



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities Sixth session

Summary record of the 1st meeting

Held at the Palais Wilson, Geneva, on Monday, 19 September 2011, at 10 a.m.

Chairperson: Mr. McCallum

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The meeting was called to order at 10.20 a.m.

Opening of the session

1. **The Chairperson** declared open the sixth session of the Committee on the Rights of Persons with Disabilities. Recalling that in its initial report to the General Assembly (A/66/55) the Committee had requested the Assembly to approve an increase in its meeting time, he expressed the strong hope that the Committee would be given the necessary additional time to enable it to fulfil its mandate.

Opening statement by the representative of the United Nations High Commissioner for Human Rights

2. **Ms. Lee** (Groups in Focus Section, Office of the United Nations High Commissioner for Human Rights – OHCHR) said that there had been significant developments since the fifth session of the Committee, including the creation of the Committee on Enforced Disappearances, established pursuant to the International Convention for the Protection of All Persons from Enforced Disappearance, which would hold its first session in November 2011. The Human Rights Council had adopted two noteworthy resolutions, namely resolution 17/18, entitled Optional Protocol to the Convention on the Rights of the Child on a communications procedure (A/HRC/17/L.8), whereby children would join the ranks of full-fledged right-holders empowered to bring their complaints about violations of their rights to an international body, and its first resolution concerning human rights, sexual orientation and gender identity (A/HRC/RES/17/19).

3. The process of consultations on treaty-body strengthening begun in late 2009 by the High Commissioner for Human Rights was near completion. Many messages had been conveyed at the various meetings held under that process, including the calls by civil society organizations for strengthening the treaty-body system, by national human rights institutions for all treaty bodies to harmonize their engagement procedures, and by States parties for austerity and self-discipline, particularly concerning so-called non-mandated activities such as follow-up procedures and the formulation of general comments.

4. The most recent inter-committee meeting, held in June 2011, had focused on the challenges faced by treaty bodies, including the harmonization of working methods, which fell to the bodies themselves, and the lack of resources, which was clearly the responsibility of States. The treaty-body system could not function properly with only 35 per cent of States parties meeting their reporting obligations and the lack of resources undermining their ability to fulfil responsibilities under international human rights law. At their twenty-third meeting, the Chairpersons of the human rights treaty bodies had decided to provide guidance on the eligibility and independence of members of the treaty bodies (A/66/175, para. 19), and to hold their following meeting in June 2012 in Africa (para. 22). The Chairpersons had also agreed to abolish the inter-committee meeting for the sake of economy and efficiency (para. 25). Lastly, it had been recommended that the Chairpersons should adopt measures on working methods and procedural matters common to all treaty bodies. Such measures would be implemented by all bodies unless a committee dissociated itself from them (para. 21).

5. Commending the Committee for holding environmentally friendly “paperless sessions”, she said that there had been significant developments between April and August 2011 relating to disability, including the publication of the *World Report on Disability* by the World Health Organization (WHO) and the World Bank, and the judgement of 19 July 2011 of the European Court of Human Rights in the emblematic *L.M. v. Latvia* case (Application No. 26000/02), which found a violation of the right to liberty and security of person of the applicant, a permanent non-national resident of the Republic of Latvia who

had been interned in a psychiatric hospital for a month after threatening to jump out of the window of her apartment. In conclusion, she announced that since April 2011 Belize, Colombia, Cyprus and Pakistan had ratified the Convention, bringing the number of States parties to 104. Cyprus had also ratified the Optional Protocol to the Convention, ratifications of which currently stood at 62.

Adoption of the agenda (CRPD/C/6/1)

Organizational matters

6. **The Chairperson** pointed out some minor editorial changes in the programme of work contained in the annex to the provisional agenda (CRPD/C/6/1) and invited members of the Committee to comment.

7. **Mr. Langvad** said that he had submitted to the Committee two proposals for thematic discussions, concerning article 4, paragraph 3, and article 5 of the Convention. It was important for the Committee to hold such discussions even though its meeting time was limited. In addition, he suggested that the Committee should meet, formally or informally, with the Committee on the Rights of the Child, which was holding a concurrent session in Geneva, with a view to harmonizing the work of the various treaty bodies.

8. **Ms. Cisternas Reyes** supported the proposal by Mr. Langvad. In addition, the proposal of the Organization of American States Committee on the Elimination of All Forms of Discrimination against Persons with Disabilities to hold meetings with the Committee should be followed up. She also referred to the proposals that she had made concerning the operation of the Committee, including logistics and documentation.

9. **Mr. Ben Lallahom**, noting that the Committee on the Rights of the Child held three three-week sessions every year in addition to its intersessional meetings, said that in that way it managed to consider more than 10 reports of States parties a year. Given the increasing number of such reports submitted to the Committee on the Rights of Persons with Disabilities, the Chairperson and each member of the Committee should, in consultation with the secretariat, seek ways of considering more than one report per session.

10. **The Chairperson** recalled that the Third Committee was due to take up the issue during the week beginning on 17 October 2011. He trusted that the General Assembly would adopt a decision to grant the additional time required.

11. **Mr. Al-Tarawneh** reiterated the request made publicly at the previous session to hold a meeting with a representative of the International Air Transport Association to discuss the issues raised by the working group on accessibility to public transportation and airline policies.

12. **Ms. Yang Jia** supported Mr. Al-Tarawneh's request. She also hoped that the delegation of Spain would include at least one disabled person at the meeting on the following day and that the expertise of the Spanish member of the Committee could be put to good use during the consideration of Spain's initial report. She asked why consideration of the draft list of issues relating to the initial report of China had been withdrawn from the Committee's programme of work at the last minute.

13. **The Chairperson** said that every State party delegation present during the consideration of its report should indeed include at least one disabled person. He understood that one of the members of the delegation of Spain was deaf. He recalled that, in accordance with rule 43, paragraph 1, of the Committee's rules of procedure (CRPD/C/4/2), a member should not participate in the consideration of a State party report if she or he was a national of the State party concerned. Referring to the initial report of China, he said that as the English translation of the document submitted in Chinese had not been available until

the Friday preceding the opening of the session, it had not been physically possible to become acquainted with the contents of the report.

14. **Ms. Maina** said that 35 papers had been submitted for consideration to the working group on article 12. Noting that some of them had not been officially translated, she proposed that the Committee should consider ways to ensure that papers were translated into the official languages of the United Nations.

15. **Mr. Kim Hyung Shik** said that he would like the Committee to consider article 32 (International cooperation), which did not seem to be given full attention by States parties. Recalling that, according to some reports, more than two thirds of persons with disabilities in the world, i.e. approximately 400 million people, lived in poverty, he urged the Committee to hold a special session on the impact of poverty on persons with disabilities in order to show that their participation in the preparation of national development strategies was crucial, to ensure that they had an important say in the development process, and to encourage donor countries to carry out disability assessments for assistance programmes and policies.

16. **Ms. Peláez Narváez** proposed that the Committee should consider appointing some members to liaise with other treaty bodies, and should take up at the current session practical issues such as personal assistants of Committee members and difficulties of access that members continued to encounter.

17. **Mr. Al-Tarawneh** suggested encouraging States parties to take into account, in their reports, the new rates and figures relating to the number of persons with disabilities in the world given in the *World Report on Disability*.

18. **The Chairperson** proposed that the agenda should be adopted, taking into account the amendments proposed by members of the Committee.

19. *The agenda was adopted.*

Report of the Chairperson on activities undertaken between the fifth and sixth sessions of the Committee

20. **The Chairperson** suggested that all members of the Committee should give their list of activities to the secretariat by the following evening at the latest. The secretariat would consolidate them in a single report.

21. *It was so decided.*

22. **The Chairperson** asked the Secretary of the Committee to list the States parties that had submitted their initial reports since the fifth session.

23. **Mr. Araya** (Acting Secretary of the Committee) said that the secretariat had received the initial reports of Mexico (April 2011), the Republic of Korea (June 2011), Belgium (July 2011) and Ecuador (September 2011).

24. **The Chairperson** said that of the 16 reports submitted 1 initial report had already been considered and another would be taken up at the current session.

25. **Ms. Peláez Narváez** suggested that the reports listed by the Secretary should be posted on the Committee's website and that the alternative reports should also be made public as soon as they were received for the sake of transparency.

Cooperation with other United Nations bodies, specialized agencies, disabled persons' organizations and other competent bodies

26. **Ms. Officer** (Disability and Rehabilitation Team, World Health Organization) said that the publication of the *World Report on Disability*, a collaborative effort of WHO and

the World Bank, had been made possible by the support of the more than 380 contributors from other United Nations agencies, NGOs and civil society. The report, prepared at the request of member States, comprised a detailed scientific study of the situation of persons with disabilities around the world, and sought to ascertain the exact number of such persons, the scope of their needs and unmet needs, the various obstacles to their participation and the means of overcoming them, in accordance with the Convention. It emerged that 1 billion people lived with some form of disability, while 110 to 190 million people experienced significant difficulties in functioning. WHO estimates from the 1970s, which had suggested a disability prevalence of 10 per cent, had been rectified as a result of recent global studies and surveys and currently stood at 15 per cent. The number of persons with disabilities was increasing owing to the ageing of the population and the rise in chronic health problems in particular, and also certain environmental factors (such as natural disasters).

27. The report focused on a number of inequalities, including the fact that poor people, women and elderly persons faced an increased risk of disability. It also highlighted a wide variety of obstacles common to all countries and outlined a series of specific measures to overcome them. It threw light on the effects of such obstacles on persons with disabilities, particularly in the areas of health, education, economic participation and employment, and showed that poverty rates were higher for persons with disabilities, who were faced with additional disability-related expenses. The report contained nine chapters covering a wide variety of areas and concluded with nine cross-cutting recommendations addressed to Governments and development partners. As a tool designed to encourage the adoption of specific measures, the *World Report* should contribute to the promotion of national action plans and mobilize all stakeholders to assess the situation in their own countries and thereby accelerate the implementation of the Convention. As a basic document for developing technical assistance programmes by WHO, the World Bank and other institutions, the *World Report* would help to determine the action to be taken in the areas of capacity-building, rehabilitation services, health care, rehabilitation in everyday life and investment in disability data collection.

28. **Mr. Al-Tarawneh** considered that the Committee should have been consulted during the preparation of the *World Report* and hoped that it would be associated with such initiatives in future.

29. **Ms. Peláez Narváez** said that there was a lack of data on the particular situation of vulnerable groups in the report. It was important to take account of gender inequalities in the analyses carried out. Noting the new model adopted by WHO, which viewed disability no longer solely in medical terms but also from a broader human rights perspective, she said that further efforts needed to be made in that respect. In addition, the Committee should also put forward its own recommendations to ensure that disability issues, which did not concern WHO alone, were taken into consideration by other specialized agencies of the United Nations in all their general reports. Lastly, the report did not address the issues of involuntary sterilization and abortion, which affected many persons with disabilities.

30. **Ms. Maina** asked whether the statistics cited in the report covered persons with intellectual or mental disabilities, and enquired about the means used to collect data on persons with psychosocial disabilities. Turning to the issue of the involuntary treatment of patients and the deprivation of liberty of persons with psychosocial disabilities, she denounced the practices of some mental health specialists who, under cover of WHO recommendations, failed to provide in their psychiatric facilities and rehabilitation centres any strategy for guaranteeing patients access to therapeutic services with their fully informed consent. It was therefore important for WHO to ensure respect for the provisions of the Convention, in particular articles 12 and 14.

31. **Mr. Ben Lallahom** asked whether there had been a previous WHO report that would allow members to see what new elements had been introduced. He also wished to know whether the report addressed the issue of the medical prevention and screening of disabilities, and endorsed the proposal for cooperation between WHO and the Committee.

32. **Ms. Yang Jia** said it was not clear whether disability prevalence in the world currently stood at 10 or 15 per cent.

33. **Ms. Cisternas Reyes** requested WHO to lay greater stress on human rights issues and the various types of disability, and highlight flagrant violations of the rights of persons with disabilities in its reports.

34. **Ms. Officer** (World Health Organization) said that the *World Report on Disability* took into account human rights issues, as it had been prepared within the framework of the Convention. WHO hoped that further research work would be carried out on the vulnerability of women with disabilities so that its results could be put to use. As quality data on disabilities were rare, there was a need to promote research and data collection in order to fill the gaps. Given that data on primary prevention were already extensive, the report had deliberately focused on persons already with disabilities. It recommended that persons with disabilities should have access to primary prevention on equal terms with persons without disabilities and to assistance and services that could reduce the impact of disabilities and social exclusion. While it was important for countries to take preventive measures, they must also ensure full respect for persons with disabilities.

35. The prevalence rate of persons with disabilities in the world was indeed 15 per cent. The rate was based on more conclusive and more precise data than the 1974 data, because it took into account the people who experienced great difficulties in performing activities in everyday life. The report certainly addressed the issue of involuntary sterilization, which was among the priority issues that WHO intended to take up. It had been working with the United Nations Population Fund and other institutions on a policy to combat involuntary sterilization, on which it would not fail to consult the Committee.

36. **Ms. Murray** (International Labour Organization – ILO) recalled that ILO sought to promote the access of women and men, including persons with disabilities, to decent and productive work throughout the world, by developing international labour standards, such as the ILO Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159), and raising awareness. A guide on the teaching and training of persons with disabilities was available on the ILO website, and documents on good practices in the field of vocational training and employment for persons with disabilities would be published, particularly through the new ILO Global Business and Disability Network, a network of multinational enterprises, employers, NGOs and associations of persons with disabilities.

37. ILO had been involved in many advocacy activities, such as the regional conference in March 2010 on access to training and employment of persons with intellectual disabilities, which had led to the Lusaka Declaration, and had participated in many projects, including technical assistance projects designed to include persons with disabilities in development programmes and projects that focused on the population as a whole.

38. Two projects focusing specifically on persons with disabilities were under way; the first dealt with the establishment of a legislative framework for the employment of persons with disabilities in Africa and Asia. Guidelines for legislation advocating equality of access to employment for persons with disabilities had been developed, and law faculties and universities were encouraged to include the rights of persons with disabilities in their first- and second-year curricula. A centre specializing in laws and policies relating to persons with disabilities had been set up at the University of the Western Cape in South Africa.

39. The second project aimed at helping developing countries, particularly in Africa and Asia, to establish a disability inclusion support service. Its purpose was to raise awareness among national decision makers and service providers so that they could tackle issues relating to persons with disabilities from a human rights standpoint. A network of trainers specializing in questions of equality for persons with disabilities had been established for that purpose.

40. ILO had launched an in-house initiative in 2009 that included training, directives and guidance materials to ensure that all its staff members took due account of the rights of persons with disabilities in their work.

41. **Mr. Zhang** Guozhong (United Nations Department of Economic and Social Affairs) recalled that the Department served as the secretariat of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities, and supported intergovernmental policy dialogue and the development of normative frameworks concerning persons with disabilities, especially at sessions of the General Assembly, Economic and Social Council, and Commission for Social Development.

42. The Department centred its activities on generating and sharing knowledge with the aim of promoting the rights of persons with disabilities. It had prepared two reports relating to persons with disabilities with the support of OHCHR (A/66/121 and 128); the General Assembly would consider them at its sixty-sixth session.

43. The Department and OHCHR co-chaired the Inter-Agency Support Group on the Convention, which had worked out a joint strategy and a plan of action for the implementation of the Convention on the ground. A guidance note had been prepared to include issues relating to persons with disabilities in the activities of United Nations country teams. The Department was working with ILO, OHCHR, UNDP, UNICEF and WHO to establish a multi-donor trust fund to promote the rights of persons with disabilities for the purpose of building the capacity of national stakeholders to implement the Convention.

44. The Department provided, on request, technical advice for the development of strategies, policies and programmes concerning persons with disabilities and organized technical meetings on relevant substantive issues, in close collaboration with the other United Nations entities, Governments and civil society. A workshop on the implementation of the Convention in the countries of the western Balkans would be held in Croatia in September. Lastly, the Department worked to ensure that United Nations premises were accessible, inter alia through the Interdepartmental Task Force on Accessibility, and supported the work of the Special Rapporteur on disability of the Commission for Social Development, including monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and the Convention.

45. **Mr. Kim** Hyung Shik said he would like to know the position of ILO on sheltered workshops and how union members with disabilities were treated by fellow members.

46. **Ms. Murray** (International Labour Organization) said ILO was aware that sheltered workshops existed in many countries, including some with a high level of economic development, but employment legislation was being enforced more and more and the question was now what would become of those workshops and the people employed by them. In any event, ILO did not support the creation of sheltered workshops. Some trade unions had been defending employment opportunities for persons with disabilities for a long time and, as part of its advocacy work, ILO urged others to do likewise, but progress was slow.

47. **Mr. Tatić** said that he would be participating in the regional workshop that the Department of Economic and Social Affairs was organizing in Croatia.

48. **Ms. Cisternas Reyes** considered that ILO should take a cross-cutting approach to not only its regional workshops, but also the tripartite events that it organized involving Governments, businesses, workers and unions. There was a need to create a favourable environment for both employers and employees, and to adopt regional perspectives, in particular by targeting the employment and employability of persons with disabilities in rural areas. It would be useful for the Department to provide its calendar of activities in order to keep the Committee informed of its activities in the area of economic and social development.

49. **Ms. Yang Jia** asked about the date of publication of the ILO document on training persons with intellectual disabilities.

50. **Ms. Murray** (International Labour Organization) said that ILO was working with Governments, employers, unions and disabled persons' organizations on issues relating to persons with disabilities and decent work. It was also working at the international level, as ILO Convention No. 159 was being promoted all over the world, and a compendium of good practices in the field of vocational training of persons with intellectual disabilities was expected to be published in late September or early October. It had already been translated into Chinese.

51. **Mr. Walker** (Office of the United Nations High Commissioner for Human Rights) outlined a number of new developments since April 2011. In a resolution adopted in March 2011, the Human Rights Council requested the Office of the High Commissioner to prepare a study on the participation of persons with disabilities in political and public life, in consultation with relevant stakeholders (A/HRC/RES/16/15, para. 17). OHCHR had sent out requests for information to the above-mentioned stakeholders and consultations would continue until 15 October. A panel discussion and side events had been organized during the recent Conference of the States Parties held in New York. Among the questions raised were restrictions on the right to vote and right to be elected to public service posts, which sometimes applied to persons with psychosocial or intellectual disabilities. A report would be prepared by the end of the year and posted on the OHCHR website in January 2012. A panel discussion was planned for the nineteenth session of the Human Rights Council (March 2012). The Council would then take up a draft resolution on the participation of persons with disabilities in political and public life.

52. OHCHR had stepped up its efforts concerning the implementation of the Convention at the national level. In September 2011, the human rights unit of the United Nations Integrated Mission in Timor-Leste published the very first report on the rights of persons with disabilities to be prepared by a peacekeeping mission. The document was based on surveys on employment, participation in political life, access to the justice system and social inclusion. Lastly, the OHCHR regional office for Europe in Brussels had published a report, entitled *Forgotten Europeans – Forgotten Rights*, on standards relating to the protection of the rights of persons with disabilities, in particular persons with psychosocial or intellectual disabilities, and a study on article 33 of the Convention and its implementation in the European Union.

53. **Mr. Nyman** (UNICEF) said that, in the context of its overall strategy on disability and inclusive development, UNICEF had set out the guiding principles for its policies concerning, and collaboration with, persons with disabilities. It had played an active role in the Inter-Agency Support Group on the Convention and participated in drafting a guidance note for United Nations country teams on the rights of persons with disabilities. A partnership had recently been initiated with other United Nations entities aimed at promoting the rights of persons with disabilities in society. The number of UNICEF country offices with programming covering disability issues had continued to increase, and the approach taken more and more systematically in programmes was to raise awareness among authorities and promote legislative reforms. The report of the Secretary-General

entitled “Status of the Convention on the Rights of the Child” (A/65/206) mainly focused on the rights of children with disabilities. The resolution on the rights of the child to be submitted to the General Assembly for adoption in 2011 would be devoted to children with disabilities.

54. **Mr. Garras** (Office of the United Nations High Commissioner for Refugees – UNHCR) said that the importance of the special needs of refugees with disabilities and other persons with disabilities in the early phases of humanitarian emergencies was recognized by the Office in the conclusion of the report on the sixty-first session of the Executive Committee of the High Commissioner’s Programme (A/AC.96/1095). In cooperation with Handicap International, the Office had published a brief guide to inform colleagues and partners working in the field of the main aspects of efforts undertaken with and on behalf of persons with disabilities in situations of forced displacement. A dialogue was currently under way with other development partners in Asia and Africa to determine to the best extent possible the special needs of persons with disabilities; it should lead to the completion of a training module that would be available to all UNHCR offices in 2012. UNHCR was interested in any form of cooperation and partnership on the issue of persons with disabilities.

55. **Ms. Rau Barriga** (Human Rights Watch) said that her organization had recently published a report on barriers to education for children with disabilities in Nepal, which shed light on the issue of implementing article 24, especially in developing countries. It had also submitted a paper, in conjunction with the consideration of the report of Peru, on the right of persons with disabilities to exercise the right to vote, given that 20,000 persons with intellectual or psychosocial disabilities had been removed from electoral registers in the recent elections in that country. Her organization commended the efforts of the Committee to meet the major challenge of ensuring the implementation of the Convention.

56. **Mr. Chávez Penillas** (International Disability Alliance – IDA) said that his organization was working with disabled persons’ organizations in 20 countries in the southern hemisphere. It had organized a study visit for representatives of organizations from the Philippines, Nepal, India and Uganda at the current session of the Committee, which gave them an opportunity to become familiar with the work of the Committee, the treaty-body system and the universal periodic review mechanism. IDA was also continuing its work to ensure that other treaty bodies paid due attention to the protection standards enshrined in the Convention, particularly by participating in their discussions and submitting papers to them. One aim of that work was to bring about the revision of certain general comments, such as general comment No. 25 of the Human Rights Committee, which considered that disability could constitute a ground for deprivation of the right to vote. IDA encouraged disabled persons’ organizations to participate in the work of the present Committee when it prepared general comments, as was currently the case with the general comment on article 12, or identified issues to be addressed during the consideration of reports of States parties. It would be useful for the Committee to adopt the best practices of other treaty bodies, including priority recommendations in the concluding observations, and request States parties to provide information on follow-up to the recommendations within one year. IDA wished to support the Committee in its appeals to the General Assembly for longer sessions. It was clear that the time currently allotted did not enable the Committee to carry out its work of monitoring States parties’ compliance with their obligations in the area of the rights of persons with disabilities.

57. **Mr. Al-Tarawneh** said that he was pleased with the attention given to the participation of persons with disabilities in political life. Citing the reform of the Jordanian Constitution as an example to be followed, he said that the current political situation in the Middle East provided a good opportunity for States parties in the region to include the Convention among their national priorities.

58. **Mr. Gombos** stressed that the Committee did not have sufficient meeting time to ensure follow-up to its recommendations and called on NGOs to help the Committee to find innovative ways of carrying out that work.

59. **Ms. Degener**, recalling her recent participation in a round-table discussion on ways of ensuring the effective and full participation of persons with disabilities in political and public life, held during the Conference of the States Parties to the Convention, suggested that the topic of the participation of persons with disabilities in elections should be discussed by the Committee.

60. **Mr. Ben Lallahom** said that Tunisia, the first State party to submit its report to the Committee, was currently preparing its first democratic national elections. Noting that a system had been put in place to facilitate access to polling stations by persons with disabilities, he invited NGOs to apply to the Tunisian authorities for accreditation to observe the elections.

61. **Ms. Maina**, noting that she had had the opportunity to work with many disabled persons' organizations, said it was important for the Committee to give all such organizations equal recognition and consideration. The Committee should make it clear that its dialogue with those organizations was not limited to IDA.

62. **The Chairperson** said that the Committee stood ready to cooperate fully with all organizations. Nevertheless, IDA, a coalition of many national and regional organizations, had worked extensively with the Committee and attended all its sessions. He thanked the representative of UNHCR for his statement, and welcomed the fact that the report of the Executive Committee had noted that the conclusion and decisions of that Committee applied to refugees with disabilities and other persons with disabilities protected and assisted by UNHCR.

The meeting rose at 12.55 p.m.