



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### Third session

#### Summary record of the first part (public)\* of the 1st meeting

Held at the Palais des Nations, Geneva, on Monday, 22 February 2010, at 10 a.m.

*Chairperson:* Mr. McCallum

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\* The summary record of the second part (closed) of the meeting appears as document CRPD/C/3/SR.1/Add.1.

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*The meeting was called to order at 10.05 a.m.*

**Opening of the session**

1. **The Chairperson** declared open the third session of the Committee.

**Statement by the Director of the Human Rights Treaties Division**

2. **Mr. Salama** (Director, Human Rights Treaties Division, Office of the United Nations High Commissioner for Human Rights (OHCHR)) stressed the importance of the Committee's efforts to ensure that the millions of persons with disabilities around the world had the tools, support and enabling environment they needed to reach their full potential. Making communities accessible for all benefited not only individuals but also society as a whole. The fact that the number of States having ratified the Convention had reached 80, which would mean that six more experts would be appointed to the Committee, attested to the growing recognition that persons with disabilities had been marginalized for too long.
3. He informed the Committee that the priorities identified in the OHCHR Strategic Management Plan 2010–2011 included the development of a communication strategy to promote ratification of international human rights instruments and increase awareness of the related individual complaints procedures. The eleventh Inter-Committee Meeting, to be held in June 2010, would focus on the themes of lists of issues and targeted reports, taking into account the implementation of the common core document and treaty-specific reporting guidelines. Furthermore, it had been suggested, subject to approval at the next meeting of chairpersons of human rights treaty bodies, that one of the two annual inter-committee meetings should be transformed into a working group that initially would focus on strengthening follow-up, with other topics to be determined subsequently.
4. With regard to the strengthening of the treaty body system, he drew the Committee's attention to an informal meeting of former and current treaty body experts held in Dublin in November 2009 to discuss the future of the treaty bodies and a possible framework for strengthening the system. The participants had adopted a statement at the end of the meeting which had been circulated to stakeholders, including treaty bodies.
5. On a more substantive level, the Human Rights Council had organized a first interactive panel dialogue on the rights of persons with disabilities in March 2009; the second panel dialogue would be held in March 2010 and would focus on the structure and role of national mechanisms for the implementation and monitoring of the Convention on the Rights of Persons with Disabilities. The United Nations Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities had adopted a Strategy and Action Plan aimed at including a disability perspective in the work of the Organization, both at Headquarters and in the field.
6. The current session would provide an opportunity to finalize such matters as the Committee's rules of procedure and working methods in preparation for the submission of the first periodic reports from States parties. Following the elections to be held in September 2010, the Committee's membership would increase to 18. That increase would mark a milestone in the life of the Committee and should strengthen its ability to promote the rights of persons with disabilities.
7. The Office of the United Nations High Commissioner for Human Rights was committed to supporting the work of the Committee. The Human Rights Treaties Branch had been transformed into a Division as of the beginning of 2010, and its resources were being enhanced. Its structure had been improved to take into account the expansion of the treaty body system and the importance of increased visibility and accessibility for all stakeholders, as well as the need for each treaty body to have its own core staff. In keeping

with her constant support for the work of the treaty bodies, the High Commissioner would meet with the Committee during the current session.

8. **The Chairperson** underscored the important progress made by the Committee since its establishment under the able leadership of its founding Chairperson, Mr. Al-Tarawneh, and invited him to accept a gift from the Committee as a token of appreciation for his efforts. He also welcomed the recent ratification of the Convention by France, bringing the total number of ratifications to 80. While the relatively small size of the Committee had to date facilitated consultation and interaction, he looked forward to the forthcoming election, in September, of six additional members. A larger membership, with a broader range of skills and disabilities, would enhance the capacity of the Committee.

#### **Adoption of the agenda (CRPD/C/3/1)**

9. **The Chairperson** invited comments on the provisional agenda and the proposed programme of work.

10. **Ms. Cisternas Reyes**, referring to the Committee's proposed programme of work, recalled that the first periodic reports by States parties would soon be submitted; it was therefore important to finalize the Committee's reporting guidelines for approval by the Conference of States Parties to the Convention. The Committee must likewise discuss its procedures for the consideration of individual complaints under the Optional Protocol.

11. The Committee should establish a working group to prepare a statement regarding the situation in Haiti following the earthquake in that country and underscoring the need to include the needs of persons with disabilities in reconstruction plans. The already difficult situation of disabled persons in one of the poorest countries in the world had been made even more difficult, and thousands of people would be added to the ranks of persons with disabilities due for example to amputations as a result of injuries sustained in the earthquake.

12. At the operational level, the Committee should develop a strategy to increase awareness of disability issues and strengthen links with United Nations agencies and offices, including OHCHR and other treaty bodies and also stakeholder groups. The Committee should work to make the disability perspective a cross-cutting issue in the work of the Organization, for example in the context of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance (Durban, 2001) and the Beijing Platform for Action.

13. **The Chairperson** suggested that the Committee's reporting guidelines could be discussed at the penultimate meeting of the current session. With regard to Haiti, he recalled that a statement regarding the situation in that country had been prepared by Mr. Al-Tarawneh and posted on the Committee's website.

14. He agreed that it was important to strengthen the Committee's cooperation with other committees and stakeholders. He noted for example that the Executive Committee of the Office of the United Nations High Commissioner for Refugees (UNHCR) had prepared a draft document on the situation of refugees with disabilities without consulting the Committee. He hoped that the Committee would be enabled to provide input to that document.

15. **Mr. Ben Lallahom** agreed that the Committee should adopt a statement regarding the situation in Haiti, in addition to the one previously prepared by the former Chairperson, for the benefit of the media.

16. Turning to the issue of State party reports, he said that his own country, Tunisia, was required to submit its initial report by 3 May 2010, but he had been informed by the authorities that they had not received the Committee's reporting guidelines. Some

permanent missions had apparently received the guidelines in December 2009; he wondered why they had not been sent to the Tunisian authorities, who had already begun preparation of their report.

17. **The Chairperson** said that it was his understanding that the Committee's reporting guidelines could be consulted by States parties on the Committee's website. He trusted the secretariat would likewise ensure that a copy was provided to the Permanent Mission of Tunisia.

18. **Ms. Peláez Narváez** said that the Committee should at the current session appoint a Rapporteur for the Optional Protocol, a post separate from that of General Rapporteur, to work jointly with the secretariat on a preliminary draft document outlining the procedure to be followed for the submission of individual communications. At the previous session, she had nominated Ms. Cisternas Reyes for that post. Noting the importance and volume of the work to be undertaken by the Committee once it began considering State party reports, she proposed that the Conference of States Parties to the Convention, at its third session in September 2010, should be asked to consider increasing the length of future sessions of the Committee to two weeks.

19. **Ms. Maina**, acknowledging the need for the Committee to adopt its working methods and to make significant progress with the rules of procedure at the current session, said that a number of key aspects of the draft working methods should be addressed, including the points raised by Ms. Peláez Narváez and the general question of how the Committee should go about realizing the various objectives of its mandate.

20. **Mr. Al-Tarawneh** noted that the permanent missions of all States parties represented in Geneva had been sent a copy of the reporting guidelines and that each State was responsible for ensuring that they reached the relevant ministry. Recalling that the situation in Haiti was a crucial issue, he said that the Committee should discuss ways in which it could provide technical support.

21. **The Chairperson** said that he took it that the Committee wished to adopt the agenda.

22. *It was so decided.*

#### **Adoption of the report of the second session of the Committee (CRPD/C/2/2)**

23. **Ms. Peláez Narváez** recalled that Committee members had been told by the secretariat that the report would be adopted if no comments had been received from members within four days of receipt in December 2009. While she could accept the report as it stood, it should be for the Committee to adopt it at the current session.

24. **The Chairperson** clarified that the four-day deadline had been for submission of comments on the report before its preparation for the current session and translation into the Committee's working languages. The report could be adopted only with the agreement of the Committee.

25. He took it that the Committee wished to adopt the report.

26. *It was so decided.*

#### **Report of the Chairperson on intersessional activities (CRPD/C/3/CRP.1)**

27. **The Chairperson** commended his predecessor for his work between the second and third sessions, including having written to governments on the occasion of the International Day of Persons with Disabilities in December 2009, urging those that had not yet ratified the Convention to do so. He thanked Committee members for the work that they had

undertaken in their respective countries to raise the profile of persons with disabilities and of the Convention.

28. **Ms. Cisternas Reyes**, referring to section III.C of the report, said that it was important to refer to the link between the Convention and the third follow-up meeting to the Brasilia Declaration on the rights of older persons, and to mention the fact that she had given a presentation on the Convention as an example of negotiation of an international treaty.

29. **The Chairperson** said that general practice in such reports was to give a brief summary of events, as a longer document would be more costly to translate. However, the report of the Chairperson on intersessional activities could be more detailed in future if the Committee so wished, and that matter could be discussed later in the session.

30. **Ms. Peláez Narváez** requested that a reference to the seminar on capacity-building of non-governmental organizations (NGOs) working with persons with disabilities to make effective use of United Nations human rights monitoring mechanisms, which had been held on 7 and 8 January 2010 should be included in the intersessional report.

31. **The Chairperson** said that material for inclusion in the report had been required by 4 January 2010 in order for it to be ready in time for the current session, which was why the seminar referred to by Ms. Peláez Narváez had not been included. Noting that the report on activities undertaken between the first and second sessions of the Committee had not covered the second session of the Conference of States Parties to the Convention, since it had been held in September 2009, too close to the dates of the second session of the Committee in October 2009, he suggested that the seminar could be included in the next report on intersessional activities.

32. **Ms. Peláez Narváez**, noting that the title of the report referred specifically to activities undertaken between the second and third sessions and that the seminar fell into that category, said that it was important to include it in the report.

33. **The Chairperson** said that the secretariat would update the report accordingly. He stressed that the secretariat required sufficient time to ensure that documents were translated into the Committee's working languages.

34. **Ms. Maina** said that she had attended the forty-eighth session of the Commission for Social Development, which had been held from 3 to 12 February 2010 in New York, and that she had been surprised that the Committee had not been invited to participate in discussions on issues related to the Convention, despite the fact that her attendance had been funded by the Office of the United Nations High Commissioner for Human Rights. She emphasized the need to increase cooperation between the Committee and the Commission for Social Development, especially in view of the fact that the Convention must now take precedence over the Standard Rules on the Equalization of Opportunities for Persons with Disabilities. Indeed, her area of expertise, covering intellectual and psychosocial disabilities, was not sufficiently addressed in the Standard Rules. Cooperation with the Commission for Social Development would be an effective platform for promoting the visibility of the Convention and for helping States parties to understand key aspects of implementation. Her experience at the Commission for Social Development should be included in the report in order to inform the future work of the Committee.

35. **Ms. Ito** (Department of Economic and Social Affairs), noting that the Commission for Social Development had addressed only one aspect related to persons with disabilities, that of mainstreaming disability in the development agenda, said that the Commission's Bureau planned its agenda on a biennial basis, and it would be advisable for the Committee to hold regular and timely consultations with the Commission's Bureau on specific disability issues.

36. **Mr. Ben Lallahom** said that the title of the report under consideration should be amended to reflect the important intersessional activities that had been undertaken by many of the Committee members and not just the Chairperson, given that the purpose of the report was to record the Committee's work for posterity.

37. **The Chairperson**, noting that some of the activities undertaken by individual Committee members had been acknowledged in the report, said that the title had been adopted simply because it was the standard title used by United Nations treaty bodies, although that practice could be amended for future reports if the Committee so wished.

38. **Ms. Cisternas Reyes**, expressing support for the comments made by previous speakers, said that the report should be brief but transparent, containing details of which members had undertaken which activities. She stressed the importance of including activities that had taken place after the deadline for inclusion in the report, noting that translation should not constitute an obstacle as the details could be submitted in English.

39. **Mr. Al-Tarawneh** said that building cooperation between the Committee and the Commission for Social Development would aid the work of the Rapporteur, and he recommended that that matter should be discussed further at the current session.

40. **The Chairperson** said that he took it that the Committee wished to adopt the report, subject to any necessary updating as proposed by members in their comments.

41. *It was so decided.*

*The public part of the meeting rose at 11.05 a.m.*