



**Convention on the
Rights of Persons with
Disabilities**

Distr.
GENERAL

CRPD/C/SR.5
13 March 2009

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

First session

SUMMARY RECORD OF THE 5th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 25 February 2009, at 10 a.m.

Temporary Chairperson: Ms. CONNORS (Office of the United Nations
High Commissioner for Human Rights)

CONTENTS

MEETING WITH MEMBER STATES

ELECTION OF OFFICERS

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

MEETING WITH MEMBER STATES

1. The TEMPORARY CHAIRPERSON invited Committee members to make personal introductory statements and go on to engage in a dialogue with the representatives of States parties to the Convention and other Member States and partners present at the meeting.

2. Ms. YANG Jia, noting that she had been the first visually impaired person to obtain a Master of Public Administration degree at Harvard University, said that China had the world's largest number of persons with disabilities, the equivalent of the entire population of Germany. Persons with disabilities in China had a long and rich tradition of achievement. Examples included the famous blind monk who had helped to spread Chinese arts and technology to Japan in the eighth century.

3. Ms. MAINA said that she was one of the members of the Committee with a psychosocial disability, which had long not been recognized as a disability as such. Persons with such disabilities suffered greatly, especially in Africa. She emphasized that incorporating supported decision-making into domestic law would help persons with intellectual or psychosocial disabilities to access their human rights. The Committee would be available to provide technical assistance to States in that regard.

4. Ms. PELÁEZ NARVÁEZ said that the participation of persons with disabilities in efforts to promote and protect their rights was vitally important. Civil society had been involved in the drafting of the Convention and should continue to be involved in the work of the Committee, especially as many of its representatives were themselves persons with disabilities. The Committee faced several challenges such as setting guidelines for reporting and ensuring that key articles of the Convention were implemented and further clarified, including articles 12, 14 and 17. She urged Member States that had not yet ratified the Convention to do so as soon as possible. Lastly, there was a need to address disability issues in a cross-cutting manner throughout the United Nations system, including in relation to racial discrimination and the rights of women and children.

5. Mr. URŠIČ said that he had been working in the field of disability for some 30 years, including as an assistant and later as an expert, researcher and civil servant. States parties must bear in mind that the Convention concerned both human rights and social and economic development. The two aspects of the instrument must not be separated. Slovenia had a long tradition in the area of disability policy. It had many independent organizations for the promotion of the rights of persons with disabilities, with which the Government cooperated closely. The Convention applied to persons with disabilities and non-disabled persons alike; they must work together to implement its provisions. As a non-disabled person, he felt a great responsibility to work towards that end.

6. Mr. McCALLUM said that, having become blind shortly after birth, he had been living with a disability for some 60 years. As a citizen of Australia, he wished to place on record his gratitude to his Government and to the Government of Canada for having provided him with an education that had allowed him to become a lawyer and academic in the field of labour relations law. He had advised various Australian Governments on labour and employment law and

occupational health and safety, and had worked with various organizations for the blind, particularly Vision Australia. He was interested in bringing his skills as a lawyer to bear on the work of the Committee and was particularly interested in access to information, education and employment. Without access to education and information, persons with disabilities could not gain employment. Employment made them full citizens in their nations and in the world.

7. Mr. BEN LALLAHOM said that he was a professor of medicine at Tunis Medical School and Director-General of the Institute for the Promotion of Persons with Disabilities in Tunisia. His Government had adopted legislation on persons with disabilities based on the International Classification of Functioning, Disability and Health. Persons with disabilities held prominent positions in both the public and the private sector in Tunisia. Many organizations working on their behalf received State support and there were many national programmes to promote educational integration, vocational training and accessibility, including access to information. The Government also supported scientific research in areas such as hearing impairment and learning disabilities.

8. Ms. AL SUWAIDI, noting that her colleagues had already covered most of the points that she wished to raise, said that she was pleased to represent the interests of Muslim women with disabilities. As a specialist in special education, she emphasized the importance of education for persons with disabilities, as it was the key to improving their social and economic situation.

9. Mr. TORRES CORREA said that he represented more than 1.5 million Ecuadorians with disabilities belonging to five associations. Ecuador had a national policy to implement all the provisions of the Convention. The Constitution was currently being amended so that attention would be focused on persons with disabilities in education, employment, health care and other areas. He urged those countries which had not yet done so to ratify the Convention. There was a need to exchange best practices and experience in promoting the rights of persons with disabilities. Such persons in developing countries required priority attention, especially in the context of the current economic crisis.

10. Ms. CISTERNAS REYES said that she was a lawyer, political scientist and research scholar. She highlighted the principle of respect for the inherent dignity, individual autonomy and independence of persons under the Convention. The Committee would be looking at all types of disabilities. She urged all newly acceding States not to dilute the provisions of the Convention by making reservations, and she called on all States parties, specialized agencies, regional organizations and other partners to cooperate with the Committee. There was a need for a cross-cutting and multisectoral approach. She drew particular attention to the provisions of article 4 of the Convention concerning economic, social and cultural rights and article 33 on national implementation and monitoring. The current economic crisis must not be used as a pretext to delay the realization of the rights of persons with disabilities.

11. Mr. CHOWDHURY said that Bangladesh had been the eighth State, and the first Muslim State, to ratify the Convention. The Government of Bangladesh attached particular importance to the implementation of the Convention and had established a national monitoring body under article 33. National legislation on disability welfare had been amended and brought into line with the Convention. The Government had also established a national coordinating committee on disability and a national executive committee on disability, and made efforts to ensure that the views of organizations serving the needs of the disabled were taken into account. The newly

elected Government of Bangladesh had demonstrated its commitment to the rights of persons with disabilities by taking measures to ensure that all Bengali news bulletins on national television included sign language interpretation for the hearing-impaired.

12. His own experience of disability had begun when an accident had left him blind at the age of 7. He had been the first visually impaired person in Bangladesh to obtain a Master's degree in public administration from the University of Dhaka. He had worked as an activist and development practitioner for 35 years, and was Chief Executive Officer of the Bangladesh National Foundation for the Development of Disabled Persons. He had served on the Executive Board of the World Council for the Welfare of the Blind, and had participated in the first World Congress of Disabled Peoples' International in Singapore in 1981.

13. The members of the Committee faced a particular challenge and responsibility: 600 million people in the world lived with some form of disability, 80 per cent of them in developing countries. Persons with disabilities must be encouraged to be self-supporting and self-dependent. They must be granted access to education, and opportunities for employment, to enable them to live with equal opportunities and dignity. He called on all Member States of the United Nations that had not done so to ratify the Convention as soon as possible.

14. Mr. KÖNCZEI said that he was a professor of disability studies and a disability rights activist in Hungary. State party support was crucial for the Committee's work and he expressed concern that any reservations to the Convention might undermine its aims. States parties had a responsibility to oversee the Committee's work, and to monitor each others' reservations. He drew attention to article 12, on equality before the law, which represented the very essence of the Convention. The importance of cooperation between the Committee and States parties was underlined by the current global economic crisis. States must ensure that despite their reduced resources they did not reduce the intensity of their fight to promote the rights of persons with disabilities.

15. Mr. AL-TARAWNEH said that he had been living with disability since a car accident in 1976. He was a qualified civil engineer, and had a particular interest in physical and social barriers to accessibility for persons with disabilities. The members of the Committee had various areas of expertise and experience, and must work together and complement each other. The Committee faced a number of challenges, the first of which was to encourage signature and ratification of the Convention. Jordan had made efforts to develop its domestic legislation on disabilities before signing and ratifying the Convention. Its national disability strategy was based on a twin-track social and rights-based approach and had been refined to bring domestic legislation into line with the provisions of the Convention. The Government was aware of the need to monitor the implementation of the Convention at the national level, and had established a monitoring centre to that end. Particular attention should be paid to the plight of women and children with disabilities, who were doubly disadvantaged.

16. Mr. DE ALBA (Mexico) expressed regret at the death in 2008 of the Mexican activist for disabled rights, Gilberto Rincón Gallardo, who had played a leading role in the preliminary work that had led to the drafting of the Convention, and who had passed away before seeing his work come to fruition. In tribute to his memory, Mexico had a particular responsibility to promote the work of the Committee and support the implementation of the Convention. The Committee should maximize its coordination with other human rights bodies, including the secretariat of the

Office of the United Nations High Commissioner for Human Rights, the Department of Economic and Social Affairs and, in particular, the United Nations Human Rights Council. Continuous contact should also be sought with States parties. The Committee had a dual responsibility, first to monitor the implementation of the Convention, and secondly to support States parties and assist them in the work of implementation. Real dialogue with States parties was therefore crucial. The Committee must also work closely with civil society to raise awareness of the Convention and promote its ratification. The Convention was both broad in scope and innovative in ambition, and the Committee should strive to develop its potential for innovation, as an example to the other treaty bodies, by promoting a culture of inclusion and integration in which all human rights - civil, political, economic, social and cultural - were protected in a balanced manner. In that regard, the provisions on international cooperation contained in article 32 of the Convention should be a major focus of the Committee's forthcoming deliberations. He appealed to all members of the Committee to move from a regional or country-based conception of disabilities to a more holistic approach, in order to construct a global vision of the rights of persons with disabilities.

17. Ms. LAURENSEN (New Zealand) commended the wide-ranging achievements of Committee members - reflecting the range of disabilities, perspectives and cultural backgrounds they represented - and their expressed commitment to an inclusive approach. Ensuring access to meetings and the participation of civil society was important for raising awareness of the Convention. Many concepts in the Convention were difficult and new, and maximum assistance was required for implementing them at the national level. She encouraged the Committee to follow other treaty bodies' practice, for example, regarding general comments on issues on which States parties would benefit from the Committee's guidance on interpretation of the Convention. Such issues would come to light through State parties' reports and through dialogue with States parties.

18. She stressed the importance of including persons with disabilities in current work on human rights, such as the work of the Human Rights Council, so as to avoid ghettoizing the issue of disability. She urged the Committee and civil-society representatives to consider how to include persons with disabilities in their work on such matters as extreme poverty, education and housing, as part of a mainstreaming approach. The Human Rights Council had a role in advocacy and awareness-raising on human rights, and the panel discussion at the Council's session beginning the following week would be the perfect opportunity to start raising awareness of the rights of persons with disabilities, particularly with regard to article 12 of the Convention. Consideration should be given to ways of enabling States to ratify the Convention without reservations. Human Rights Council resolutions complemented the work of the Committee in setting the institutional framework for the rights of persons with disabilities, and the Council would benefit from the input of the Committee. At a later date, the Council's awareness-raising capacity could be harnessed to address issues of primary importance.

19. Mr. MONTALVO (Ecuador) endorsed the views expressed by the representative of Mexico, and stressed that the Committee had enormous potential owing to its diversity, experience and training; those factors would constitute a driving force for implementation of the Convention. It was essential to raise awareness of the Convention and its implementation at the national level, and to promote the Optional Protocol in order to guarantee the broadest possible access for citizens. Implementation must be cross-cutting throughout the United Nations system, especially in terms of cooperation with other treaty bodies, special procedures and the

Human Rights Council. Disability must be placed as a topical issue in other United Nations bodies. The Convention was not only a human rights instrument, but was relevant to economic and social development. Its universal nature meant that it applied to persons both with and without disabilities. The Convention must therefore be implemented in as many countries as possible, and the accelerating pace of ratification would help in achieving that goal. The Committee must maintain a universal approach, encouraging dialogue between its members, States parties, the Secretariat, civil society and all other stakeholders.

20. Mr. HYASSAT (Jordan) expressed the hope that the Committee would finalize its rules of procedure and working methods expeditiously so that it could embark on its substantive work. In so doing, the Committee should consider the documents of other treaty bodies and make use of the work that had been done by specialized agencies such as the World Health Organization (WHO) and the International Labour Organization (ILO). The Committee should also encourage States parties to take measures in the context of the universal periodic review mechanism of the Human Rights Council. Other States should consider ratification in order to reaffirm their commitment to ensuring the rights of persons with disabilities, sharing best practices and developing rules and standards in respect of the rights of persons with disabilities.

21. Mr. HE Zhaohua (China) expressed support for the statement made by the representative of Mexico. The Convention represented a milestone in the promotion and protection of the rights of persons of disabilities, and the Committee must build on that achievement. Institution-building of the Committee was of paramount importance to ensuring the correct orientation of the Committee's work, as was a constructive and cooperative approach towards dialogue with States parties. The Committee should draw on the experiences of other treaty bodies in order to avoid any problems that they had faced. It was essential to respect the diversity of States parties' historical, traditional, religious and cultural backgrounds when considering the different stages of development of States parties with regard to the promotion and protection of the rights of persons with disabilities. The impact of the current worldwide economic crisis on developing countries deserved special attention in that regard, as it affected such rights as the right to education and employment.

22. He expressed faith in the Committee's ability to fulfil its duties in an exemplary manner and to live up to the high expectations placed upon it. He reaffirmed the commitment of the Chinese Government to upholding the rights of persons with disabilities, as exemplified by the recent adoption of legislation to incorporate the rights of persons with disabilities in national programmes and increase accessibility in urban and rural areas, and China's hosting of the Paralympics the previous year.

23. Mr. GÓMEZ DE OLEA BUSTINZA (Spain) said that the participation of civil society in developing the Committee's potential was essential. The Committee should coordinate with other treaty bodies in preparing its methods of work and develop reporting guidelines in order to increase the efficiency of States parties' reports and therefore compliance with the Convention. Disability must be treated in a cross-cutting fashion across the United Nations system. The Convention should be promoted at every opportunity, and recommendations to States parties under the universal periodic review mechanism should call for its ratification.

24. Mr. TEN GEUZENDAM (European Commission) said that the European Community was committed to protecting and upholding the rights of persons with disabilities as enshrined in the

Convention, and the European Commission and the 27 member States closely coordinated their work in that respect. The European Commission had, on 29 August 2008, adopted two proposals concerning the formal confirmation by the European Community of the Convention and its accession to the Optional Protocol, which were now being considered by the Council of the European Union. The first joint report on the progress made by the Community had been prepared by the High-Level Group on Disability in 2008 and submitted to the European Union ministers responsible for disability policies. A second report was currently being prepared, for which the Committee's reporting guidelines would be useful. Such a progress report would be produced annually, which would help the European Community meet its obligations under article 35 of the Convention. The European Commission had created a platform for coordination of activities relating to implementation of the Convention within the framework of the High-Level Group on Disability, and was in the process of developing a new long-term disability strategy, applicable from 2010, which would be inspired to a great extent by the letter and spirit of the Convention.

25. Ms. PHATOOMROS (Thailand) said that Thailand had been involved in drafting the Convention, which had entered into force in Thailand on 28 August 2008. She looked forward to working with the Committee members to achieve effective implementation. The use of general comments to aid interpretation of difficult concepts in the Convention would be useful, as it would help States to better understand the Convention's provisions, promote its universal ratification and encourage States parties not to submit reservations, or to withdraw existing reservations. The participation of persons with disabilities was essential, as they had a direct stake in the Committee's work. The Committee should follow the example of other treaty bodies, such as the Committee on the Rights of the Child, which encouraged States parties to include children in their delegations.

26. Ms. KIMANI (Kenya) said that Kenya, having ratified the Convention, was confident that the Committee would be of great assistance in its implementation. The Committee would benefit from close coordination with other treaty bodies in the development of its rules of procedure. She expressed support for the views expressed by the representative of New Zealand regarding the need for advocacy, especially within the Human Rights Council, to ensure that more countries ratified the Convention. She looked forward to the panel discussion to be held during the session of the Human Rights Council the following week.

27. Ms. LINDERS (South Africa) said that South Africa was committed to implementing its obligations under the Convention. She agreed with the representative of New Zealand that awareness-raising of disability issues was a priority. The Committee's rules of procedure might serve as a model to encourage other United Nations bodies to make their meetings accessible to persons with disabilities. Her delegation was particularly concerned about accessibility and freedom of expression, which were covered by articles 9 and 21 of the Convention, and wished to encourage the Committee, in its reporting guidelines, to stress the importance of access to information and communication technology for persons with disabilities, which would in turn broaden their access to employment and education. She herself had a disability and was delighted to see the issue being taken so seriously by the United Nations. More Member States must be encouraged to ratify the Convention.

28. Ms. ESQUIVEL (Chile), welcomed the fact that persons with disabilities had been involved in negotiating the Convention, which was the first human rights treaty of the

twenty-first century. It was vital also to ensure that the human rights of persons with disabilities were integrated into the work of the Human Rights Council and other human rights treaty-monitoring bodies. Chile would do its utmost, at both the national and the international level, to ensure respect for the privacy of persons with disabilities; promote their economic, social and cultural rights; guarantee their full participation in the democratic process; and combat discrimination and exclusion. The Committee's establishment represented a milestone for human rights.

29. Ms. LAURENSEN (New Zealand) expressed appreciation for the preparatory work carried out by the Secretariat, the Department of Economic and Social Affairs and the Office of the High Commissioner for Human Rights to ensure that the Committee's first session ran smoothly. She also welcomed the meeting of the Conference of States Parties to the Convention, held in New York; the decision by the Human Rights Council to hold an interactive panel dialogue on the rights of persons with disabilities; and the close cooperation already in evidence with the United Nations Secretariat, States Parties and civil society.

30. Ms. CISTERNAS REYES, welcoming the opportunity to dialogue with Member States, said that she shared the view of the representative of South Africa that the Committee should incorporate the issue of accessibility in its rules of procedure and encourage other bodies to do likewise. She agreed with the representative of Spain that States should be encouraged under the universal periodic review mechanism to ratify the Convention, but they should also be encouraged to ratify the Optional Protocol without reservations. She invited the Mexican delegation to explain how the Committee might best cooperate with the Council on operational and substantive aspects of the review mechanism.

31. Ms. OLIVERA WEST (Mexico) said that Committee members might choose to have informal as well as formal exchanges on that issue with the Council, including with individual members. It might also follow up on recommendations made by the Council. Meanwhile, civil society would provide another important link. The Council would receive suggestions from the Committee on issues deriving from the Convention and consider transforming them into concrete decisions. Several countries had already been recommended to ratify the Convention and Optional Protocol as part of their universal periodic review. Further suggestions from the Committee with regard to implementation of its recommendations would also be welcomed by the Council.

32. Mr. GÓMEZ DE OLEA BUSTINZA (Spain) said that the Council's special procedures should also be encouraged to introduce disability criteria into their respective mandates, which covered issues ranging from housing to the right to food or water. There was potential for much fruitful cooperation on such issues.

The meeting was suspended at 12.05 p.m. and resumed at 12.55 p.m.

ELECTION OF OFFICERS (continued)

33. Ms. PELÁEZ NARVÁEZ, speaking also on behalf of Mr. Al-Tarawneh, expressed gratitude to Mr. Chowdhury for withdrawing his candidature and proposed that she and

Mr. Al-Tarawneh should be Chairperson and Vice-Chairperson for one year each, thus sharing a two-year term. The draft rules of procedure could be clarified to ensure that any procedural confusion in electing officers would be avoided in years to come.

34. Mr. AL-TARAWNEH said that he and Ms. Peláez Narváez had decided between them that he would serve as Chairperson first. Their goal was unity and teamwork. The Committee would need to rework rule 14 of the draft rules of procedure to ensure that future elections were governed by consensus.

35. Mr. McCALLUM welcomed the solution devised by the previous two speakers.

36. Ms. CISTERNAS REYES, associated herself with Mr. McCallum's remarks and added that she had been disturbed by the lack of consensus in evidence at the previous meeting.

37. Ms. MAINA agreed that rule 14 of the draft rules of procedure would need to be revised, along with other rules, to ensure that the Committee worked by consensus. Efforts should also be made to ensure that the various aspects of the Convention found reflection in the expertise of officers elected to the Bureau.

38. Mr. KÖNCZEI suggested that the aim of ensuring that the Bureau was unified might be best served by asking Mr. Al-Tarawneh and Ms. Peláez Narváez to select the other Bureau members.

39. Mr. BEN LALLAHOM, welcoming the solution reached by Mr. Al-Tarawneh and Ms. Peláez Narváez, said that another election might have been divisive. He took it that only two Vice-Chairpersons remained to be elected.

40. Mr. TORRES CORREA, speaking on a point of order, said that he wished it to be placed on record that the rules of procedure had not been respected and that another election should have been held to decide the matter. He would not, however, oppose the majority decision.

41. Mr. Al-Tarawneh was elected Chairperson for 2009 by acclamation, on the understanding that he would serve as Vice-Chairperson in 2010.

42. Ms. Peláez Narváez was elected Vice-Chairperson for 2009 by acclamation, on the understanding that she would serve as Chairperson in 2010.

43. Mr. Al-Tarawneh took the Chair.

44. The CHAIRPERSON suggested that the outgoing Temporary Chairperson, Ms. Connors, should be asked to remain on the podium for the remainder of the session, to give the Committee the benefit of her expertise.

45. It was so decided.

The meeting rose at 1 p.m.