Convention on the Rights
of Persons with Disabilities**

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Committee on the Rights of Persons with Disabilities

**Working methods of the Committee on the Rights of
Persons with Disabilities adopted at its fifth session (11-15
April 2011)**

Introduction

1. These working methods, which are subject to periodic review, were developed to guide the work of the Committee on the Rights of Persons with Disabilities and to complement the Committee's rules of procedure.
2. The present working methods reflect the eight general principles that underpin the Convention on the Rights of Persons with Disabilities.

I. Reports of States parties

A. Consideration of reports submitted by States Parties

General

1. According to article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities, States parties are obliged to submit to the Committee within two years of the ratification of the Convention, and every four years thereafter, a report on the implementation of the Convention in the State party concerned. The Committee shall endeavour to engage constructive dialogue with States parties with the aim of helping them to better implement the Convention.
2. The Committee, through its Secretariat, will notify reporting States parties of the dates, duration and venue of the session at which their reports will be examined.
3. State party reports will be examined in public meetings of the Committee. All relevant stakeholders may attend, including representatives of organizations of persons with disabilities, persons with disabilities and their families, and other interested parties. Summary records of the meetings will be published.
4. The Chair of the Committee, or the representative thereof, will conduct a constructive dialogue with the reporting State party. The Committee, through its Secretariat, will invite the State party to be represented at the dialogue by a delegation. During the dialogue, the Chair will invite the delegation to present the report, focusing on relevant new developments since its submission. The Chair will invite members of the Committee to pose questions or to comment on the first group of rights to be reported on, as provided for in the reporting guidelines, and accord the delegation time to respond. The deliberations will proceed in the same manner for the next group of rights, until the Committee's questions regarding all the groups of rights under the Convention have been addressed. The Chair will then invite the delegation of the State party to give a closing statement.

B. List of issues

5. On the basis of information at its disposal, the Committee will formulate in advance a list of issues for which supplementary information to that contained in the common-core and treaty-specific documents is required. States parties will be requested to provide brief and precise replies in writing, not exceeding 30 pages. States parties may submit additional pages of statistical data, which will be made available to Committee members in their original format, as submitted.

C. Examination of State party reports

6. The selection of reports to be examined by the Committee will normally be based on the chronological order of receipt, with priority given to initial and long-overdue reports.
7. The Committee will normally reserve two three-hour meetings for the examination of States party reports.
8. If a State party does not send a delegation or requests a postponement of the constructive dialogue with the Committee, the Committee may decide to proceed with the dialogue without the presence of a delegation or, alternatively, agree to postpone the dialogue.

D. Participation of Committee members in the examination of reports

9. Members of the Committee will not intervene in any aspect of the examination of reports submitted by States parties of which they are nationals.

E. Role of the country rapporteur

10. The Committee may name one or two members as country rapporteur(s) on each report received from States parties.
11. The country rapporteur(s) shall prepare a draft list of issues on the State Party report for which they are responsible prior to the dialogue, and draft concluding observations following the constructive dialogue.

F. State party delegation

12. The delegations of reporting States parties should comprise persons who possess the knowledge, competence and authority to explain all aspects of the human rights situation of persons with disabilities in the reporting State, as well as respond to the Committee's questions and comments concerning the implementation of the Convention.

G. Concluding observations

13. Following the constructive dialogue with a State party, the Committee will adopt its concluding observations in a closed meeting.
14. The concluding observations will comprise the following sections:
 - Introduction
 - Positive aspects
 - Factors and difficulties that impede the implementation of the Convention
 - Principal topics of concern
 - Suggestions and recommendations
15. In its concluding observations, the Committee may request a State party to submit complementary information, in accordance with article 36 of the Convention and within a set deadline, in order to better evaluate the level of implementation of the Convention in the State party concerned.

16. The Committee will include in its reports to the General Assembly the text of its concluding observations to the States parties whose reports it has examined, together with any comments received from the States parties concerned.

H. Publication of concluding observations

17. Once adopted, the concluding observations will be transmitted to the State party concerned. Concluding observations will be made public on the last day of the session at which they were adopted, and posted on the website of the Office of the High Commissioner for Human Rights (OHCHR). They will be included in the Committee's sessional and annual reports to the General Assembly and the Economic and Social Council.

18. The Committee's concluding observations will be made available to all concerned departments, agencies, funds and programmes of the United Nations, as well as other competent organizations that wish to extend international cooperation.

I. Follow-up to concluding observations

19. States parties will be requested to focus in a detailed manner on the topics of concern identified by the Committee in its concluding observations.

20. The Committee may request States parties to provide written information on the implementation of the suggestions and recommendations contained in the concluding observations adopted in relation to their previous report.

21. The Committee may appoint one of its members to serve as rapporteur to follow up the concluding observations adopted in relation to a State party report. The country rapporteur on a report may be called on to serve as the follow-up rapporteur on the corresponding concluding observations.

22. The follow-up rapporteur will establish a deadline, not exceeding 12 months from the date of notification, for States parties to submit the information requested. Once the requested information is received from the State party, the follow-up rapporteur will submit a follow-up report to the Committee within two months. If the follow-up rapporteur does not receive the requested information by the deadline, he or she will inform the Committee.

J. Documentation supplied by the Secretariat

23. The Secretariat will prepare a country file on each reporting State party, including country-specific information provided by specialized United Nations agencies, national human rights institutions and civil society organizations.

24. The Secretariat will also prepare a country profile on each reporting States party. The file will be updated and made available to the members of the Committee in accessible formats.

25. The Secretariat shall provide all official documentation required by the members of the Committee well in advance, but at least one month prior to the start of each session. Such documentation shall be in the working languages of the Committee and accessible formats. Other documentation will be transmitted as received.

K. Early-awareness and urgent-action procedures

26. These special procedures are aimed at preventing existing problems within States parties from escalating into full-fledged conflicts or preventing the revival of pre-existing problems. They will also be used to consider issues that may require immediate attention in order to avoid serious violations of the Convention or to reduce the number or degree of such violations.

27. The Committee or interested parties, including non-governmental organizations (NGOs), may request activation of these procedures. Such requests should be submitted to the Committee in writing, accompanied by supporting evidence or information to justify the request. The Committee will establish a working group on early awareness and urgent action to oversee the procedure, which will include examination of requests for activation of the procedure, formulation of recommendations to the Committee with regard to the request, authorization of written communication to the State party concerned, formulation of questions.

28. Representatives of the State party concerned will be invited to meet with the working group to discuss the main concern(s). The members of the working group will pose questions to the State party representatives who will be expected to provide responses. The working group may also examine the material in the absence of State party representatives. NGOs and other interested parties may submit comments in writing. Following the examination of the problem, the Committee will adopt a final decision, in which the State party concerned may be asked to take certain specific measures to rectify the situation and submit further information in its next periodic report.

29. This special procedure may designate a follow-up rapporteur on early awareness and urgent action to follow up the procedure in the same way as the follow-up rapporteur on concluding observations.

II. Relationship with other organizations and agencies for the completion of the work of the Committee

A. Submission of written information by specialized agencies

30. In accordance with article 38 of the Convention, the Committee may invite specialized agencies and other agencies of the United Nations to submit written information on the implementation of the Convention in its areas of competency.

31. The Committee may invite specialized agencies to provide specialized advice on the implementation of the Convention in the areas of their respective mandates.

32. The Committee may indicate the time limit within which such information must be presented to it.

B. Participation of representatives of United Nations specialized agencies

33. The representatives of specialized agencies of the United Nations may participate in the public meetings of the Committee.

34. The Committee will designate one or more of its members to act as coordinators for its relationships with other United Nations entities.

C. Interaction with special procedures mandate holders

35. The Committee will invite special procedures mandate holders active in areas that are relevant to its work to attend its sessions. The special procedures mandate holders may be invited to address the meeting and participate in its deliberations.

36. The Committee will invite the Special Rapporteur on disability of the Economic and Social Council Commission for Social Development to attend a session at least once a year in order to report on relevant aspects of the mandate. The Special Rapporteur may also submit written information regarding reporting States parties.

37. In addition, the Special Rapporteur on disability will have the right to participate in all of the public sessions of the Committee.

D. Participation of national human rights institutions

38. The Committee will invite national human rights institutions to contribute in an active and independent manner to the report preparation process of the State parties, and to submit information to the Committee on reporting States parties.

39. Contributions from national human rights institutions must also take into consideration the diversity of persons with disabilities.

40. The Committee may designate focal points to foster the interaction with these entities, when it deems necessary.

E. Participation of civil society, including non-governmental organizations

41. In accordance with article 38 (a) of the Convention, the Committee may invite specialized agencies and other competent bodies to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates.

42. Considering the importance of organizations of persons with disabilities, particularly their design, application and evaluation of public policies, legislation, plans and programmes, the Committee emphasizes the importance of the participation and consultation of such organizations by States parties in the preparation of their reports, in order to reflect the reality of persons with disabilities. States parties are encouraged to provide reasonable adjustments and support to enable effective contributions from the different sectors of persons with disabilities.

1. Submission of written information

43. The Committee welcomes the submission of reports and other documentation by NGOs, in particular organizations (international, regional, national, local) of persons with different disabilities, which enable it to have a more complete understanding of various problems affecting the implementation of the Convention in a specific State party. Similar information can be submitted by NGO coalitions or committees. The Committee requests that such information be transmitted to it at least two months prior to the relevant sessions of the Committee.

44. Written reports should take into account the perspective of gender, age and other conditions that affect the vulnerability of persons with disabilities.

45. The contributions of NGOs must be relevant to the matters examined by the Committee.

46. Based on the written submissions, the Committee will invite credible NGOs to participate in its meetings, thereby providing an opportunity for dialogue on the implementation of the Convention by the States parties concerned.

47. The Committee will develop guidelines on the participation of NGOs and national human rights institutions in its meetings. The participation guidelines will be made available on the Committee's website in accessible formats. NGOs, national human rights institutions and other competent organizations may request a private meeting with the Committee. The Chair of the Committee shall decide whether to accede to such requests and shall inform the Committee accordingly.

2. Presentation of verbal information

48. NGOs may attend the public meetings of the Committee, including the meetings at which reports of States parties are considered. NGOs wishing to attend a meeting must request accreditation from the Secretariat within the time frame set out on the website of the Committee.

49. NGOs that submit information on reporting States parties may make oral presentations to the Committee.

50. The presentations of NGOs should:

- (a) Focus specifically on the rights provided for under the Convention;
- (b) Have direct relevance to the matters before the Committee;
- (c) Incorporate the perspective of gender, age and other factors that affect the vulnerability of persons with disabilities.

51. These meetings will generally be public; however, NGOs may also request a private meeting.

52. The Secretariat will, on request, provide assistance to invited NGOs.

3. Side events

53. NGOs may organize side events during sessions to provide further information to the Committee members.

III. Other activities related to the reporting process

A. General comments

54. The Committee may formulate general comments with regard to articles, observations or specific themes concerning the Convention, with the aim of assisting States parties in the implementation of the Convention, and to encourage international organizations and NGOs to efficiently foster the realization of the rights established under the Convention.

55. The Committee may distribute the general comment proposal to a limited number of experts to receive their opinions.

56. The formulation of a general comment consists of the following stages:

- (a) Consultation with specialized agencies, NGOs, academia and human rights agencies through a day of general or thematic discussion;
- (b) Drafting of a general comment proposal by a designated Committee member, based on the consultation;

(c) Adoption of the proposal by the Committee.

57. Once it is adopted, the text of the general comment will be broadly distributed by means of mass media and the Committee's website.

B. Days of general and thematic discussion

58. The Committee may organize days of general and thematic discussion during its regular sessions on matters of general interest related to the application of the Convention.

59. The Committee will schedule days for general and thematic discussion concerning specific provisions of the Convention or related issues. Information will be available from the Committee's website at least two months in advance.

60. In preparation for days of general discussion, the Committee may establish working groups entrusted with the conceptual and practical planning of these days.

61. The days of general discussion will be open to the public, including representatives of States parties, United Nations agencies, NGOs, national human rights institutions, professional associations, academia, youth and other interested parties. These meetings will include representatives of persons with different types of disabilities: mental, intellectual, physical, sensory and other.

62. On the days of general discussion, the Secretariat will ensure accessibility logistics, reasonable adjustments and support for the effective participation of all participants.

63. Following each day of general discussion, the Committee will compile the recommendations, which will serve as an *aide memoire* for drafting the general comment.

C. Statements of the Committee

64. In order to assist States parties in implementing the Convention, the Committee may issue statements that reaffirm and/or clarify its position with regard to important events and international matters covered under the Convention. The Committee may also issue joint statements with other committees, human rights mandate holders or international organizations.

65. The statements will be posted on the Committee's website and widely disseminated to States parties in all accessible formats.

D. Meetings with States parties

66. During its sessions, the Committee will regularly organize official consultations with States parties to discuss matters of common interest or questions raised by the Committee.

IV. Optional Protocol: individual and group communications

A. Special Rapporteur on communications under the Optional Protocol

67. The Committee shall appoint a Special Rapporteur on communications under the Optional Protocol to the Convention. The Special Rapporteur will prepare draft model form for the submission of communications, which will be accessible via the Committee's website in all working languages of the Committee. The Committee shall request States

parties, specialized agencies and NGOs to make this material available in accessible formats at the national level.

68. The Committee will allocate time at each session to examine the communications received and the recommendations of the Special Rapporteur on communications under the Optional Protocol. The Committee will examine the communications in private meetings, and all related documentation shall remain confidential until a final decision (regarding admissibility) is adopted, at which time the communication will become public.

69. Communications will be considered admissible if submitted by persons with any type of disability or groups of persons with disabilities, in accordance with article 12 of the Convention on the recognition of full legal capacity, even in cases where an individual lacks legal capacity under the relevant laws of the country concerned.

70. The Special Rapporteur will work with the Petitions Section on registered cases as required.

71. The members of the Committee will abstain from participating in any aspect of the examination of a communication if (a) they are nationals of the State party concerned; (b) they have a personal interest in the case under consideration; (c) they have participated in any way in the events set out in the case.

72. After receiving a communication and prior to reaching a conclusion as to its admissibility, the Committee may address the State party concerned at any time to recommend the adoption of interim measures aimed at preventing possible irreparable harm to the victim or victims of the alleged violation, in accordance with article 4, paragraph 1, of the Optional Protocol. The use of interim measures does not imply any judgment on the Committee's eventual decision regarding the admissibility of a communication.

73. The alleged victim of a violation or his or her representative may request the Committee to request the State party concerned to take interim measures. The Committee or the Special Rapporteur, acting on behalf of the Committee, shall decide whether to transmit such request to the State party.

74. When a State party is requested to take interim measures, the request will clearly indicate the nature and characteristics of the measures to be taken.

75. If the Committee or the Special Rapporteur encounters difficulties interpreting a communication, they may facilitate the provision of information to the author(s) of the communication so as to help him or her to clarify the submission.

76. The Committee may appoint one of its members to act as Special Rapporteur on the follow-up to final decisions. The Special Rapporteur will monitor compliance by States parties with the decisions of the Committee. The Special Rapporteur will formulate, if necessary, recommendations for action on behalf of the Committee and will regularly submit reports to the Committee on the follow-up activities undertaken.

V. Technical assistance

A. Reports of States parties that request or indicate a need for technical advice or assistance

77. The Committee will transmit to United Nations specialized agencies, including UNICEF, ILO, UNESCO and WHO, funds and programmes, as well as other competent agencies, as appropriate, the reports of States parties that contain requests or indicate a need for technical advice or assistance. The Committee will also transmit to them its

observations and recommendations with regard to technical assistance, pursuant to article 36, paragraph 5, of the Convention. The required technical assistance may pertain to the preparation of reports as well as national programming for the implementation of the Convention.

B. Visits to States parties

78. Committee members may visit States parties, at the invitation of the Government, with the aim of promoting the implementation of the Convention. The Committee will designate one or two experts to conduct the visit.

79. The Committee shall take into account the areas of expertise of the experts, as well as their geographical proximity to the State party to be visited, when making its designation.

VI. Other forms of relationships

A. Coordination with other organizations

80. The Committee will strive to coordinate its work with that of other relevant organizations whenever possible, taking into consideration the knowledge, competence and experience of the organizations. To this end, the Committee may designate members to serve as liaisons who will update the Committee regularly on the work undertaken in this capacity.

B. Participation in the inter-committee and Chairpersons meetings

81. The Chair of the Committee will represent the Committee at inter-committee meetings and meetings of the Chairpersons of the human rights treaty bodies. The Chair may be accompanied by up to two Committee members when attending inter-committee meetings.

82. The Chair of the Committee will represent the Committee at sessions of the Human Rights Council, as appropriate.

83. At each session, the Chair will update the Committee on his or her participation in these meetings.

C. Conference of States Parties

84. As part of its efforts to encourage and support the implementation of the Convention, the Committee actively contributes to the Conference of States Parties. It designates one of its members to attend and report to the Committee on the preparations for and outcome of the Conference.