

Kirsten Young, Intersessional Meetings of the Standing Committee on Victim Assistance, 6 June 2008

Thank you for the introduction. Before I discuss the main points of my presentation which address first, the range of implementation measures prescribed by the UN Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol (OP) and how those might support Victim Assistance (VA) initiatives, and second, some of the resources available to States Parties to support their implementation, I would like to start on a note of celebration.

The UN Human Rights Council, just up the road at the Palais de Nations, is right now celebrating the May 3rd entry into force of the CRPD and its OP. Without wanting to dampen this festive spirit, the Human Rights Council has a long way to go in integrating disability as a rights issue into its work. The governments of Mexico and New Zealand having been working hard to gather state support, but many of those active in the New York process have not transferred that energy into the Human Rights Council framework. The same goes for the NGO community, which has not organized itself in the same way that helped assure the success of the CRPD negotiations.

I raise this here, because Mine Ban Treaty colleagues, both mission and capital based can add great value. Much of our work is compartmentalized, which is simply human nature, but can result in not the best use of our resources. Those working on disarmament dossiers should be working with their human rights colleagues to inform, exchange ideas and strategise. The same applies to the NGO community. If you are calling a meeting with a disarmament colleague, invite his or her human rights counterpart as well. There is a lot of knowledge and political will in this room, please share it.

Now to my main points starting with the range of implementation measures prescribed by the CRPD and its OP) and how those might support VA initiatives. Over the two days of the parallel programme, many of our colleagues mentioned the challenge of coordination. The CRPD has a response to this in the framework prescribed for national implementation and monitoring. This is the first human rights treaty that explicitly acknowledges that human rights are by their very nature implemented at the national level and not in Geneva or New York. This provision was inspired by the experience of persons with disabilities and people working on disability both within and outside of government.

This framework has four elements. The first is coordination. The CRPD calls on States parties to set up a coordination mechanism “within government to facilitate related action in different sectors and at different levels”. One example given in the parallel programme about coordination challenges was a country that has 123 different ministries, which is tantamount to herding cats. A further challenge is that VA is often not the mandate of a specific ministry (and I will discuss the CRPD response to that shortly). This same country reports at the international level under its Covenant on Economic, Social and Cultural Rights obligations to a monitoring body and successfully established working groups at all levels of government to develop its report, submitted it to the public for debate, got it adopted by the Council of Ministers and translated it into its three official languages as well as English. This highlights

how the CRPD, firmly rooted in human rights, can assist VA by the very fact of its obligatory nature and force a cross-sectoral response. And as we have heard it has to be cross-sectoral. One of the VA 25 has decent disability legislation on employment, but it has never been implemented because the Finance Ministry has not passed the necessary regulations.

The second element of the national framework is the requirement to establish a focal point or points in government. This requirement was again inspired by good practices. It was a practical response for the need for leadership: that there is some one who has ownership of the issue, and that coordination runs smoothly. It has been consistently emphasized that the central focal point needs to be at the highest levels of government, preferably within the President's or Prime Minister's office.

The third element is the establishment of national human rights institutions, or if there are existing institutions, to ensure that the CRPD becomes part of the mandate. These national human rights institutions might take the form of human rights commissions or ombudspersons. There are guidelines on how they are established and how they should function (referred to as the Paris Principles), the main emphasis being their independence. If we take the VA25 example, 36% have national human rights institutions that meet this standard. 36% do not have any national human rights institution at all. The rest fall somewhere in between, having a national human rights institution, but not meeting the international standard.

The final element, which is the consistent thread running through the CRPD, the principle of nothing about us without us. That is, the role of civil society, particularly people with disabilities and their representative organizations. This role is emphasized in the provision on the national framework, creating a positive State obligation to facilitate NGOs participating in monitoring. This may include helping to support the establishment of an umbrella DPO or a representative national council on disability.

The next component on implementation that I have alluded to is international monitoring.

With the CRPD coming into force, those ratifying will need to submit an initial report within two years, and periodically thereafter. Who are you reporting to? A treaty body, or committee of experts will be elected in the coming months. The members are independent experts, there has to be equitable geographical representation, gender balance, and experts with disabilities. The call for nominations will be made in the coming weeks and this is important because of article 34(3) of the CRPD which provides that when nominating candidates, States Parties are invited to give due consideration to essentially the principle of nothing about us without us. States parties are thus called on to closely consult with and actively involve persons with disabilities.

In terms of reporting, this is something that will be more appropriate to be the subject of discussion of future meetings when States will be required to report, but suffice to say that the VA25 process support experience will be highly useful. It should be noted also that NGOs and national human rights institutions are also entitled to submit reports to the Committee of Experts.

The OP is also an implementation measure. It allows the Committee to receive complaints from individuals if they have not had success at the national level. The Committee may also undertake inquiries where it receives reliable information that there are grave and systematic violations in the country.

The CRPD proscribes awareness-raising measures, there are general obligations on adopting law and policy implementing the CRPD, which will necessitate a legal review and in many cases, reform. There is data collection, capacity building of relevant actors such as the judiciary, the police and parliamentarians.

Finally, I would like to conclude with a brief mention on the resources available to States Parties in their implementation work. One initiative is the UN Inter-Agency Support Working Group, UN agencies, UN secretariats, regional commissions, and with the World Bank as an observer. Their aim is to be able to respond as a single UN agency, particularly with respect to article 32 on international cooperation. The Inter-Agency Support Working Group has adopted a statement of commitment and will be shortly meeting to develop a joint strategy and programme of action. Individual agencies are also undertaking separate activities. Probably of immediate interest is the ILO's work on looking at country law's for compliance with the CRPD in relation to work and employment.

To end on a note of celebration, I would like to congratulate those working on the Cluster Munitions Convention, I think we can be proud of the influence the MBT has had on it, particularly in relation to VA. This process understood early on that disability is a rights issue, and I look forward to see how this will be translated on the ground in coming months and years.

Thank you.