



Convention on the Rights of Persons with Disabilities

Distr.: General
8 April 2019

Original: English

Committee on the Rights of Persons with Disabilities Twenty-first session

Summary record of the 449th meeting

Held at the Palais des Nations, Geneva, on Wednesday, 20 March 2019, at 3 p.m.

Chair: Mr. Basharu

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35

(continued)

Initial report of Saudi Arabia (CRPD/C/SAU/1; CRPD/C/SAU/Q/1 and CRPD/C/SAU/Q/1/Add.1)

1. *At the invitation of the Chair the delegation of Saudi Arabia took places at the Committee table.*

2. **Mr. Aliaban** (Saudi Arabia), introducing his country's initial report (CRPD/C/SAU/1), said that Saudi Arabia had acceded to the Convention and the Optional Protocol thereto on the basis of its values and laws, which were inspired by the Islamic sharia; under the sharia, the State had an obligation to protect the rights of persons with disabilities. The Government had adopted numerous measures for the promotion and protection of human rights in general and the rights of persons with disabilities in particular, in line with international standards, including the Convention.

3. In terms of national legislation, the Disability Care Act provided the legal framework for the rights of persons with disabilities. Article 2 of the Act stipulated that the State should guarantee the right of persons with disabilities to prevention, care and rehabilitation. Regulations had been adopted on non-governmental rehabilitation centres in order to encourage civil society to contribute to the care of persons with disabilities. The 2013 Protection against Abuse Act aimed to guarantee protection for all individuals, including persons with disabilities, against abuse, ill-treatment, assault and neglect and to provide assistance and remedies for victims. The purpose of the Child Protection Act was to promote and protect the rights of all children, including children with disabilities. The 2018 Anti-Harassment Act was designed to prevent and combat harassment, punish perpetrators and protect victims and provided for harsher penalties if vulnerable individuals, such as persons with disabilities, were targeted. The implementing regulations for the Labour Act provided for reasonable accommodation for persons with disabilities in the workplace.

4. With regard to the institutional framework, the Authority for the Welfare of Persons with Disabilities had been established in 2018 to deliver care to persons with disabilities, ensure that they could exercise their rights and promote improved services. The number of rehabilitation centres for persons with disabilities had increased and the quality of the services they provided had improved. Persons with disabilities were institutionalized only in very particular circumstances.

5. A range of measures had been taken to increase the participation of persons with disabilities in public and political life. The participation of persons with disabilities, including women with disabilities, in municipal elections had been facilitated, and accessibility measures, such as sign language interpretation services, had been introduced at polling stations. Persons with disabilities were members of the Shura (Consultative) Council and held leadership positions in various sectors.

6. In 2018, the Government's financial support for civil society organizations working with persons with disabilities had been worth over 70 million Saudi Arabian riyals (SRI). In 2016, a 24-hour helpline had been set up to receive complaints related to domestic violence nationwide. A free helpline had also been opened specifically for children, including children with disabilities, to report cases of abuse, neglect or exploitation at home, at school or anywhere else, and to receive specialized counselling.

7. More than 50 different awareness-raising and training activities had been undertaken between 2014 and 2019 under the memorandum of understanding concluded with the Office of the United Nations High Commissioner for Human Rights (OHCHR). The objective was to educate the public about human rights in general and the rights of persons with disabilities and the Convention in particular. In terms of monitoring implementation of the Convention, which had become part of national law following accession, the Human Rights Commission played an important role. It had conducted visits to 42 rehabilitation

centres and drawn up recommendations that were currently under consideration by the relevant authorities.

8. Under a cooperation agreement between the Human Rights Commission and the Ministry of Education, a human rights curriculum, covering the rights of persons with disabilities, had been introduced in higher education institutions. In 2017, the Commission and the Ministry had launched an online human rights education portal to raise awareness among students, including students with disabilities, of their rights. The Commission had organized workshops and seminars in 2017 and 2018, in which persons with disabilities, representatives of governmental and non-governmental entities and other stakeholders had participated.

9. The King Salman Centre for Disability Research had run a workshop together with a range of government bodies on the implementation of the Universal Access Programme and was currently developing accessibility standards that would incorporate the use of modern technology to improve access. The Programme was aimed at supporting independent living and full inclusion in society for persons with disabilities.

10. Saudi Vision 2030 made provision for persons with disabilities to have access to suitable employment and educational opportunities in order to ensure their independence and inclusion as active members of society and provide them with all the facilities and tools to put them on the path to success. Under the Quality of Life Programme, the Government was seeking to ensure that infrastructure facilities were available across the country, easily accessible by public transport and properly equipped to accommodate persons with disabilities. It was intent on continuing its efforts to enhance the accessibility of the infrastructure at the religious sites in Mecca and Medina for visitors with disabilities.

11. **Mr. Chaker** (Country Rapporteur) said he hoped that the dialogue with the Committee would make a meaningful contribution to the realization of the rights of persons with disabilities in the State party, particularly women and children with disabilities and persons with psychosocial or intellectual disabilities. The Committee aimed to promote their full inclusion in society and their participation in political and public life and in the economic, social and physical development of Saudi Arabia.

Articles 1–10

12. **Ms. Gamio Ríos** said that she would appreciate information on measures being taken to align the State party's legislation with the Convention so as to promote the inclusion of persons with disabilities, and women and girls with disabilities in particular, in all areas of life. She would be interested to hear about efforts to prohibit discrimination, including multiple and intersecting forms of discrimination. She would like to know whether women and girls with disabilities were still required to have a male guardian to represent them in all acts of daily life. She would be grateful for disaggregated data on women with psychosocial disabilities living in institutions and would like to know if they had a way of reporting violations of their rights. She wondered whether the Protection against Abuse Act made specific reference to women and girls with disabilities.

13. She would like to know whether the Child Protection Act contained specific provisions on the rights of children with disabilities to live in the family and to be protected against ill-treatment, neglect and abandonment. The delegation might comment on the application of the concept of decency to children with disabilities. It might also provide data, disaggregated by sex and type of disability, on children with disabilities living in institutions. She would welcome information on efforts made to ensure that such children were included in the community and clarification regarding their access to education. The Committee was concerned that prevention of disability was seen as a means of promoting the rights of persons with disabilities. Lastly, she would like to know what measures were being taken to move away from the charity and medical models of disability in awareness-raising activities.

14. **Mr. Ruskus** said that the medical model of disability continued to be promoted under the Basic Law of Governance, the Disability Care Act and other laws. The definitions of disability in such legislation were clearly not in line with the Convention and made no reference to the environmental, attitudinal and informational barriers that hindered the

enjoyment by persons with disabilities of their rights. The issues faced by persons with psychosocial, intellectual or sensory disabilities were also overlooked. He would be interested to know whether the Government planned to amend national legislation to bring it into line with the human rights model of disability. He would also welcome information on efforts to develop a national disability strategy. He wondered whether there was any formal procedure in place to ensure that persons with disabilities were systematically consulted on all matters that concerned them. He would be especially interested to hear about the level of involvement of organizations of persons with intellectual or psychosocial disabilities and women and children with disabilities in implementation and monitoring.

15. **Mr. Buntan** said that he would be interested to hear of any measures in place to prohibit and penalize disability-based discrimination in both the public and private spheres. He wished to know whether denial of reasonable accommodation was considered a form of discrimination and how multiple and intersecting forms of discrimination were addressed. He wondered whether the State party had any comprehensive legislation to ensure the accessibility of public facilities and services for persons with disabilities on an equal basis with others, including through the provision of augmentative and alternative modes, means and formats of communication, such as Easy Read, and accessible information and communication technology. He would welcome information on any mechanism in place to monitor compliance with accessibility standards and the applicable sanctions for non-compliance. Lastly, he wished to know how accessibility considerations were incorporated into public procurement policy.

16. **Ms. Kayess** asked how the general principles of equality between men and women and respect for the evolving capacities of children with disabilities were enforced in the light of the system of male guardianship, which severely limited the enjoyment of their rights by women and girls with disabilities, and what measures had been taken, in response to recommendations by the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women, to repeal discriminatory provisions requiring the authorization of a male guardian in order for women and girls to exercise certain rights. She also wished to know how many children and adults with disabilities had died in institutions and what investigations had been carried out into such cases.

17. **Ms. Gabrilli** said that it would be interesting to know whether women with disabilities had more rights than women without disabilities since the State party's accession to the Convention, whether women sign language interpreters had to work with their faces fully covered and what steps were being taken to promote the inclusion of children with disabilities, especially girls.

18. **Mr. Lovászy** said that he would appreciate information on concrete initiatives, other than the long-awaited national strategy for persons with disabilities, to ensure the implementation of the Convention in consultation with stakeholders and on any public procedures to involve organizations of persons with disabilities in matters relevant to them. He wished to know whether denial of reasonable accommodation was recognized as a form of discrimination in law, and what steps were taken to prevent and punish disability-based discrimination in the public and private sectors. In addition, he would be interested in hearing about the results and upcoming projects of the Authority for the Welfare of Persons with Disabilities. Lastly, he would welcome the delegation's comments on whether the purpose of the King Salman Centre for Disability Research was also to improve the lives of persons with disabilities and, if so, how.

19. **Mr. Schefer** said that he would appreciate information on the number of persons with intellectual or psychosocial disabilities who had been sentenced to death in 2017 and 2018, if any, and on the legal and practical measures taken to ensure that no such persons were sentenced to death and, in the event they were, that the sentence was not enforced. Referring to the 15 individuals who had been sentenced to death for spying for the Islamic Republic of Iran, he asked whether any of them had had a disability at the time of their trial and, if so, whether the disability predated the proceedings or was the result of their treatment while in custody.

20. **Mr. Chaker** asked whether there was an accessibility mechanism and, if so, what its role was, whether there were penalties for non-compliance with accessibility regulations,

whether the regulations ensured universal access, whether any training was available on international accessibility standards and whether the Arabic version of the Convention was available in Braille.

21. **Mr. Babu** said that it would be useful to have data, disaggregated by sex, age and type of disability, on the number of persons with disabilities who held senior and management positions in the civil service. In addition, further details would be welcome concerning the 4-per-cent quota for the employment of persons with disabilities in companies with over 25 employees and the meaning of the phrase “in a manner consistent with the latter’s capabilities” in reference to job allocation in fulfilment of that quota. He would also appreciate information on the budget allocated to supporting entrepreneurs with disabilities and providing assistive devices. He wished to know whether the Government intended to repeal the Healthy Marriage Programme, which fostered discrimination on grounds of disability and restricted the right of persons to choose their spouse. While he applauded the State party for the efforts it was making to enact laws on accessibility, he lacked information on the extent of the involvement of persons with disabilities and their representative organizations in the implementation, monitoring and evaluation of mechanisms designed to ensure compliance with accessibility standards and on any sanctions for non-compliance.

22. **Mr. Ishikawa**, noting that accessibility guidelines were not binding, asked what incentives were in place for the construction and transportation industries to comply with them and whether there were plans to make the guidelines binding and expand them to include the accessibility of information.

The meeting was suspended at 4 p.m. and resumed at 4.25 p.m.

23. **Ms. Alsaleh** (Saudi Arabia) said that women and girls with disabilities were not discriminated against in terms of engaging in public and political life and that steps were being taken to promote their role in all areas. Women had hitherto held only advisory status on the Shura Council but, pursuant to Royal Decree A/44 of 2013, 20 per cent of the Council’s members now had to be women. Any citizen with the requisite qualifications, including women with disabilities, could be elected to municipal office, and measures had been put in place to improve the accessibility of polling facilities. Furthermore, persons with disabilities had every opportunity to sit on provincial councils. The activities of the Kingdom’s social development centres, which provided social and financial assistance to communities and families, were also open to them.

24. **Ms. Alghunaim** (Saudi Arabia) said that the tasks of the Authority for the Welfare of Persons with Disabilities included the promotion of rights, awareness-raising and the coordination of care and rehabilitation services with the relevant agencies. With regard to reasonable accommodation, labour regulations adopted in December 2018 provided for adjustments for workers, especially those who had disabilities or were particularly susceptible to diseases. The King Salman Centre for Disability Research had undertaken a pioneering role in the design of a national programme on the detection of disabilities.

25. **Mr. Alshehri** (Saudi Arabia) said that civil society organizations had been involved in the adoption of a number of laws, including those establishing the Sultan bin Abdulaziz Al Saud Foundation, the Disabled Children’s Association and the King Salman Centre for Disability Research. They had also contributed to the preparation of the 2017 ministerial decree requiring State authorities to publish all draft laws and regulations so as to give stakeholders an opportunity to provide feedback. In addition, they had put forward proposals and recommendations for the drafting of new laws, including in the area of hyperactivity and attention deficit.

26. **Mr. Alhaidary** (Saudi Arabia) said that 40 per cent of the board of the Authority for the Welfare of Persons with Disabilities was made up of persons with disabilities and their family members. The Authority sought to enhance the services provided to persons with disabilities in the areas of education, health care and employment, to develop incentive programmes to encourage private and non-profit companies to launch initiatives for persons with disabilities and to raise the profile of persons with disabilities in society. The Authority also promoted the accessibility of public services such as transportation, helped persons with disabilities start a business and supported research on all forms of disability.

27. **Ms. Alsaleh** (Saudi Arabia) said that all laws in Saudi Arabia, including the Basic Law of Governance, the Labour Act and the Health Act, were based on the principles of equality and justice and thus prohibited discrimination, including on grounds of disability, and that no one was excluded from access to any services. Under the legislation on the civil service, recruitment was merit-based. Numerous measures had been adopted to empower persons with disabilities and enable them to exercise their rights on an equal basis with others, in keeping with the principles of social inclusion and equal opportunity. Legal remedies were available in the event of discrimination. The Convention had been incorporated into national legislation and could be invoked before the courts.

28. **Mr. Aliaban** (Saudi Arabia) said that the State was responsible for the comprehensive protection of the rights of all inhabitants without distinction.

29. **Mr. Almassar** (Saudi Arabia) said that the Government had issued directives to ensure universal accessibility in four areas: the urban environment, transportation, tourism and housing. Public institutions complied with the directives. The Ministry of Transport had issued regulations that ensured the accessibility of public transport, required taxi drivers to assist persons with disabilities and obliged school bus service providers to make accommodations for children with disabilities. All public construction projects had to comply with accessibility requirements and any company that did not fulfil those contractual conditions could face a 20-per-cent payment cut. The Ministry of Municipal and Rural Affairs had produced a guide on the technical characteristics to be considered in the design of services for persons with disabilities to improve accessibility. Municipalities issued permits for the construction or renovation of public and private buildings only if universal accessibility was ensured. Likewise, the Commission for Tourism and National Heritage granted permits to hotels or holiday apartments only when accessibility standards were respected, and inspections were conducted to monitor compliance.

30. Information accessibility was also a priority for the Government. Many public libraries now offered audio books and were equipped with technology to facilitate accessibility. The Ministry of Communications and Information Technology had disseminated the Convention to all businesses in the country to ensure that they were aware of its provisions. Private companies had offered free services such as video communication and facilities for deaf and hard-of-hearing persons. Persons with disabilities were offered reductions for international calls. Universal accessibility was required by 10 per cent of the country's population, helped 40 per cent and satisfied the needs of 100 per cent. It was thus not considered a luxury but a necessity.

31. **Mr. Aliaban** (Saudi Arabia) said that a new project had just been announced to create a leisure resort on the coast that would be accessible for persons with disabilities. The importance of accessibility was demonstrated by the high fines, of up to SRI 900, for the violation of regulations on parking spaces for persons with disabilities.

32. **Ms. Abusukkar** (Saudi Arabia) said that the King Salman Centre for Disability Research was a specialized institute in charge of quality scientific research on disability. It helped reduce levels of disability in society and developed scientific, pedagogical and habilitation solutions to improve the lives of persons with disabilities and their families. It also helped to provide them with decent, sustainable employment. In addition, it developed modern technology for therapeutic, habilitation and training purposes to facilitate independent living. One of its strategic objectives was to improve decision-making, planning and priority setting for research in line with the needs of persons with disabilities. It also played an important role in raising awareness by issuing publications and celebrating international disability days through seminars and workshops on disability-related issues. The Centre gave cash awards for disability research in several categories, including medical sciences and education, in order to promote research on disability and develop services for persons with disabilities in line with the provisions of the Convention.

33. **Mr. Alzaid** (Saudi Arabia) said that, if the legal capacity of the defendant in a capital case was in doubt, that person would be examined by a medical committee, which would then submit a report to the judge. The legal provisions on capital punishment complied with international law; capital sentences were only imposed for the most serious crimes and within strict limits. A total of 13 judges at the various levels considered capital

cases and sentences could be enforced only if the Supreme Court confirmed the verdict of the appellate court.

34. **Ms. Samha Alghamdi** (Saudi Arabia) said that legislation provided for the care of all children without distinction. Priority was given to vulnerable groups of children, including those with disabilities. The Child Protection Act stipulated that children at risk of abuse or neglect had the right to be cared for in a foster family and established institutional care as a last resort. The Ministry of Labour and Social Development was responsible for the law's application, in cooperation with other government structures and civil society. It also implemented various programmes aimed at rehabilitation so that children could remain with their families.

35. **Mr. Bin Libdah** (Saudi Arabia) said that all forms of torture were outlawed in the Kingdom and that judicial bodies were required to investigate all reports of torture. Under a royal decree of 1958, abuse or torture of children was punishable by 10 years' imprisonment. The Code of Criminal Procedure prohibited torture and contained a number of safeguards to prevent it, including rules for the interrogation of prisoners and a ban on the use in court of evidence obtained through torture.

36. **Mr. Aliaban** (Saudi Arabia) said that, as stipulated in Royal Decree No. 33322 of 2017, no government entity should require a woman to have the approval of a male guardian for an official matter; that provision applied to women with disabilities too.

37. **Ms. Abusukkar** (Saudi Arabia) said that all government websites complied with electronic accessibility standards, as did those of health institutions that provided services to persons with disabilities. Such institutions had specialized reception centres for persons with disabilities, with the necessary equipment to provide accessible information. The King Salman Centre for Disability Research used technology to improve accessibility for deaf persons, including a digital portal for sign language interpretation, which enabled deaf persons to use public and private services while ensuring their privacy and independence.

38. **Mr. Albader** (Saudi Arabia) said that all public and private construction projects were carried out on the basis of clear specifications that incorporated the needs of persons with disabilities. Permits for such projects were issued only once it was established that they met those needs in terms of their architecture and design elements.

39. **Mr. Bin Libdah** (Saudi Arabia) said that, under the legislation on juvenile delinquency, penalties inflictable on children over the age of 12 at the time of the commission of an offence included an order to return to their family or guardian's residence, a three-year ban on visiting specific locations and a one-year placement in a social or therapeutic institution. Children over 15 could be sentenced to house arrest for a period equivalent to the prison term applicable to adults who committed the same offence. In the case of crimes that usually carried the death penalty, children could be placed under house arrest for up to 10 years. Judges could decide to impose harsher penalties on children younger than 15 if the circumstances warranted it. The legislation applied equally to children with disabilities.

40. **Mr. Aliaban** (Saudi Arabia) said that it was very important for children who committed offences to be aware that they were undergoing rehabilitation rather than being punished.

41. **Ms. Alsubaie** (Saudi Arabia) said that a workshop on listening and language had been given in 2015 for persons who had received cochlear implants. Another workshop had been conducted on habilitation for children with speech impairments aimed at teachers in kindergartens and primary schools, and a number of teachers had been trained to deal with hearing devices and cochlear implants. The Ministry of Education had included sign language in curricula, and a circular had been issued in 2014 to order periodic sign language training for teachers of deaf and hard-of-hearing students.

42. **Ms. Alsaleh** (Saudi Arabia) said that the Child Protection Act established legal safeguards to protect all children, including those with disabilities, from neglect and abuse. The Act highlighted those teachings of Islamic law and also those provisions of the international conventions ratified by Saudi Arabia that protected children's rights. It mentioned the importance of awareness-raising regarding the rights of children. It required

all measures taken by public and private welfare institutions and judicial authorities to serve the best interests of the children concerned. The purpose of the Protection against Abuse Act was to combat all types of abuse, including of children with disabilities; ensure support and care for victims; hold perpetrators to account; and raise public awareness of abuse and its effects. The Suppression of Trafficking in Persons Act provided for harsher penalties if the victim was a woman or a child. The law against harassment provided for imprisonment of up to 5 years if the victim was a child or a person with a disability or if the crime was committed at a school or in an institution.

43. **Ms. Samha Alghamdi** (Saudi Arabia) said that the Ministry of Labour and Social Development cooperated with employment offices to find job opportunities for qualified persons with disabilities, particularly women. It took measures to train persons with disabilities, including women and young persons, for jobs that matched their qualifications, in order to ensure that they could live independently within the community. The Ministry ran separate centres for men and women, which provided both vocational training and specialized habilitation for persons with disabilities. More than 1,000 trainees had completed such programmes in the past five years. The trainees received grants both during their studies and on completion, when they could also receive loans for business projects.

44. **Ms. Alghunaim** (Saudi Arabia) said that, under the Labour Act, employers who employed 25 or more workers should ensure that at least 4 per cent of their workforce was comprised of qualified persons with disabilities. In 2008, the Ministry of Labour and Social Development had issued decisions encouraging private sector establishments to provide employment for persons with disabilities. Efforts were under way as part of the “Tawafuq” inclusive employment programme to improve services for persons with intellectual or psychosocial disabilities and facilitate their employment in the private sector. As part of the harmonization initiative designed to create suitable working environments, 197 establishments had been certified as meeting criteria that enabled the integration of persons with disabilities.

45. **Ms. Samha Alghamdi** (Saudi Arabia) said that the Labour Act included an annex addressing reasonable accommodation in the workplace for persons with disabilities; it had been amended in 2018. The Ministry of Labour and Social Development implemented programmes and plans that were aligned with Saudi Vision 2030 and focused on expanding the accessibility of services, including for persons with disabilities. The Ministry of the Interior had created a web portal to provide access to its services online and had launched a service allowing persons with disabilities and older persons to arrange for Civil Affairs officials to visit their homes.

46. **Ms. Abdullah** (Saudi Arabia) said that she was a presenter and producer of television shows in Saudi Arabia and had a visual impairment. Various public authorities in the country had taken steps to raise awareness of the human rights of persons with disabilities, to combat discrimination against them and to promote social integration, equal opportunities and the eradication of stereotyping and stigmatization. In particular, the Ministry of Media had developed information, culture and awareness-raising programmes aimed at the general public and families of persons with disabilities, using television and radio broadcasts, newspaper advertising and other media coverage, including with sign language interpretation, to raise awareness of persons with disabilities and events and activities in which they participated.

Articles 11–20

47. **Mr. Martin** said that he wished to know more about how Saudi Arabia intended to implement article 12 of the Convention, including by repealing guardianship laws and putting in place a system of supported decision-making in line with the Committee’s general comment No. 1 (2014) on equal recognition before the law. He wished to encourage the State party to close down residential institutions for persons with disabilities, giving consideration to the experiences of other countries in that regard and learning from their successes and failures. The Committee would be grateful for data, disaggregated by age and gender, on the number and percentage of persons with intellectual or psychosocial disabilities living in institutions, together with an indication of their quality of life and the protection for their rights. It was also interested to know how residential institutions were

monitored and whether organizations of persons with disabilities were involved in such monitoring. What steps had been taken to ensure that persons with disabilities had the right to choose where and with whom they lived?

48. **Ms. Fefoame** said that she would be grateful if the delegation could describe the measures taken to prevent and punish exploitation, violence and abuse committed against persons with disabilities, especially women and girls, and provide data in that regard. She asked how protection mechanisms such as hotlines were made accessible to persons with disabilities; how many shelters were available to persons with disabilities, especially women; whether organizations of persons with disabilities monitored those shelters; and what complaints procedures and redress were available to persons with disabilities who had been exposed to violence. Details might also be provided regarding measures to ban the involuntary confinement and forced treatment, including sterilization without consent, of persons with intellectual or psychosocial disabilities.

49. **Ms. Utami** said that, too often, assistive technology was the missing link in enabling children with disabilities to exercise their rights and to live with dignity. Although States parties had a responsibility to ensure access to assistive technology, Saudi Arabia appeared to lack a systematic framework and a public budget for acquiring assistive products. She therefore wondered what had been done to support the acquisition of good quality assistive technologies, mobility aids and other devices and equipment for persons with physical, visual or hearing impairments. In addition, the Committee would welcome evidence of measures taken to promote the involvement of persons with disabilities and their representative organizations in research and development of assistive products, and to facilitate the sharing and transfer of assistive technology, keeping in mind the principle of “Nothing about us without us”.

50. **Mr. Ruskus** said that he still wished to know whether the State party planned to bring its legislation on disability into line with the Convention by replacing the medical and charity models of disability on which those laws were based with a human rights model. He had been concerned to read in its report that the State party recognized two forms of legal capacity: capacity of obligation and capacity of performance, the second of which was “ascribed to individuals when they are deemed sufficiently intelligent”. He inferred therefrom that in Saudi Arabia persons with intellectual or psychosocial disabilities were deprived of legal capacity on the grounds of their disabilities. Under the Convention, legal capacity included both the ability to hold rights and duties and the ability to exercise them, and was the key to meaningful participation in society. He therefore wished to know whether the State party planned to replace the discriminatory provisions on substitute decision-making with human rights-based provisions on supported decision-making.

51. Given that the Mental Health Care Act of 2014 contained provisions permitting deprivation of liberty of persons with disabilities on the basis of their impairments and the involuntary hospitalization and forced treatment of persons with disabilities, he too would appreciate information on any legislative amendments to repeal such provisions, as well as information regarding the existence of monitoring or supervisory mechanisms to prevent persons with disabilities from being subjected to torture and other cruel, inhuman or degrading treatment or punishment in residential institutions and mental health hospitals.

52. **Mr. Ishikawa** said that he would be grateful for updated information on the number of persons with disabilities held in institutions, disaggregated by sex, age and type of impairment and with an indication of whether their stay was medical or residential in nature. He would also like to know what measures were taken to ensure that persons with disabilities, particularly persons with intellectual or psychosocial disabilities, enjoyed the right to live independently in the community. Lastly, he wondered how the State party obtained data on persons with disabilities who were hidden or confined by their families, and how it protected their human rights, ensuring that they were recognized and given support to participate and to live independently in the community.

53. **Mr. Buntan** said that, in the light of the armed conflicts taking place in neighbouring countries, he wondered what measures the State party had taken to guarantee the rights and freedoms of refugees and internally displaced persons with disabilities and to ensure their access to health, education and other essential services. He also wished to

know how it ensured respect for humanitarian law in the context of armed conflict, with particular reference to women and children with disabilities. He was interested to hear whether the State party had taken steps to ensure that all children of Saudi mothers and foreign fathers – especially children with disabilities – were registered and issued with identity cards so that they could exercise their rights. Regarding the provision of assistive devices and technologies, he would like to know what position the State party had taken on the Priority Assistive Product List of the World Health Organization and whether Saudi Arabia helped persons with disabilities to obtain assistive devices within the framework of the international development assistance it provided to other countries.

54. **Mr. Babu** said that he wished to know how the State party ensured that migrants, refugees, asylum seekers and Bedouins with disabilities were able to exercise freedom of movement and the right to choose their residence on an equal basis with others. Were the State party's migration laws and decision-making procedures accessible to persons from those groups who had visual or hearing impairments? In the light of information received that persons with intellectual or psychosocial disabilities were sometimes confined to family settings and risked having their legal capacity removed without respect for due process safeguards, he wondered what procedures were used to determine that individuals were, as the report had it, "sufficiently intelligent" to exercise legal capacity.

55. He wished to remind the delegation that the Committee usually interacted with organizations of persons with disabilities prior to its dialogues with States parties. He was concerned that, in the case of Saudi Arabia, such interactions had not taken place, depriving the Committee of the opportunity to hear directly from persons with disabilities about their experiences. He would be grateful if the head of delegation could enquire why organizations of persons with disabilities had not been able to participate in the dialogue and inform the Committee in writing of the reason for their absence.

56. **Mr. Schefer** said that, while he was grateful for the delegation's answer regarding the application of the death penalty to persons with intellectual or psychosocial disabilities, he considered that the submission of a medical report to the judge regarding the defendant's legal capacity was insufficient: in such cases the death penalty should be ruled out altogether.

57. **Mr. Chaker** said that the State party's report did not provide adequate statistics on incidents in which persons with disabilities, particularly persons with intellectual or psychosocial disabilities, had been subjected to exploitation, violence or abuse. He wished to know what measures and rehabilitation programmes were in place to respond to such cases.

58. **Mr. Lovászy** said that he would be grateful for any figures that were available on persons with disabilities who had benefited from the services of the Mawaddah Charity for the Reduction of Divorce and its Effects.

59. **Ms. Gamio Ríos** said that she still wished to know whether the Protection against Abuse Act of 2013 specifically protected women and children with disabilities. She would like to emphasize the need for the State party to harmonize its laws with the Convention, in view of the extremely specific nature of discrimination against persons with disabilities.

60. **Ms. Gabrilli** said that she would be grateful for clarification as to whether children who committed offences were treated differently depending on whether or not they had disabilities.

The meeting rose at 6.05 p.m.