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THE GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

**SUBMISSION TO THE
COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES ON THE
DRAFT General Comment No 7 on Article 4.3 and 33.3 of the
Convention on the participation of persons with disabilities in the
implementation and monitoring of the Convention**

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ABOUT THE GLOBAL ALLIANCE OF NATIONAL HUMAN RIGHTS INSTITUTIONS

The Global Alliance of National Human Rights Institutions (GANHRI) is the international association of national human rights institutions from all parts of the globe. Established in 1993 as the ICC (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights), GANHRI promotes and strengthens national human rights institutions (NHRIs) to be in accordance with the UN Paris Principles, and provides leadership in the promotion and protection of human rights in order to strengthen human rights domestically and internationally.

At an international level, GANHRI coordinates the activities of NHRIs so as to support the work of human rights bodies by bringing NHRIs' insights to bear. GANHRI undertakes accreditation of NHRIs under the auspices of the Office of the United Nations High Commissioner for Human Rights, and holds an annual meeting and international conferences to strengthen cooperation and share good practice between NHRIs.

The current GANHRI Chairperson is Professor Dr Beate Rudolf, Director of the German Institute for Human Rights.

ABOUT THIS PAPER

In this paper GANHRI sets out its views and provides suggestions on the Draft General Comment developed by the Committee on the Rights of Persons with Disabilities (CRPD) on the on the participation of persons with disabilities in the implementation and monitoring of the Convention. The paper is structured as follows:

- Introduction
- GANHRI comments
- Conclusion
- Summary of suggestions

FURTHER INFORMATION

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Introduction

1. The Global Alliance of National Human Rights Institutions ('GANHRI') welcomes the opportunity to provide the United Nations Committee on the Rights of Persons with Disabilities ('the Committee') with comments on the Committee's Draft General Comment No 7 on the participation of persons with disabilities in the implementation and monitoring of the Convention ('the General Comment'). The present comments were consulted among the GANHRI member institutions, many of whom fulfil the role of national monitoring mechanism for the Convention on the Rights of Persons with Disabilities ('the Convention').
2. GANHRI acknowledges the long-standing and productive cooperation among the Committee, GANHRI and National Human Rights Institutions ('NHRIs') and recognises the significant and complementary role of NHRIs and the Committee in promoting and protecting the rights of persons with disabilities. As independent state bodies with a legal or constitutional mandate to promote and protect human rights, NHRIs monitor their state's compliance with their human rights obligations, identify problems, and provide advice to Government and Parliament on implementing human rights domestically.
3. GANHRI strongly supports the adoption of the General Comment. It sets out a framework that strengthens and reinforces the crucial role that Disabled Peoples Organisations ('DPOs') have in enabling the participation of people with disabilities in the various mechanisms and processes that State Parties utilise in their monitoring and implementation of the Convention.
4. In addition, the General Comment will also reinforce NHRI advocacy aimed at promoting and advancing the participation of DPOs, representative organisations and individuals with disabilities, in the policies, processes and practices that engage the duties and obligations of States Parties under the Convention.

GANHRI sets out its detailed comments and specific suggestions below.

Title and Introduction of the General Comment

5. Read together, the scope of Article 4.3 and 33.3 applies beyond the mechanics of Convention monitoring and implementation. While Article 33.3 specifically relates to monitoring, the participation principle under Article 4.3 covers:
 - a. The development and implementation of legislation and policies to implement the Convention; and
 - b. Other decision-making processes concerning issues relating to persons with disabilities.
6. It is notable that the term “implementation” referred to in the first limb of Article 4.3 is connected specifically to the legislative and policy process of government and does not appear intended as a term to cover all forms of decision-making activity.
7. By contrast, the second limb of Article 4.3 is not limited to any specific practice, policy of function of government. On its face, it appears to apply to all decision-making processes that are vested directly, or indirectly, under the delegated authority of the government of the State Party. This includes administrative procedures, practices and services provided by government, non-government and business organisations on behalf the State Party and judicial and quasi-judicial entities.
8. The broad scope of Article 4.3 is reflected in Part IV of the General Comment which considers its application across the various sectors covered by the articles of the Convention, such as those that regard employment, education, justice, social security and health. Each sector has its own specific policy, practice and services framework governed by a variety of decision-making procedures and institutions.
9. Accordingly, in order to best reflect the scope of Article 4.3, GANHRI **suggests** that the title of the General Comment is amended to include reference to “other decision-making processes”. An example is set out below:

*General Comment on articles 4.3 and 33.3 of the Convention on the Rights of Persons with Disabilities on the participation of¹ persons with disabilities in the implementation and monitoring of the Convention **and other decision-making processes relating to them.***

¹ ‘of’ is changed from ‘with’, which is used in the title of the current draft General Comment

10. There is also a need for the General Comment to directly address the apparent limitations of Article 4.3. Unlike Article 33.3, Article 4.3 does not explicitly confer a right of individual participation. Instead, it only provides for participation through “representative organisations.” Accordingly, on its face, Article 4.3 is narrower than the right to participation as provided under the Universal Declaration of Human Rights (UDHR) and adapted in several human rights treaties, all of which confer the right to individuals.
11. The introduction to the General Comment makes two related observations of fundamental importance when considering this issue. Firstly, persons with disabilities, whether as individuals or as groups, experience exclusion from decision-making that affect them. Secondly, the purpose of Article 4.3 addresses this by placing an obligation on States Parties to enable participation through consulting with and actively involving persons with disabilities in such decision-making processes.
12. Taking into account the above, GANHRI considers that Article 4.3 should not read so as to restrict the enjoyment of participation rights to representative organisations only. Instead it should be read alongside the general principle conferred under Article 3 of the Convention of “full and effective participation and inclusion in society” and the broad right to participation as conferred under the UDHR and other human rights instruments.
13. GANHRI accordingly **suggests** that the General Comment clearly state that Article 4.3 should not be interpreted as in any way limiting the right of individual persons with disabilities to participate in implementation or decision-making processes.

General observation on content and format

14. GANHRI notes that while the current version of the draft published on the Committee’s website is extensive, aspects of it appear very much to be a work in progress. For example, the content of some paragraphs is framed in brackets², suggesting that the content therein is provisional or perhaps contentious.
15. GANHRI therefore **suggests** that both the content and format of the General Comment would benefit from further editing so to ensure that the Committee’s jurisprudential positions are readily identifiable, concise and clearly defined.
16. Furthermore, care and precision should also be exercised to ensure that the terminology used conforms with human rights jurisprudence. For example, terms such as “full-fledged right”³ or “full-fledged strong obligation”⁴ should be avoided. The structure and content of General Comment should also be reviewed to ensure that it effectively distinguishes between the

² Such as paragraphs 33 and 34 for example

³ See paragraph 29 of the Draft General Comment

⁴ Ibid at paragraph 21

respective legal purposes of Articles 4.3 and 33.3 as regards implementation and decision-making on the one hand, and monitoring on the other.

17. This will improve its effectiveness as a key point of reference for NHRIs, DPOs and others in their advocacy efforts aimed at promoting the full implementation of Articles 4.3 and 33.3 by States Parties.

The defining elements of “representative organisations”

18. Section II (Paragraphs 13-16) of the General Comment is in many ways the cornerstone of the General Comment, as it defines the elements of what constitutes a “representative organisation” for the purposes of Article 4.3 and 33.3.
19. Article 4.3 establishes “representative organisations” as the entities responsible for facilitating the participation of people with disabilities in the Convention’s monitoring, implementation and other related decision-making processes.
20. Paragraph 13 of the General Comment provides that DPOs are the “representative organisations” for the purposes of Articles 4.3 and 33.3 and, by doing so, implies that other types of organisations are excluded from the definition. GANHRI notes that this appears to draw a clear distinction between DPOs and other Civil Society Organisations (CSOs) in this respect.
21. Paragraph 14(a) of the General Comment then sets out the essential characteristics and components of a DPO. These include requirements that:
 - a. DPOs are governed, led and directed by people with disabilities; and
 - b. They are comprised of a majority of people with disabilities themselves; and
 - c. A clear majority of DPO members are recruited among people with disabilities.
22. Paragraphs 14(a)(i)-(ii) go on to provide that DPOs:
 - a. Are established with the aim of collectively acting, expressing, promoting, pursuing and/or defending the rights of person with disabilities
 - b. Should be “generally recognised”
 - c. May represent one or more constituencies among people with disabilities, and may include those from a broad, diverse range of backgrounds
 - d. Should meaningfully participate in an inclusive and accessible manner in decision-making processes that affect the lives of persons with disabilities at all levels and within all sectors.
23. Paragraph 14(a)(iii) further provides that DPOs may have different structures, such as coalitions, umbrella organisations and cross-disability organisations, and represent specific population groups, such as women, children and indigenous people.

24. The General Comment then sets out definitions of other “representative organisations” in paragraphs 14(b)-14(f). GANHRI notes many of the types of organisations set out these paragraphs would also constitute a DPO, so long as they meet the criteria specified in paragraph 14(a). However, the current formatting of the General Comment does not make this clear and could be read as meaning that these organisations are distinct from DPOs.
25. GANHRI accordingly **suggests** that the draft General Comment is amended to clarify the types of organisations listed in paragraph 14 that may fall under the DPO category. This could be done through the insertion after paragraph 14(a)(iii) of a sub-title such as “*Types of DPOs*” or words to that effect. GANHRI considers that this is a matter of interpretative importance, as the draft General Comment almost exclusively refers to DPOs as the representative organisation throughout Parts IIB-C, III, IV and V.
26. GANHRI also **suggests** that the General Comment draw further attention to DPOs that represent population groups who are particularly vulnerable to experiencing additional systemic discrimination. These include:
- a. Organisations of indigenous people with disabilities
 - b. Organisations of ethnic minorities, migrants and refugees with disabilities
 - c. Organisations of LGBTI/SOGISC people with disabilities.
27. Paragraph 15 highlights the distinction between organisations that comprise of people with disabilities, such as DPOs, and organisations “for” people with disabilities, which tend to be service providers. The paragraph goes on to note that while these latter organisations often advocate for persons with disabilities, such advocacy may be inconsistent with the Convention due to potential for conflicts of interests arising where such organisations advocate with their own gain in mind, rather than in support of DPOs. It concludes that States Parties should accordingly give priority to the views of DPOs over those other organisations.
28. GANHRI notes that the Committee’s Guidelines on the Participation of DPOs and CSOs in the work of the Committee gives “particular value”⁵ to the participation of DPOs. GANHRI therefore **suggests** that, in order to better reflect the inclusive tone of the Guidelines as regards DPO and CSO participation, paragraph 15 is amended to provide for a requirement that State Parties should give *particular value* to the views of DPOs and ensure that *priority is given to ascertaining the views of DPOs* for this purpose.
29. Furthermore, GANHRI **suggests** that paragraph 15 is reframed to highlight ways in which such CSOs can mitigate against conflicts of interest in their advocacy work. This could include expressly encouraging constructive engagement between DPOs and other organisations that work with people with disabilities. It should also encourage large, well-funded CSOs to support DPOs through resource and network support, and collaboration where appropriate. These organisations may have the resources, in the form of dedicated advocacy functions and services, to undertake systemic advocacy work that seeks to advance or promote the rights

⁵ Per the Committees Guidelines on the Participation of DPOs and CSOs in the work of the Committee, para 2, CRPD/C/11/2, Annex 2

under the Convention. Such organisations may accordingly have the potential to play an important role in facilitating and supporting the advocacy work undertaken by DPOs, whether via direct collaboration or through the provision of financial or in-kind support.

30. Paragraph 16 of the General Comment provides for a further distinction between DPOs and CSOs. It concludes that *“while DPOs are part of civil society... in general CSOs and NGOs should not be considered to be DPOs”*. The point being implicitly made here is that the characteristics of DPOs should be generally recognised as distinct from other CSOs/NGOs. This services to reinforce the specific role that the Convention attributes to “representative organisations” under Articles 4.3 and 33.3 and the “particular value” ascribed to the participation of DPOs under Committee guidelines.
31. However, on a practical level, the distinctions set out in paragraph 16 could be interpreted as somewhat contradictory and may cause some confusion. GANHRI therefore **suggests** that paragraph 16 is amended to simply provide that DPOs are civil society entities that have a distinct role under the Convention in enabling the participation of people with disabilities in monitoring, implementation and other decision-making processes.

Section IIB – Scope of Article 4.3

32. GANHRI welcomes the extensive analysis of Article 4.3 provided in this section of the General Comment.
33. Paragraphs 18-20 identifies that Article 4.3 not only applies to all aspects of the legislative and regulatory decision-making framework of States Parties, but also extends to administrative measures and practices, budgetary decisions as well as decision-making processes made with the delegated authority, or in partnership with, States Parties.
34. GANHRI **suggests** that the reference is also included in this section of the General Comment to the application of Article 4.3 to private enterprises, in particular those providing services on behalf of the State Party via procurement contracts or other forms of outsourcing arrangements. Further, GANHRI **suggests** that the General Comment provide that all decision-making activities that impact of people with disabilities that are undertaken by private enterprises and State Parties, either individually or via agreement, conform with the three pillars of the UN Guiding Principles on Business and Human Rights.
35. As regards the obligation under Article 4.3 to *“closely consult with and actively involve”* people with disabilities, GANHRI **suggests** that reference is made to the implementation of supported decision making criteria for people with disabilities that may otherwise be excluded from direct participation on the basis of capacity. This should include the availability of support services for this purpose.
36. In addition, GANHRI **suggests** that the General Comment include a requirement that digital communications platforms, including those operated by private social media enterprises,

ensure that they meet international accessibility standards, in particular where those platforms are used for consultative purposes.

37. GANHRI welcomes the particular focus in paragraph 22 on including the participation of children with disabilities, through their DPOs, in the development and implementation of legislation and policies and in decision-making processes that affect them. The Committee on the Rights of the Child (“CRC Committee”) has described the right of the child to be heard as one of the “fundamental values” underpinning the framework of children’s rights set out in the Convention on the Rights of the Child.⁶
38. GANHRI **suggests** that paragraph 22 refers to the basic requirements for the implementation of the right of the child to be heard established by the CRC Committee in its General Comment No 12⁷. This requires that all decision-making processes in which children are heard are transparent and informative, voluntary respectful, relevant, child-friendly, inclusive, supported by training, safe and sensitive to risk, and accountable. Paragraph 22 should also make it clear that these requirements apply equally to DPOs that represent the views of children with disabilities in decision-making processes as they do to decision-making institutions themselves.
39. As regards the principle of “*full and effective participation*” more generally, GANHRI notes the importance of ensuring that participation mechanisms are integrated into standard processes and procedures. Ad hoc, one-off consultative events are not sufficient to meet the requirements of this principle. GANHRI **suggests** that the General Comment provide that States Parties ensure that such participation mechanisms are a standard component of all policy and legislative development and implementation procedures. This could be done through the establishment of advisory boards (or similar) comprising of representative DPOs and individuals with disabilities, that provide input, as a matter of course, into relevant policy and legislative initiatives.
40. In addition, as noted in paragraph 24, representation of people with disabilities in decision-making entities and institutions is also essential in ensuring full and effective participation. This includes within NHRIs. This aligns with the requirement under the Paris Principles that the composition of NHRIs is sufficiently pluralist.⁸ GANHRI notes that many NHRIs have office-holders (such as Disability Rights Commissioners or Ombudspersons) who have a specific statutory role to protect and promote the rights of persons with disabilities. GANHRI **suggests** that the General Comment could assist NHRIs in their capacity-building in this respect by recommending that the composition of NHRIs include specific disability rights office-holders. Ideally such roles should be held and advised by people with disabilities.

Article 33.3 - The involvement of civil society/NHRIs

41. The participation requirement under Article 33.3 is linked specifically to the monitoring obligations set out in Article 33.2 that require States Parties to establish “a framework, including

⁶ CRC/C/GC/12, 20 July 2009, para 2

⁷ CRC/C/GC/12, 20 July 2009, Section D, paragraph 134

⁸ Paris Principles, page 2 at point 1

one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the...Convention.” Article 33.2 also provides that such mechanisms “take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.”

42. GANHRI accordingly **suggests** that it would be helpful for this section of the General Comment to provide an introductory overview of Article 33.2 and its elements.
43. In reflection of Article 33.2, paragraph 27 of the General Comment describes NHRIs as having a “key role” in the monitoring of the Convention, including “bridging” DPOs with the international human rights system. GANHRI welcomes this acknowledgement and notes that, in addition, the Paris Principles require that NHRIs shall develop relations with non-government organisations who promote and protect the human rights of vulnerable groups, including people with disabilities.⁹
44. The General Comment goes on to state that “the Paris Principles require that DPOs should either be represented in independent mechanisms or be able to co-operate closely with those mechanisms, and preferably be appointed to their board, if one exists”. While GANHRI notes that the Paris Principles do not address this point explicitly, we consider that they underpin the role NHRIs have in promoting the representation of DPO on IMMs.
45. This role is, of course, subject to the over-riding requirement under the Paris Principles that NHRIs are independent institutions that discharge their activities and decision-making processes independently from both government and civil society organisations. GANHRI accordingly **suggests** that the General Comment duly acknowledge the independence of NHRIs under the Paris Principles when facilitating the representation of DPOs and persons with disabilities in monitoring processes mandated under Article 33.2.
46. Further to this point, GANHRI notes that the Committee’s *Guidelines on Independent Monitoring Frameworks and their participation in the work of the Committee*:
 - a. Provides that IMMs should “ensure the full involvement and participation of persons with disabilities through their representative organizations in all areas of its work”.¹⁰
 - b. Encourages States Parties to equip NHRIs with adequate budgetary resources and skilled human resources to meet their mandate under Article 33.2¹¹ (being “the principles relating to the status and functioning of national institutions for protection and promotion of human rights”)
47. In addition, the obligation under Article 33.3 is not limited to participation “through representative organisations” as is the case with Article 4.3, but extends to individual persons with disabilities. The effect of Article 33.3 is to require that any framework established under

⁹ Ibid, page 3, at (g)

¹⁰ *Guidelines on Independent Monitoring Frameworks and their participation in the work of the Committee*, para 18

¹¹ Ibid para 15

Article 33.2 provides for the full involvement and participation of people with disabilities in the monitoring process. It follows that the design and operation of the framework should include functions that enable this degree of participation and that are backed by a sufficient level of resource.

48. Accordingly, GANHRI **suggests** that this section of the General Comment highlights the obligation of States Parties to ensure that monitoring frameworks – including the IMMs and NHRIs within them - are sufficiently resourced to support the full participation of individual people with disabilities and DPOs in all aspects of the monitoring process. This also should include a reasonable level of resources to support such participation in the engagements with the international human rights system that occur as a matter of course during the monitoring process (such as the periodic reporting process under Article 35 of the Convention or the annual Conference of States Parties (COSP)).
49. GANHRI further **suggests** that the references to “implementation” in paragraph 28 are removed. Articles 33.2 and 33.3 apply specifically to the monitoring of the implementation of the Convention, not implementation itself. As noted above¹², we consider that care should be taken to avoid conflating the respective purposes of Articles 4.3 and 33.3.

III. Obligations of States parties

50. GANHRI welcomes the extensive analysis of the obligations of States Parties set out in section III of the General Comment. However, we suggest that, for reasons outlined above, that the references in paragraphs 41 and 46 to Article 33.3 being “read in conjunction with” Article 4.3 in respect of monitoring are removed.
51. As regards the policy and legislative process, GANHRI **suggests** that the General Comment provide that States Parties develop and utilise consultation channels with DPOs and people with disabilities as a matter of course during the policy development process, via a human rights impact assessment (HRIA) policy mechanism.
52. HRIAs are described as “a structured process for identifying, understanding, assessing and addressing the potential or actual adverse effects of policies, laws, programmes or projects.”¹³ The steps involved in a HRIA process are well established and include¹⁴:
 - a. preparation and screening of possible human rights impacts in *consultation with affected groups* [emphasis added]
 - b. scoping;
 - c. evidence gathering and data collection using qualitative and quantitative methods;
 - d. analysing impacts;
 - e. formulation of recommendations aimed at preventing adverse human rights impacts or ensuring that they are mitigated;

¹² Supra at paragraph 12

¹³ A/HRC/37/54, 20 December 2017, para 36

¹⁴ Ibid at para 46

- f. reporting and presentation of findings;
- g. ongoing evaluation and monitoring of actual impacts.

53. GANHRI notes that consultation is the first step in the HRIA process. The HRIA model accordingly enables participation of DPOs and people with disabilities at the front end of its process. However, for the purposes of Article 4.3, such participation should extend throughout the HRIA process to include aspects such as the formulation of recommendations for preventing/mitigating against adverse outcomes and ongoing monitoring and evaluation.
54. HRIA processes that include DPO participation should also be extended to policy decisions concerning procurement and commissioning arrangements with non-government and private business enterprises for the delivery of services to people with disabilities.
55. GANHRI further considers that Article 4.2 of the Convention and Article 2.1 of ICESCR require States Parties to ensure that sufficient funding is made available to propagate the establishment and ongoing sustainability of DPOs.
56. GANHRI members have noted that the limited reach of DPOs often hinders the participation of persons with disabilities in consultation processes. This is particularly the case in rural or economically deprived regions. Members have identified a need for institutional and funding mechanisms to be developed that both enable DPOs to localise and widen their reach and that empower people with disabilities to organise themselves independently or via a DPO¹⁵. GANHRI accordingly **suggests** that the General Comment encourage States Parties to establish specific pools of ring-fenced funding for that purpose.
57. GANHRI also notes that, on the issue of consultation, paragraph 35 of the General Comment provides that, in order to avoid tokenism, States Parties should “take into account the results of such consultations and reflect them in the decisions adopted” and, “as a legal duty...give priority to the views of DPOs”.
58. Further to our comments above¹⁶, GANHRI considers that this approach is problematic. While it is crucial to ensure that consultation processes are integrated into transparent and accountable decision-making frameworks, there is a risk that prescribing priority to DPOs over other groups or individuals may lead to unbalanced decision-making. Furthermore, such an approach risks marginalising the participation rights of people with disabilities who are not represented by a DPO.
59. GANHRI accordingly **suggests** that paragraph 35 of the General Comment is amended to align with the Committee’s Guidelines on participation¹⁷ and provide that consultative processes prescribe *particular value to the views of DPOs and other people with disabilities* and ensure

¹⁵ Commission on Human Rights of the Philippines, *Inputs to Draft General Comment No 7 on Articles 4(3) and 33(3) (Draft)* paragraphs 6-8

¹⁶ *Supra* paragraphs 26 and 27

¹⁷ Per the Committees Guidelines on the Participation of DPOs and CSOs in the work of the Committee, para 2, CRPD/C/11/2, Annex 2

that *priority is given to ascertaining the views of DPOs and people with disabilities* for this purpose.

IV. Relationship with other provisions of the Convention

60. GANHRI welcomes the extensive assessment undertaken in this section of the draft General Comment. However, to reiterate our earlier suggestion, we **suggest** that the General Comment reinforces the right to individuals, alongside DPOs, to participate in the areas of public life covered by the Conventions provisions.
61. Currently, this Part of the draft General Comment is largely focused on the participation of DPOs and does not contemplate to much extent the obligation on State Parties to ensure that marginalised people with disabilities, in particular those that do not have the benefit of representation through a DPO or CSO advocacy organisation, are provided with adequate participation opportunities.

V. Implementation at the national level

62. Further to our points raised earlier in the submission, GANHRI **suggests** that this Part of the General Comment address the national implementation of Articles 4.3 and 33.3 separately.

Summary of GANHRI's key suggestions

In these comments, GANHRI has made a number of suggestions aimed at further strengthening the General Comment. These are summarised below:

- That the title of the General Comment is amended to include reference to “other decision-making processes”.
- That both the content and format of the General Comment would benefit from further editing so to ensure that the Committee’s jurisprudential positions are readily identifiable, concise and clearly defined.
- That the structure and content of General Comment should also be reviewed to ensure that it effectively distinguishes the respective legal purposes of Articles 4.3 and 33.3.
- That the General Comment clearly state that Article 4.3 should not be interpreted as limiting the right of individual persons with disabilities to participate in implementation or decision-making processes.
- That the General Comment is amended to clarify the types of organisations listed in paragraph 14 that may fall under the DPO category.
- That the General Comment draw further attention to DPOs that represent population groups who are particularly vulnerable to experiencing additional systemic discrimination, including those representing indigenous people, LGBTI people, ethnic minorities, migrants and refugees.
- That, as regards participation, the General Comment is amended to provide for a requirement that State Parties should give *particular value to the views of DPOs* and ensure that *priority is given to ascertaining the views of DPOs* for this purpose.
- That the General Comment is reframed to highlight ways in which CSOs can mitigate against conflicts of interest in their advocacy work.
- That the General Comment clarifies that DPOs are civil society entities that have a distinct role under the Convention in enabling the participation of people with disabilities in monitoring, implementation and other decision-making processes.
- That the General Comment refer to the application of Article 4.3 to private enterprises, in particular those providing services on behalf of the State Party via procurement contracts or other forms of outsourcing arrangements.
- That the General Comment provide that all decision-making activities that impact on people with disabilities that are undertaken by private enterprises and State Parties, either individually or via agreement, conform with the three pillars of the UN Guiding Principles on Business and Human Rights.
- That the General Comment refers to the implementation of supported-decision making criteria for people with disabilities that may otherwise be excluded from direct participation on the basis of capacity. This should include the availability of support services for this purpose.

- That the General Comment include a requirement that digital communications platforms, including those operated by private social media enterprises, ensure that they meet international accessibility standards, in particular where those platforms are used for consultative purposes.
- That the General Comment adopt the basic requirements for the implementation of the right of the child to be heard established by the CRC Committee in its General Comment No 12.
- That the General Comment provide that States Parties ensure that participation mechanisms are a standard component of all policy and legislative development and implementation procedures.
- That the General Comment duly acknowledge the independent role of NHRIs as provided under the Paris Principles.
- That paragraph 28 of the General Comment is expanded to provide that States Parties should ensure that IMMs, and the NHRIs within them, are sufficiently resourced to support the full participation of DPOs in monitoring processes.
- That the General Comment provide that States Parties develop and utilise consultation channels with DPOs as a matter of course during the policy development process, via a human rights impact assessment (HRIA) policy mechanism that engages with DPOs.
- That the General Comment encourage States Parties to establish specific pools of ring-fenced funding and funding mechanisms for the purpose of establishing and sustaining DPOs and enabling independent participation of people with disabilities in decision-making processes.