



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Fourth session

Summary record of the 1st meeting

Held at the Palais des Nations, Geneva, on Monday, 4 October 2010, at 10 a.m.

Chairperson: Mr. McCallum

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The meeting was called to order at 10.15 a.m.

Opening of the session

1. **The Chairperson** declared open the fourth session of the Committee on the Rights of Persons with Disabilities. He announced that the eight new members of the Committee elected by the Conference of States Parties to the Convention on the Rights of Persons with Disabilities would be taking up their posts on 1 January 2011, and expressed his appreciation for the important contribution to the work of the Committee made by Mr. Könczei and Mr. Uršič, whose mandates would end on 31 December 2010.

Opening statement by the Chief of the Africa Branch, Office of the High Commissioner for Human Rights

2. **Mr. Wani** (Chief of the Africa Branch, Office of the High Commissioner for Human Rights) observed that it was vital to harness the general momentum and goodwill towards the implementation of the principle on which the Convention was based, namely the full enjoyment of human rights and all fundamental freedoms by all persons. He congratulated the Committee on focusing its fourth session on strengthening cooperation with United Nations bodies and other relevant entities, and referred in that context to the work of the United Nations Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities, and the strategy and action plan adopted by that Group with a view to integrating disability issues into the work of the United Nations, as well as the inter-agency mechanism implemented at the start of the year to institutionalize the mainstreaming of human rights. He also suggested that the Committee might wish to find ways of involving international financial institutions such as the World Bank in the work of the United Nations at country level to support the implementation of the Convention, and welcomed the fact that the Human Rights Council had held a debate specifically focusing on the rights of disabled persons.

3. On the African continent, where 22 States had ratified the Convention, the extension of the African Decade of Persons with Disabilities (1999–2009) for a further 10 years had been announced, although the priorities for action for the second decade had yet to be identified. The Consultative Conference on Contemporary Disability Issues, held in Addis Ababa on 14 and 15 April 2010, had concluded that there was a need to put pressure on members of the African Union to ratify the Convention, and the African Women's Decade (2010–2020), which the African Union had recently announced, provided the framework for the political and economic empowerment of women with disabilities.

4. The Africa Branch at the Office of the High Commissioner for Human Rights also supported the Convention. The Subregional Centre for Human Rights and Democracy in Central Africa had organized a workshop, to be held in Yaoundé in November 2010, on the Convention and its Protocol, focusing on inclusive education and legal capacity, which would provide an opportunity to appeal to States in the subregion to ratify the Convention. The Centre was also involved in efforts to enable persons with visual impairments to exercise their right to vote through the provision of Braille devices at polling stations. He reminded the Committee of the importance of examining country reports and communications on the Optional Protocol.

Adoption of the agenda (CRPD/C/4/1/Rev.1)

5. **The Chairperson** read out the items on the provisional agenda for the fourth session and invited the members of the Committee to comment.

6. **Ms. Cisternas Reyes** drew the Committee's attention to three issues which needed to be addressed, namely communications that had been received under the Optional

Protocol, the progress made by the working group responsible for drafting a general comment on article 12 of the Convention (legal capacity), and the position of the Committee, on the implications of natural disasters and other emergencies for disabilities.

7. **Ms. Maina** asked the Committee to address the issues of administrative support for members of the Committee who did not live in Switzerland and the submission of the report of the working group mandated to draft the general comment on legal capacity.

8. **Ms. Yang** requested that the agenda include a list of the countries which had submitted reports, as well as those whose reports were due by the end of the year. She also reminded the Committee that the rule which stipulated that the agenda must be finalized one week before the start of the session should be respected.

9. **Mr. Ben Lallahom** asked whether there were plans to provide associations with an opportunity to voice their opinions, as their work was important to the Committee.

10. **Mr. Könczei**, observing that no Braille versions of the session documents were available in the room, wished to know whether that problem would be resolved as soon as possible, in order to provide the Committee with suitable working conditions.

11. **The Chairperson** proposed to proceed to the adoption of the agenda, taking into account the amendments proposed by the members of the Committee.

12. *The agenda was adopted.*

13. The Chairperson informed the Committee members that only one State party, namely Spain, had met the deadline for the submission of its initial report. Three other States parties had also submitted their reports to the Committee: Tunisia, Peru and China (on 1 July, 8 July and 30 August 2010, respectively).

14. **Mr. Könczei** suggested that at the end of the session the Committee should adopt a document naming the States which had failed to submit their reports within the specified time frames and inviting them to fulfil their obligations.

15. **The Chairperson** asked the Committee Secretary to list the 14 States which had ratified the Convention since the previous session, bringing the number of ratifications to 94.

16. **Ms. Pavey** (Committee Secretary) indicated that the Republic of Armenia, Bosnia and Herzegovina, Canada, the United Arab Emirates, Ethiopia, the Republic of Latvia, the Republic of Lithuania, Malaysia, the Republic of Maldives, the Federal Democratic Republic of Nepal, the Federal Republic of Nigeria, the Republic of Moldova, the Republic of Senegal and the Slovak Republic had all ratified the Convention.

Cooperation with other United Nations bodies, specialized agencies and other competent bodies

17. **Ms Bailey** (Implementation Support Unit for the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction) who specialized in the provision of assistance to victims, observed that the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention) and the Convention on the Rights of Persons with Disabilities both aimed to improve the fate and the everyday lives of persons with disabilities.

18. She gave an overview of the evolution of the Ottawa Convention and the process that had led to the adoption of the principles on assistance to victims and said that, during the Second Review Conference of the Ottawa Convention, the States parties had noted that the Convention on the Rights of Persons with Disabilities provided a new standard by

which to measure victim assistance efforts and a framework for States parties for meeting their responsibilities to victims and their families. They had also highlighted that the Convention could provide guidance on a systematic, sustainable, gender-sensitive and human rights-based approach by incorporating victim assistance into the policies and programmes for all persons with disabilities.

19. She noted that 77 States had ratified the two Conventions, including 13 of the States that had reported responsibility for significant numbers of landmine survivors, and wondered how cooperation in order to implement both texts could be strengthened to ensure the most positive outcome for survivors and persons with disabilities living in mine-affected communities.

20. Several implementation mechanisms established by the States parties to the Ottawa Convention could be useful to States parties to the Convention on the Rights of Persons with Disabilities and encourage them to develop a similar provision: the Intersessional Work Programme (an informal exchange mechanism) and its four Standing Committees; the Coordinating Committee, made up of the Co-Chairs and Co-Rapporteurs of the Standing Committees and on which the United Nations, the International Committee of the Red Cross and the International Campaign to Ban Landmines were represented; the Sponsorship Programme, which enabled health, rehabilitation, social services and disability rights professionals to participate in activities to implement the Convention; and the Implementation Support Unit, created in 2001 and funded by States parties to provide neutral and apolitical support.

21. The Implementation Support Unit was aware that responsibility for creating its own plans of action rested with the sovereign State, and worked with the States parties that had reported responsibility for significant numbers of landmine survivors to set specific and measurable objectives, develop and implement a plan of action, and monitor its follow-up. Where programmes existed, the focus was placed on ensuring that the relevant ministries were aware of their State's obligations under the Convention.

22. In addition, tools had been created to assist States in developing their national plan of action. The Cartagena Action Plan 2010–2014 included 14 areas of action relevant to victim assistance that had direct links to articles of the Convention on the Rights of Persons with Disabilities: inclusion, coordination, data collection, legislation and policies, planning, monitoring and evaluation, the involvement of relevant experts, capacity-building, accessibility (including to appropriate services), good practice, awareness-raising, resource mobilization, inclusive development and bilateral and regional cooperation.

23. It was likely that the implementation of the Convention on the Rights of Persons with Disabilities in developing countries would be subject to similar challenges as those encountered by the Ottawa Convention. One continuing challenge was to improve the quality of life of persons with disabilities in a tangible way. Addressing that would require increasing the capacities of States and non-governmental structures with regard to disability issues and ensuring that development activities were inclusive of and accessible to persons with disabilities. In order to enhance collaboration between implementation activities for the two Conventions, several measures could be put in place. The Implementation Support Unit and the United Nations agencies tasked with supporting implementation of the Convention on the Rights of Persons with Disabilities could share details of their contacts in public bodies and information on the activities in each country. In the same way that victim assistance workshops and round tables included a discussion on the Convention on the Rights of Persons with Disabilities, campaigns to raise awareness of the Convention could include, where relevant, a discussion on State obligations under the Ottawa Convention. Regular contact between States that had taken on roles of responsibility related to the operation of each Convention could be enhanced, and those tasked with supporting the implementation of each Convention could also participate more in the meetings under

the other Convention. Other ways to improve the implementation of the two Conventions included sharing good practice, international cooperation and possible collaboration for monitoring and reporting.

24. **Ms. Minkowitz** (International Disability Alliance) regretted that the Committee, in a departure from the practice of all the other treaty bodies and the very principles of the Convention, had decided not to hold a dialogue with Tunisian organizations of persons with disabilities and non-governmental organizations (NGOs) or with the International Disability Alliance (IDA) prior to drafting its list of issues for the consideration of the report of Tunisia. She expressed the hope that it was an exceptional departure from practice and proposed that the Committee hold a private session with organizations of persons with disabilities and NGOs when drawing up and adopting lists of issues and invited, at the opening of a session, those organizations to a consultation on the States whose reports were due to be considered. An informal event on the report of Tunisia would be held by IDA the following day, during which it would present its analysis and proposals. She encouraged other United Nations agencies to take an active part in the dialogue and to share with the Committee information collected as part of their mandate.

25. IDA was a network of nine global and six regional organizations of persons with disabilities, that worked to enhance awareness of disability within all treaty bodies and their experts whose mandate covered the rights of persons with disabilities (including women and children), their civil and political rights, their economic, social and cultural rights, and their right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment.

26. The chairperson of IDA intended to take part in the day of general discussion that the Committee on Economic, Social and Cultural Rights intended to hold in November on the right to sexual and reproductive health; she would highlight the pressing need to ensure that sexual and reproductive health-care services, in particular contraception, sterilization and abortion, must not be imposed and that the sexual freedom of women with disabilities should not be restricted. Ms. Minkowitz encouraged the Committee to take part in that discussion and also invited it to consider treaty bodies' general comments that were not consistent with the principles and provisions of the Convention on the Rights of Persons with Disabilities, using the analysis on that subject that IDA would submit to it. In efforts to raise the voices of organizations of persons with disabilities at the international level and to assist the Committee to carry out its mandate, she asked the Committee to make public far enough in advance the dates on which State party reports would be considered, and to specify deadlines for the submission of documents and registration for pre-sessional working group meetings and NGO briefings prior to the consideration of the report of a State party.

27. **The Chairperson** recalled that, with the agreement of the State party, the consideration of the initial report of Tunisia had been postponed to the following session to allow the Committee to devote more time to it.

The meeting was suspended at 11.35 a.m. and resumed at 11.55 a.m.

28. **Mr. Ali Bin Ali** (Shafallah Centre for Children with Special Needs) announced the launch of the Disability Awareness, Rights and Education (DARE) Initiative on awareness-raising, rights and education of persons with disabilities, at the instigation of Her Highness Sheikha Mozah Bint Nasser Al Missned, the First Lady of Qatar. It aimed to make a lasting contribution to the rights of persons with disabilities and to use innovations and lessons learned to encourage future action and advocacy for human rights.

29. Guided by the slogan "Nothing about us without us", the activities that would be carried out under the DARE Initiative would be based on two pillars: firstly, education and awareness-raising on the rights of persons with disabilities, through the development of

learning materials in accessible formats based on the Convention, and, secondly, pilot projects at the community level that took the needs of persons with disabilities into consideration. To give those projects a global perspective, the Centre would collect information and experience through its existing network of partners, which were mostly universities. The Shafallah Centre was ready to support the work of the Committee with its network and could provide legal research and analysis on complex issues related to the Convention, a comparative study on disability-related laws and policies, and community-based work to assist organizations of persons with disabilities in drafting their shadow reports. The Centre would also collaborate closely with international organizations such as the United Nations and the World Bank. He concluded by reaffirming the conviction of the members of the DARE Initiative and its partner organizations that the rights set forth in the Convention could and should be implemented through worldwide education, awareness-raising and advocacy.

30. **Ms. Mulligan** (International Disability and Development Consortium) explained that the International Disability and Development Consortium (IDDC) comprised 23 NGOs from around the world working in more than 100 countries to promote the rights of persons with disabilities through collaboration and the sharing of information and expertise. It acted as a vehicle for its NGOs to express themselves in the disability and development fields, including by advocating the adoption of inclusive policies and practices. IDDC task groups cooperated with United Nations bodies and specialized agencies in various areas: community-based rehabilitation, conflict and emergencies, HIV/AIDS and disability, inclusive education, and livelihoods. Another task group, on relations with the United Nations, monitored and promoted implementation of the provisions of the Convention on the Rights of Persons with Disabilities, in particular the provisions related to international development. It also coordinated the links between IDDC and United Nations bodies and between the other task groups and promoted IDDC as a centre of excellence on inclusive development, including among key actors in the United Nations system.

31. IDDC had taken part in the second and third Conferences of States Parties to the Convention on the Rights of Persons with Disabilities and in meetings of the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities. It had organized a panel discussion on inclusive development during the 47th session of the Commission for Social Development and had collaborated with the Department of Economic and Social Affairs on the drafting of the fourth report of the Secretary-General on disabilities, with the United Nations Development Programme on developing guidelines on inclusive development and with key figures in the United Nations Millennium Development Goals Campaign on including disability in the Millennium Development Goals. IDDC had launched a website (www.includeeverybody.org), which was an information portal on disability and the Millennium Development Goals. It was also working with the Office of the United Nations High Commissioner for Human Rights and had taken part in the first meeting of the Committee on the Rights of Persons with Disabilities, as well as supporting General Assembly and Security Council resolutions on disability-related issues. Furthermore, IDDC had participated in discussions held by the World Intellectual Property Organization on issues relating to the copyright of documents for blind or visually impaired persons.

32. **Ms. Karr** (The Atlas Council) said that the beginning of the consideration of State party reports by the Committee would be a milestone in the redefinition of disability and would be crucial in advancing the rights of the 650 million persons with disabilities around the world. The Atlas Council had studied the report of Tunisia — the first to be considered — and had noted with satisfaction that the State party was, in many ways, at the forefront of efforts on behalf of human rights in general and of the rights of persons with disabilities in particular. In the interests of transparency and impartiality, the Atlas Council had sent its report to the State party, a step that it considered fair, since it contained recommendations

to improve the situation in the country. In its work, the Atlas Council ensured that it directly involved both persons with disabilities and local NGOs. To do so, it sent a questionnaire to NGOs in the country concerned and provided financial assistance so that at least one NGO representative could come and make a statement to the Committee when the Committee considered the report.

33. **Ms. Raubarriga** (Human Rights Watch) agreed with the speakers who had emphasized the importance of holding pre-sessional meetings with NGOs and organizations of persons with disabilities prior to drafting lists of issues for the consideration of the reports of States parties. With a presence in more than 90 countries, Human Rights Watch had recently begun striving to fully integrate disability issues into its activities. Some of the reports it had published in 2010 covered women with disabilities in northern Uganda, deinstitutionalization in Croatia, violations of the rights of persons with mental disabilities in immigration procedures in the United States of America, forced abortions for women with disabilities in Argentina and corporal punishment of children with disabilities in the United States.

34. A number of points that could be applied to other countries and situations had emerged from the study in northern Uganda. During the process of resettlement following conflict, women with disabilities had not been taken into consideration; rather than being considered as full citizens and afforded rights, they were victims of violence, abandoned, stigmatized by all, including their family members, and even considered as mouths not worth feeding. They were particularly vulnerable to sexual and gender-based violence (more than a third of women interviewed), in particular because of their social exclusion, their reduced mobility, a lack of assistance structures, their communication difficulties and because society considered them as weak, stupid or asexual. Sometimes, the distances to health centres or police stations were so great that victims were unable to reach them, or the lack of a sign language interpreter meant they could not communicate. Poverty, the lack of opportunities for practising safe sex and the inaccessibility of information meant that women with disabilities were particularly at risk from HIV/AIDS, violence and rape.

35. In its report, Human Rights Watch made several recommendations for Governments, humanitarian NGOs and national monitoring bodies, urging them to ensure that women with disabilities were included in development plans (in particular in post-conflict situations) in the areas of health, education and means of subsistence, and had access to different relevant programmes (sexual and gender-based violence, reproductive health, HIV/AIDS), as well as to the police and justice (by increasing mobility and providing sign language interpretation, for example). The organization further recommended that the media should carry out targeted information campaigns to combat the stigmatization and discrimination suffered by women with disabilities, that further data should be collected on the problems so that programmes could be better adapted, and that all actors should commit to working more closely with persons with disabilities in their planning and decision-making, applying the slogan “Nothing about us without us”. Human Rights Watch had also recommended that the Committee on the Rights of Persons with Disabilities consider devoting a day of general discussion to women with disabilities and build partnerships with other treaty bodies, such as the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and the Committee Against Torture, for awareness-raising initiatives.

36. **Ms. Hodgkin** (Australia), speaking on behalf of Mexico and New Zealand, said that, since its first meeting in February 2009, the Committee had made an impact within the United Nations. From the Conference on Disarmament to the Executive Committee of the Office of the United Nations High Commissioner for Refugees, it had played an important role in ensuring that the perspectives of persons with disabilities were taken into account in decision-making. However, the work of the Committee was only just beginning; it would

soon consider the reports of States parties, starting with those of China, Peru, Spain and Tunisia, which had just submitted their initial reports. Australia, which was also preparing its report, was confident that the Committee would continue to be a practical, effective and valued treaty body.

37. **Ms. Kowalczyk** (Council of Europe) recalled that the Council of Europe brought together 47 European States, of which 45 had signed the Convention on the Rights of Persons with Disabilities and 25 had ratified it. She said that a Mid-term Review Conference of the Council of Europe Disability Action Plan 2006–2015 would be held in Istanbul in December 2010 to consider what had been achieved and what remained to be done under the action plan. The fundamental aim of the action plan was to help member States strengthen measures to combat discrimination and to protect human rights to promote equality and independence for persons with disabilities, while focusing on the freedom of choice and full citizenship of persons with disabilities. A working group had been established in collaboration with the European Union Agency for Fundamental Rights which focused on the participation of persons with disabilities in public and political life, in particular those with intellectual impairments. Another aim of the Council of Europe was to raise awareness among all citizens that disability was part of human diversity and that Europe should move from the medical model of disability to the social model and from incapacity to capacity. The action plan also aimed at leaving behind the fragmented policies that had been applied in the past in Europe, hence promoting coherent action. The Council of Europe could assist in improving implementation of the Convention on the Rights of Persons with Disabilities in Europe, and was interested in working together with the Committee on that.

38. **Ms. Moodie** (United Nations Children's Fund) reiterated the support of the United Nations Children's Fund (UNICEF) for the work of the Committee and said that it was looking forward to discussing in more detail with the secretariat of the Committee, NGOs and other United Nations partners how they could establish a more formal basis for their cooperation. She was pleased to learn that pre-sessional working groups were planned, which would allow information from UNICEF field offices to be relayed before the lists of issues were drawn up, as was done with other treaty bodies. Work by the Committee was already bearing fruit at UNICEF: children with disabilities were increasingly taken into account in the creation of its programmes, and a senior-level administrator was going to be recruited in January 2011 to coordinate work in that field.

The meeting rose at 12.30 p.m.