**IDA Treaty Body Unit**

*Update on work and detail on ongoing processes in Geneva*

**1) CRPD Committee (priority 1)**

There will be 7 new members of the CRPD Committee initiating their 4 years mandate next year. The CRPD Committee asked us for support for induction of new members. There will be an event with IDA´s authorities (ideal timing lunch or dinner March 11).

Upcoming [21st session](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1304&Lang=en) (March 11 – April 5):

STATES PARTIES REPORTS:

Cuba, Niger, Norway, Rwanda, Saudi Arabia, Senegal, Spain, Turkey, Vanuatu

LISTS OF ISSUES PRIOR TO REPORTING

Belgium, Cook Islands, Czech Republic, Denmark

Upcoming [11th Pre-sessional Working Group](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1306&Lang=en) (April 8 to April 11)

LISTS OF ISSUES

Albania, Bangladesh, Estonia, Greece, India, Jamaica, Kuwait, Myanmar

**General Comments[[1]](#footnote-1) and others:**

There is a working group on Article 11. Any decision on moving forward with a GC will be taken by the next composition of the CRPD.

**2) CRC Committee and topics related to children with disabilities at the Human Rights Council and in NY UN bodies**

As per article 23 of the Convention on the Rights of the Child, the CRC Committee is one that systematically addresses children with disabilities in its recommendations to States.

On weak point occurring is that the Spanish member, focal point on disability is leaving the CRC Committee next year, and replacements are not easy to find among the current membership.

**Upcoming sessions and pre-sessional working groups**: link [here](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CRC).

**General comment processes:**

Recent related events:

[Day of General Discussion: "Protecting and Empowering Children as Human Rights Defenders", 28 September 2018](https://www.ohchr.org/EN/HRBodies/CRC/Pages/Discussion2018.aspx)

(IDA was involved facilitated the participation of a child with disability from Scotland. In addition, IDA commented draft concept notes and fluently interacted with Child Rights Connect, who was in charge of the organisation of the DGD in coordination with OHCHR)

The CRC Committee has [called for comments for Draft Revision of General Comment No. 10 (2007) on Children’s Rights in Juvenile Justice](https://www.ohchr.org/EN/HRBodies/CRC/Pages/DraftGC10.aspx). Written comments must be submitted by **8 January 2019.**

Besides this process, other 3 general comment developments are in the pipeline:

* Children rights and the media, pending since 2014 approx.
* General comment related to the DGD mentioned (pending to see if actually takes off).
* **For longer term**, revision of General Comment no. 9 on Children with Disabilities; hopefully jointly with CRPD Committee (consultant for this: former member Jorge Cardona, from Spain).

**Human Rights Council, Annual Day on Children rights on “Empowering Children with Disabilities, including though inclusive education” (March 2019), and others**

Currently, there is ongoing discussion on the Draft HRC resolution on children rights, which will be adopted in March 2019. The process was pushed originally by Bulgaria and is currently led by the Uruguayan and the EU missions. IDA commented informally twice, including through our contacts in Child Rights Connect.

This process goes in parallel, and may have triggered, **the new impetus on the discussion on children without parental care and institutions**, involving UNICEF, the SR on the rights of Persons with Disabilities, the CRPD Committee and the CRC Committee, all of them who participate in a closed meeting on 21 Sep 2018.

At the same time, there is a process towards a [Global Study on Children Deprived of Liberty](https://www.ohchr.org/EN/HRBodies/CRC/StudyChildrenDeprivedLiberty/Pages/Index.aspx), requested by the UNGA and commissioned by UNSG to the expert Manfred NOVAK. The report will be submitted during the UNGA seventy-fourth session in **September 2019**.

Next year, in NY, UNICEF will try to push for and pass a **UNGA resolution on the topic of children without parental care (September 2019)**, most likely requesting a report on this issue. From the CRPD perspective, the target should be the need to review under Article 23 of the CRPD the UN Guidelines on Alternative care, that still leave room for forms of institutionalisation and were produced by and count with the support of main actors on the environment of Children Rights (many of those who are also service providers).

**3) CEDAW Committee**

While of course the good news is the incorporation of Ana Pelaez Narvaez and other member (who apparently would be a person with disability), members with disabilities, the not good news is the termination of the mandate of Patricia SCHULZ (Switzerland), who has been a great ally to IDA, the rights of persons with disabilities and civil society in general.

**Upcoming sessions and pre-sessional working groups**: link [here](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CEDAW).

**Recent key developments:**

Adoption of the [Joint statement by the Committee on the Rights of Persons with Disabilities (CRPD) and the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW)](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/STA/8744&Lang=en), 29 August 2018.

**General comment processes:**

The CEDAW Committee will hold a [Half-day general discussion on **trafficking in women and girls in the context of global migration**](https://www.ohchr.org/EN/HRBodies/CEDAW/Pages/DiscussionOnTrafficking.aspx), on 22 February 2019. The CEDAW Committee WG on this topic is chaired by Ms. Dalia Leinarte, Chair of the CEDAW. There is a public call for submission on this matter, and **the deadline is 11 February 2019 at the latest**.

Besides this process, other 2 general comment developments, whose importance from the perspective of women with disabilities is more than self-evident, are in the pipeline:

* gender stereotypes
* indigenous women

“at such time when the secretariat will have the capacity to support these processes.”

**4) CESCR Committee**

This is the first UNTB that adopted a GC on persons with disabilities in 1995, introducing the concept of reasonable accommodation into international human rights law. While its current members are open to address the rights of persons with disabilities, their expertise is not always at the level required by the CRPD and the developments by the CRPD Committee.

**Upcoming sessions and pre-sessional working groups**: link [here](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CESCR).

**General comment processes:**

There has been a [General discussion on a draft general comment on article 15 of the International Covenant on Economic, Social and Cultural Rights: on the right to enjoy the benefits of scientific progress and its applications and other provisions of article 15 on the relationship between science and economic, social and cultural rights.](https://www.ohchr.org/EN/HRBodies/CESCR/Pages/Discussion2018.aspx)

This event was very poorly organised. The agenda was published no longer than one week before the day of the event (on October 1st). Despite what the website says, there was not a draft general comment to comment before the DGD. There were persons with disabilities from an Italian organisation, as commented by a colleague at the Global Initiative on ESCR.

The input obtained by the Committee will be used to develop a draft general comment and **there will be new opportunities to influence this process** through written submission and informal talks with rapporteurs. The original rapporteur is Mr. Mikel MANCISIDOR (Spain). After the DGD, a co-rapporteur was appointed: Mr. Rodrigo UPRIMNY (Colombia).

Besides this ongoing process, other 2 general comment developments, are in the pipeline:

* land and economic, social and cultural rights
* sustainable development and economic, social and cultural rights (could focus on SDFGs)

**5) Human Rights Committee**

As known, this Committee still upholds standards contrary to the right to liberty and security of persons with disabilities under Article 14 of the CRPD (see e.g. HRCtee. [General Comment 35 on Article 9 of the ICCPR](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f35&Lang=en), Liberty and security of person, para. 19.).

The very good news is that the **new French member Hélène Tigroudja**, who will begin her mandate next year 2019 till 2022, has publicly opposed the development of the Draft Additional Protocol to the Oviedo Convention on Human Rights and Biomedicine, being in line with the European movement against it. See [here](https://twitter.com/HeleneTigroudja/status/1065269297646395398).

**Upcoming sessions and pre-sessional working groups**: link [here](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CCPR).

**General comment processes:**

The Human Rights Committee recently adopted General [Comment 36, Article 6 (the right to life)](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR/C/GC/36&Lang=en).

There are plans to embark on a process for a general comment on Article 21 (Right of peaceful assembly) in conjunction with Article 22 (right to freedom of association with others).

**6) CAT Committee**

In terms of membership, while they are not experts on the CRPD nor focus on the subject matter, two members seem to some extent open to discuss on the rights of persons with disabilities and the practice of psychiatry. We refer to **Mr Diego RODRIGUEZ PINZON** (Colombia) who is –and was my- professor at the American University, Washington College of Law, in the USA, and **Mr Abdelwahab HANI**, who does not have a disability background but comes from civil society organisations.

**Upcoming sessions and pre-sessional working groups**: link [here](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/SessionsList.aspx?Treaty=CCPR).

**General comment processes:**

For the moment, no information on plans towards a new general comment. The closing of its current session will happen on December the 7th, in the afternoon, when they will make public the decisions adopted during the session.

**7) Special Rapporteur on the rights of Persons with Disabilities and OHCHR (important: their processes are institutionally link more to HRC than to UNTBs).**

Special Rapporteur on the rights of PwD:

* Focused now on the System Wide Action Plan (SWAP)
* Upcoming report on “deprivation of liberty of persons with disabilities.” IDA commented *informally* on the draft.

OHCHR:

* Project Bridging the Gap on CRPD human rights indicators and development of matrix to connect with SDGs. IDA has participated in consultation meetings.
* Annual report to the HRC on Article 26 of the CRPD. Annual HRC panel on the rights of persons with disabilities in March will be on this topic.
* Next annual report, most likely on Article 8 (awareness-raising).

**8) TB-NET**

TB-Net is a highly valuable development of 2017 and 2018, which had had initial informal steps in 2016, and has a lot of potential is properly supported and continued. IDA is a full-fledge part of the human rights organisations of Geneva, having fluent collaboration and exchange with organisations working on most of all the TBs, on topics of common interest to all and notably on topics of the different TBs that are useful for IDA to participate in their processes.

Till now, TB-Net is an informal platform without any budget of its own. It only seeks financial support for the concrete events. In my view, challenge laying ahead for the next two years is to properly institutional this space, including concrete goals, and some financial sustainability.

TB-Net (and its members) main interfaces and events per year:

* Each Committee Secretariat
* States missions (mainly in Geneva)
* OHCHR officials of the TB Branch (Elena Kountouri main ally)
* Annual meeting of Chair persons (participation on equal terms on 2018, side event on elections)

TB-Net meetings take place once per month or every two months. Some developments and ideas, below:

* **Nomination and election of Treaty Body members.** Recently (15.11.2018), TB-Net and Amnesty International, and with the support of the UK and Switzerland, co-organised an event on nomination and election of Treaty Body members. It counted with the participation of approximately 18 representatives of States Missions in Geneva and of OHCHR to raise awareness and discussed how to improve processes to bring about great benefits without cost. For this event, IDA contributed mainly by being in charge with IMADR of developing a background document on the subject matter to inform the discussion. This topic will continuously be part of TB-Net work (this year through IMADR working on elections of the CERD Committee).
* Project idea of advocating for streamlining of TBs procedure for easier and simpler participation by civil society organisations
* Project to seek for a joint position on the 2020 Treaty Body Review, stressing on the perspective of the users of the system (ongoing discussion began on 18.12.2018; next meeting in January)
* December 10 and 11, 2018: participation on workshop on Simplified Reporting Procedure, together with UNTBs members and the Geneva Academy.
* Development of thematic studies related to TBs and to their substantive production; on hold as not a priority, and several changes in many of TB-Net members.

1. It is important to recall that OHCHR has limited Committee´s posibilities to work on one general comment per year. [↑](#footnote-ref-1)