



# General Assembly

Seventy-fourth session

Official Records

Distr.: General  
8 April 2020

Original: English

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## Third Committee

### Summary record of the 27th meeting

Held at Headquarters, New York, on Monday, 21 October 2019, at 10 a.m.

*Chair:* Mr. Yaremenko (Vice-Chair) . . . . . (Ukraine)

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*In the absence of Mr. Braun (Luxembourg), Mr. Yaremenko (Ukraine), Vice-Chair, took the Chair.*

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

**Agenda item 70: Promotion and protection of human rights** (*continued*)

**(a) Implementation of human rights instruments** (*continued*) (A/74/40, A/74/44, A/74/48, A/74/55, A/74/56, A/74/146, A/74/148, A/74/228, A/74/233, A/74/254 and A/74/256)

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) (A/74/147, A/74/159, A/74/160, A/74/161, A/74/163, A/74/164, A/74/165, A/74/167, A/74/174, A/74/176, A/74/178, A/74/179, A/74/181, A/74/183, A/74/185, A/74/186, A/74/189, A/74/190, A/74/191, A/74/197, A/74/198, A/74/212, A/74/213, A/74/215, A/74/226, A/74/227, A/74/229, A/74/243, A/74/245, A/74/255, A/74/261, A/74/262, A/74/270, A/74/271, A/74/277, A/74/285, A/74/314, A/74/318, A/74/335, A/74/349, A/74/351, A/74/358, A/74/460, A/74/480 and A/74/493)

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) (A/74/166, A/74/188, A/74/196, A/74/268, A/74/273, A/74/275, A/74/276, A/74/278, A/74/303, A/74/311, A/74/342 and A/74/507)

**(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action** (*continued*) (A/74/36)

1. **Mr. Basharu** (Chair of the Committee on the Rights of Persons with Disabilities), presenting an oral report on the work of the Committee, said that there were now 180 parties to the Convention on the Rights of Persons with Disabilities and 96 parties to the Optional Protocol to the Convention. In that regard, the technical guidance provided to States by the treaty body capacity-building programme of the Office of the United Nations High Commissioner for Human Rights had had a positive impact on ratifications, the submission of reports, and constructive dialogues with the Committee.

2. There were 47 initial or periodic reports pending review by the Committee. With a view to reducing the number of initial reports pending review, the Committee had decided to temporarily give priority to the review of initial reports, while continuing to adopt lists of issues

prior to reporting and keeping the review of periodic reports to a minimum. That policy would be assessed at each future session in order to give every State party an opportunity to hold an open and constructive dialogue with the Committee, as early as possible after ratification, to enhance understanding of the human rights model of disability and improve compliance with the Convention.

3. It was a cause of concern that several States parties whose reports were considered by the Committee had maintained reservations or interpretative declarations entered under the Convention that were, in the Committee's view, incompatible with the objectives and purposes of the Convention. States parties should constantly review reservations and interpretative declarations with a view to their withdrawal, so as to expand the rights to protection and the guarantees enshrined in the Convention.

4. In respect of concluding observations, despite advancement towards universal ratification, implementation of the Convention remained a challenge. Persons with disabilities in all regions of the world remained unrecognized as holders of all rights. There had been insufficient efforts to revise or amend laws that denied or restricted the rights of persons with disabilities. The Committee had issued specific recommendations on legislative, administrative and other measures that States parties should take.

5. A consistent finding among the countries reviewed over the previous year was that persons with disabilities, in particular women and girls, asylum-seekers, refugees and internally-displaced persons, were at heightened risk of violations of their rights, including through violence and abuse. Persons with disabilities often could not remove themselves from such situations and often lacked access to support in obtaining daily necessities as well as life-saving support. Moreover, insufficient measures had been taken by States parties to identify persons with disabilities among those seeking international protection. A lack of identification documents could translate into multiple and intersecting forms of discrimination, including the denial of access to services. In its constructive dialogue and concluding observations, the Committee recalled that article 11 on situations of risk and humanitarian emergencies and article 32 on international cooperation could serve as a road map for inclusive development, inclusive risk reduction and emergency response and fulfilment of the Sustainable Development Goals.

6. The lack of consistent measures for the collection of disaggregated data on persons with disabilities across the full range of obligations set out in the Convention

was another issue of concern to the Committee. Better data were crucial for identifying and enhancing understanding of the differences in the experiences of persons with disabilities and for making the scope of remaining challenges more visible to policymakers.

7. The Committee cooperated with a wide array of partners on a number of initiatives, including meeting with other treaty body committees to exchange views on ways to reduce duplication and increase the effectiveness of the treaty body system. During the thirty-first meeting of Chairs of human rights treaty bodies, held in New York from 24 to 28 June 2019, the Committee had focused on the General Assembly's review of the treaty body system, to be held in April 2020. In 2019, in advance of the Climate Action Summit, the Committee had issued a joint statement on human rights and climate change with the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of Migrant Workers and Members of their Families, the Committee on the Rights of the Child, and the Committee on the Elimination of Discrimination Against Women. Its work with the Committee on the Rights of the Child had served as a reminder of the need to pay greater attention to monitoring the efforts by States parties to ensure the participation of children in public and community life and their right to be heard. He welcomed the disability-inclusive activities of the United Nations system.

8. The Committee on the Rights of Persons with Disabilities enjoyed cooperation with, in particular, the Special Rapporteur on the rights of persons with disabilities, the Special Rapporteur on the elimination of discrimination against persons affected by leprosy and their family members, the Independent Expert on the enjoyment of human rights by persons with albinism, the Special Envoy of the Secretary-General on Disability and Accessibility, and the Human Rights Council task force on accessibility. The Committee had contributed to the outcome document of the Global Disability Summit released in September 2019. It also continued to engage extensively with organizations of persons with disabilities, relying on their support and expertise, as well as on the monitoring, at the national level, carried out by national human rights institutions and equality bodies.

9. The Committee regularly reviewed its working methods to ensure alignment with other treaty bodies. A new working group on working methods had been established during the most recent session in order to exchange good practices. A new time policy had been implemented in the previous two sessions to make the dialogue more effective and participatory, maximize the

use of the time available, and allow for a more interactive and productive dialogue with States parties.

10. With regard to accessibility, the Committee appreciated in particular the efforts made at the United Nations Office at Geneva. Certain aspects of accessibility remained a challenge for the work of the Committee, as did the provisions of individualized accommodations for treaty body experts with disabilities to ensure their full and effective participation. The United Nations Disability Inclusion Strategy launched in June 2019 would help to ensure inclusion and equality for persons with disabilities. The Committee was willing to provide feedback on draft technical guidance notes to make sure that they were consistent with the objectives and purposes of the Convention.

11. As for the financial situation of the treaty bodies, on 30 April 2019 the Chairs had received a letter from the High Commissioner for Human Rights informing them that the General Assembly had decided to cut the budget for the travel of high-level experts by 25 per cent. As a result, the Office of the High Commissioner for Human Rights had considered postponing the holding of sessions for those Committees that were scheduled to hold a third session. Thanks to mobilization efforts by many stakeholders, however, a temporary solution had been found that allowed the sessions to proceed as planned. The consequences of postponing such sessions would have affected the scheduled reviews of 32 States and 68 individual complaints. Although the Committee on the Rights of Persons with Disabilities would not have been directly affected, such a delay would have called the credibility of the whole system into question.

12. Although the members of the Committee greatly appreciated the strong commitment of the High Commissioner for Human Rights and the Secretary-General to the treaty body system, they regretted that the United Nations system was facing a serious liquidity problem and that the Organization was at risk of not being able to fully finance mandated activities from its regular budget. He urged Member States to ensure the provision of adequate resources to fulfil their responsibilities arising from the human rights treaties that they had ratified and to respond in a positive manner to the recommendations made in the report of the Secretary-General on the status of the treaty body system (A/73/309), which referred to the need for additional resources.

13. The Committee had increased its productivity and was willing to examine more cases during sessions to address its backlog. It was operating with limited

capacity in the secretariat to support the Committee in carrying out its mandate. For the biennium 2018–2019, additional meeting time had been granted to the Committee to deal with pending initial reports and individual communications. Since 2014, its meeting time had grown from 2 to 10 weeks a year, but with no additional dedication of human resources. It therefore called for an increase in staff capacity for the secretariat. The provision of additional meeting time should be coupled with resources to ensure accessibility and the provision of individualized accommodations.

14. During its next session, to be held in Geneva in March 2020, the Committee planned to hold an informal meeting with States parties. That would be only the second such meeting ever held by the Committee, with the first having taken place in 2013.

15. **Ms. Yamazaki** (Japan) said that her country viewed sports as an effective tool for fostering an inclusive society and was promoting sports activities for persons with disabilities. She hoped that the 2020 Paralympic Games, to be hosted by Japan in Tokyo, would help to break down barriers to the participation of person with disabilities everywhere. She asked the Chair of the Committee on the Rights of Persons with Disabilities to offer his thoughts on the role of sports in achieving an inclusive society.

16. **Ms. Al Kuwari** (Qatar) said that her country attached great importance to the rights of persons with disabilities and to disability issues at the national and international levels. Qatar had been one of the first States to ratify the Convention on the Rights of Persons with Disabilities in 2008. Since then, the Government of Qatar had taken many legislative and operational measures to guarantee the rights of persons with disabilities to legal protection, social security, housing, employment, health care, inclusive education and inclusion in all spheres of life. Collectively, those measures had greatly improved the situation of persons with disabilities throughout the country.

17. Recognizing the importance of international cooperation in achieving the Sustainable Development Goals, the Qatar Foundation for Social Work had organized an international conference on disability and development to take place in Doha in December 2019. The conference would be attended by the Deputy Secretary-General of the United Nations, the heads of various United Nations bodies and representatives of organizations of persons with disabilities, among others. The declaration that would be adopted at the conference would set out a road map to support the effective implementation of both the Convention on the Rights of Persons with Disabilities and the Sustainable

Development Goals in a manner that promoted the rights of persons with disabilities.

18. **Mr. Roijen** (Observer for the European Union) said that the European Union was the only international organization that was a party to the Convention. He appreciated in particular the ongoing work of the Committee on the Rights of Persons with Disabilities to implement article 9 of the Convention, which had been highlighted in the report of the Secretary-General on accessibility and the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (A/74/146). The concept of accessibility needed to be translated into practical measures to fill gaps and ensure that persons with disabilities could live independently and participate in society on an equal basis. He noted the recommendation of the Chair that States establish mechanisms to carry out a comprehensive review of laws and policies related to accessibility, and requested the Chair to share good examples of such mechanisms. He welcomed progress made towards the mainstreaming of the rights of persons with disabilities through the United Nations Disability Inclusion Strategy, which included an accountability framework for monitoring progress and addressing challenges related to accessibility. He asked the Chair which parts of the strategy were most relevant for improving the right to accessibility for persons with disabilities.

19. **Mr. Lauer** (Luxembourg) said that, since the review of the report of Luxembourg by the Committee in August 2017, his country had taken several measures to better protect the rights of persons with disabilities. A law had been adopted that formally recognized German sign language and gave individuals the right to use that language in their interaction with government entities, the right to be taught in the language and the right for certain family members to receive basic training in using that language. To promote the hiring of persons with disabilities, a scheme had been approved in July 2019 to provide them with personalized employment-related support. A draft law on guaranteeing access for persons with disabilities to all spaces that were open to the public had been submitted to the Chamber of Deputies. Under the draft law, accessibility requirements would be extended to public spaces that were under the purview of private sector entities, which could face penalties if they failed to comply with accessibility requirements.

20. The work to draw up a national action plan for the implementation of the Convention for the period 2019–2024 was close to conclusion. In 2018 the Ministry of Family Affairs, Integration and the Greater Region had organized a number of inclusive working groups,

bringing together persons with disabilities and individuals working on relevant issues to better understand the needs of persons with disabilities and to propose concrete measures to improve their lives. He asked the Chair what the best approach would be for involving children with disabilities in the process of making decisions that concerned them.

21. **Mr. Akhigbe** (Nigeria) said that, in January 2019, Nigeria had adopted the Disability Rights Act to support persons with disabilities. His Government pledged its support for the Committee and the other treaty bodies and would continue to meet all its obligations in that regard, in particular its financial obligations.

22. **Mr. Reed** (United Kingdom) said that his Government had made progress in implementing the Convention by enforcing the requirement that public-sector organizations make their online public services accessible and by making investments to increase the accessibility of all modes of transport. The Government had made significant progress in relation to 968 commitments made at the 2018 Global Disability Summit, which it had hosted in conjunction with the International Disability Alliance and the Government of Kenya. He asked the Chair what more States could do to promote the use of universal design principles and international accessibility standards in the design of products and services.

23. **Ms. Korac** (United States of America) said that her country had been proud to negotiate and vote in favour of Security Council resolution [2475 \(2019\)](#) on the situation of persons with disabilities in armed conflict. That ground-breaking resolution was a step forward in mainstreaming the rights of persons with disabilities across the United Nations. In the second quarter of 2019, the United States had endorsed the Charter on Inclusion of Persons with Disabilities in Humanitarian Action, which set forth a global agenda to make humanitarian activities more receptive to the needs of persons with disabilities. Her delegation had actively participated in two initiatives to mainstream disability rights across the United Nations: the group of friends on disability and the Steering Committee on Accessibility. The delegation had had first-hand awareness of the challenges relating to accessibility at United Nations Headquarters.

24. The United States welcomed the roll-out of the United Nations Disability Inclusion Strategy. Her delegation was an active member of the Steering Committee on Accessibility, which had developed recommendations in June 2019 to increase accessibility at Headquarters. The delegation had also been pleased to see the provisions for accessible seating included in

General Assembly resolution [73/341](#) on revitalization of the work of the General Assembly, adopted in September 2019, which allowed for delegations' seats to be moved to accessible locations when needed.

25. **Ms. Xu Daizhu** (China) said that, given that there were 85 million persons with disabilities in China, the Government attached great importance to promoting and protecting the rights and interests of persons with disabilities. Earlier in 2019, the Government had issued a white paper in which it elaborated on the measures taken to protect the rights of persons with disabilities, as well as policies that it planned to implement in the future. As part of meeting its target of building a moderately well-off society by 2020, China intended to ensure that no persons with disabilities would be left behind. China had honoured all its obligations under the Convention. Actions to strengthen the rights of persons with disabilities had been incorporated into its overarching economic and social development plan, as well as into various international mechanisms in the Asia-Pacific region. She asked whether, as part of the range of events planned by the United Nations to mark the twenty-fifth anniversary of the Fourth World Conference on Women, any work or activities had been planned in respect of protecting the rights of women with disabilities.

26. **Mr. Basharu** (Chair of the Committee on the Rights of Persons with Disabilities), responding to the comments and question, said that the Committee appreciated the efforts being made by Japan to ensure that its sports facilities were fully accessible to persons with disabilities in preparation for the hosting of the 2020 Paralympic Games. The Committee stood ready to provide support in any way that Japan deemed useful. The conference being organized by Qatar in Doha and the declaration emerging from it would definitely advance the rights of persons with disabilities. The work that had been done by the United Nations Office at Nairobi in respect of article 9 of the Convention was noteworthy, given that the issue of accessibility was the backbone of the Convention; accessibility and inclusion were complementary, and both were vital to persons with disabilities.

27. It was very important to involve children with disabilities in the process of making decisions that affected them. Many States parties had children's parliaments, and it was important to put the decisions made by children into action. Universal design principles should be followed in all aspects of life to make sure that persons with disabilities could participate. The breaking of barriers to the use of transportation and websites was also very important. It was often forgotten that persons with disabilities were

unable to leave areas of conflict; the efforts of the Security Council to address that issue were therefore necessary. Women with disabilities would be fully included in the activities in 2020 to mark the twenty-fifth anniversary of the Fourth World Conference on Women.

28. **Ms. Devandas Aguilar** (Special Rapporteur on the rights of persons with disabilities) said that over the past year she had conducted official visits to Canada, Kuwait and Norway and had received invitations to visit Botswana and China in 2020. She had written a thematic report on the rights to liberty and security of persons with disabilities, which she had presented to the Human Rights Council in March 2019. Her office had been fully involved in the process that had led to the adoption of the United Nations Disability Inclusion Strategy. Her office had also actively participated in the working group for a global study on children deprived of liberty, and she had been responsible for drafting a chapter on the cross-cutting issue of children with disabilities. Her office had worked with the Office of the United Nations High Commissioner for Human Rights to organize a meeting for judges and experts on promoting access to justice for persons with disabilities; with the Special Rapporteur on violence against women on promoting greater exchange between the women's rights movement and the disability rights movement; and with experts and representatives of the community of persons with disabilities on themes relating to bioethics.

29. Introducing her report on the rights of persons with disabilities (A/74/186), in which she had focused on older persons with disabilities, she said it was predicted that, by 2050, one in every four people in Europe and North America would be 65 years of age or older. Population ageing was not limited to high-income countries and, in fact, was occurring at a much faster pace in low-income countries. Accordingly, the number of older persons living with disabilities was increasing, as were the challenges associated with the full exercise of their rights. Moreover, the intersection between being elderly and having disabilities gave rise to unique forms of discrimination and vulnerability, owing to stereotypes of such persons as burdensome and helpless. Persons with disabilities, in particular those diagnosed with dementia, were often subjected to a denial of their autonomy and legal competency, institutionalization, inadequate social protection and abuse. Their needs were given a lower priority in public policies and they received lower quality services, in particular when resources were scarce. They were also subjected to biased interpretations of norms designed to protect persons with disabilities and the elderly, which resulted in them receiving less support than those who were

younger, which negatively impacted their ability to live independently and obliged them to live in large-scale facilities. That problem affected women in particular, owing to their longer life expectancy. Older persons with disabilities should no longer be viewed as a burden to society, but rather as individuals entitled to exercise the same rights as any other members of society.

30. To address those challenges, she urged States to modify their legal and political frameworks to focus on the human rights of older persons with disabilities. Those rights needed to be mainstreamed across policies and programmes that were focused on providing services specifically to older persons or to persons with disabilities, so that older persons with disabilities would no longer fall through the cracks in the system. States should also prohibit all forms of discrimination related to disability or to age, including those that restricted or obstructed the provision of the services and social protections that older persons with disabilities needed. Moreover, States needed to guarantee the effective access of such persons to a full range of services and support mechanisms, including by providing individual assistance, decision-making support, mobility assistance, assistive technologies, palliative care and assisted living. It was important that such support be provided in the community and with a focus on human rights, so that older persons with disabilities had options and maintained control over the services that they received. No senior with disabilities should be obliged to move to an institution in order to receive support services. Finally, States must urgently adopt measures to provide effective access to justice and put in place monitoring systems to protect older persons with disabilities from all forms of exploitation, violence and abuse in both the public and private sectors.

31. Although issues relating to ageing and those relating to disability continued to gain attention in national and international forums, the problems arising from the intersection of ageing and disability continued to be invisible or treated from an outdated medical perspective.

32. **Mr. Schettino** (Italy) said that the rights of persons with disabilities had been at the forefront of his country's foreign policy in the field of human rights and that it was championing the issue during its term on the Human Rights Council for the period 2019–2021. The human rights-based approach of Italy was founded on the pillars of full inclusion of persons with disabilities in all activities and full ownership and participation of persons with disabilities in any decisions regarding them. To that end, the Government cooperated with a wide spectrum of civil society organizations and made full use of their expertise through a national observatory

on the condition of persons with disabilities, which had been tasked with the implementation of the Convention. He noted the section of the report of the Special Rapporteur that addressed stigma, an issue to which Italy had been devoting increasing attention and resources. He asked what concrete steps States could take to reduce the stigma faced by older persons with disabilities, in particular those with mental and intellectual disabilities.

33. **Mr. Lavalle Merchán** (Spain) said that his country's strategy on disability for the period 2014–2020 included the development of programmes for the early detection and diagnosis of cognitive decline. Spain had also implemented awareness-raising and capacity-building programmes for health-care and social-services professionals in order to meet the specific health needs of older persons with disabilities. The country was cooperating actively with the World Health Organization as part of the Global Network for Age-friendly Cities and Communities to promote the incorporation in urban planning of the goal of improving the lives of older persons.

34. **Ms. McDowell** (New Zealand) said that, given predictions that 25 per cent of her country's population would be over the age of 65 years by 2056, and that such a population structure would become the new normal, it was necessary to look ahead to address the causes of discrimination against and social exclusion of older persons with disabilities. She asked what the Special Rapporteur considered to be the most significant barrier to addressing the negative perceptions and norms that put older persons with disabilities at a disadvantage.

35. **Mr. García Moritán** (Argentina) said that his delegation welcomed the focus of the Special Rapporteur on the extreme vulnerability faced by older persons with disabilities and the guidelines for States to effectively address the issues at the intersection of ageing and disability. He welcomed the Special Rapporteur's analysis of the consequences of not having a comprehensive international legal instrument to promote and protect the dignity of older persons. He asked what the Special Rapporteur considered to be the most persistent obstacles to overcoming the stereotypes that portrayed disability as a natural outcome of ageing, and which obstacles States should prioritize as being most urgent.

36. **Mr. Abdurrohman** (Indonesia) said that his country's commitment to protecting the rights of persons with disabilities was reflected in its Act No. 8 of 2016, which had created a framework on disabilities within the national development planning strategy and established a national committee on persons with

disabilities. The Government had also implemented standards for minimum services, operations and procedures that were in line with universal standards for the design of services for persons with disabilities. It had also created a mechanism for monitoring and evaluating providers of public services. Great importance was attached to ensuring that all persons with disabilities could participate fully in the political process. Finally, Indonesia had put in place a social insurance mechanism that ensured access to medical and assistive services for persons with disabilities.

37. **Mr. de Souza Monteiro** (Brazil) said that the Convention was the most comprehensive normative instrument on the inclusion of people with disabilities and served as the basis for his country's inclusion law, which had been enacted in 2016. As the world population aged rapidly, countries would increasingly need to develop national strategies for providing targeted services to older persons with disabilities. He took note of the Special Rapporteur's description of guidelines on promoting equality, social and economic inclusion, and independent living, as well as her recommendations on ways to guarantee the social and economic rights of persons with disabilities, in particular older persons, in a non-discriminatory manner. He asked what steps could be taken by the international community to better address the issue of protecting older persons with disabilities given the absence of international norms to that effect.

38. **Ms. Wagner** (Switzerland) said that her country had emphasized measures to promote the autonomy and participation of older persons with disabilities, including through a programme that supported their social participation and allowed them to choose how, where and with whom they wished to live. Such programmes both improved the situation of older persons with disabilities and highlighted their needs and their contributions to society. She asked the Special Rapporteur to elaborate on what would allow older persons with disabilities to participate effectively in society with full autonomy and on an equal basis, and what organizations for persons with disabilities and for older persons could do to bring attention to the needs of older persons with disabilities.

39. **Mr. Tanner** (Finland), speaking on behalf of the Nordic and Baltic countries (Denmark, Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden), said that it was important to mainstream human rights-based legislation, policies and measures to protect older persons with disabilities. Technology, innovation and artificial intelligence could greatly assist older persons with disabilities, provided that their development and use were guided by a human rights-based approach. In

that context, technological standards and processes must be developed in close cooperation with all affected persons and user groups. Treaty bodies had an important role in monitoring the realization of the human rights of persons with disabilities, and all United Nations entities needed to consider the needs of older persons with disabilities from a rights-based perspective in all their work. He asked how technologies could be used to ensure that the work of human rights mechanisms and the treaty bodies fully reflected the rights of older persons with disabilities.

40. **Mr. Elizondo Belden** (Mexico) said that his Government concurred with the conclusions of the Special Rapporteur that States were obligated to ensure the full enjoyment of human rights and the fundamental liberties of older persons with disabilities; and that the intersection of ageing and disability posed a formidable barrier to the exercise of their rights. He asked the Special Rapporteur about her experiences of best practices for protecting the effective exercise of the rights of older persons with disabilities from a human rights perspective.

41. **Ms. Norman-Chalet** (United States of America) said that the cross-cutting nature of the Special Rapporteur's work was critical to ensuring the integration of disability rights across the United Nations. Over 46 per cent of the world's older persons had a disability, and they therefore constituted a plurality among persons with disabilities. Older persons with disabilities faced multiple barriers to exercising their rights owing to discrimination at the intersection of disability, ableism and age. Denial of autonomy and legal capacity, institutionalization, abuse and lack of community services and social protections rendered older persons with disabilities invisible to Governments, in particular those who were also members of ethnic and racial minority groups. States should make full use of existing resources, including through international cooperation, to promote rights and provide access. She asked what the Special Rapporteur considered to be the most effective ways of countering stereotypes regarding older persons with disabilities, in particular those who were also members of minority groups.

42. **Ms. Mohamed** (Maldives) said that the Government of Maldives had initiated a strategic plan of action for the period 2019–2023 that provided for the inclusion of persons with disabilities in all sectors of the economy, free access to assistive devices and media services adapted to the needs of persons with disabilities, and the creation of a centre for disability management and rehabilitation. She asked the Special Rapporteur to provide recommendations on

mainstreaming international efforts to meet the cross-cutting challenges faced by persons with disabilities.

43. **Mr. Roijen** (Observer for the European Union) said that the mandate of the Special Rapporteur was an important catalyst for improving the human rights situation for persons with disabilities. It was important that States review and update their laws and regulations and follow through on the implementation of existing commitments. He asked the Special Rapporteur to indicate which of her recommendations should be given priority by State actors in the near future.

44. **Mr. Tierney** (Ireland) said that his country had recently ratified the Convention and had launched a disability inclusion strategy in 2017, following a comprehensive consultation process. He asked the Special Rapporteur to comment further on the intersecting forms of discrimination faced by older women with disabilities and how the difficulties that they faced could be better addressed by the international community and Member States.

45. **Ms. Oliver** (Australia) said that her Government welcomed the discussion of ways to promote a human rights-based approach to ageing, and it was working to provide a holistic system of support for older Australians. A key component of that system was the national disability insurance scheme, which had benefited more than 300,000 persons with disabilities. The scheme placed persons with disabilities at the centre of decision-making, giving them greater choice and control over their lives, including regarding where they lived.

46. In addition, her country had developed a suite of measures to uphold the rights of older persons, with a view to improving mental health and advocacy services, providing more comprehensive palliative care in residential care settings, and making targeted investments to address the needs of those living with dementia. The National Plan to Respond to the Abuse of Older Australians provided a framework for coordinated action across all Australian jurisdictions, to reduce the prevalence, severity and impact of abuse of older persons, including those with disabilities.

47. **Mr. Kamel** (Algeria) said that, prior to the adoption of the Convention in 2006 and ratification in 2009, his country had adopted a law to protect and promote the rights of persons with disabilities in 2002. In addition to the general protections against discrimination provided by the country's Constitution, the Penal Code of Algeria prescribed more severe penalties in cases where the victim had a physical or mental disability. In addition, a number of measures had been taken in respect of training, employment, social



protection and health care to promote the full inclusion and participation of persons with disabilities.

48. **Mr. Park Chull-Joo** (Republic of Korea) said that persons with disabilities should be meaningfully and effectively engaged, or even take the lead, in discussions and decision-making that concerned them and in the implementation of the resulting policies to ensure that their needs and interests were fully taken into account. In addition, accessibility was a key pre-condition to the full enjoyment by persons with disabilities of their rights to health, education and full participation in political, public and cultural life. He asked the Special Rapporteur what measures Governments could take to improve accessibility, in particular to information, communications and technology, for older persons with disabilities.

49. **Ms. Ruminowicz** (Poland) said that her delegation noted the role that the assistance and expertise provided by the Special Rapporteur had played in the work on the resolution on persons with disabilities in armed conflict, sponsored by Poland and the United Kingdom, which had been adopted unanimously by the Security Council in June 2019. In December 2018, Poland had adopted a comprehensive strategy on persons with disabilities for the period 2019–2030, with a view to the full implementation of the Convention and the full participation of persons with disabilities in social and professional life, with a focus on the four key pillars of health, social security, education and labour. Noting that much more attention should be paid to older persons with disabilities and their increased risk of facing discrimination and stigma, she asked the Special Rapporteur to comment on the most effective ways to ensure that older persons with disabilities could directly participate in decision-making processes that concerned them, aside from existing democratic processes such as general elections and public legislative initiatives.

50. **Mr. Zavala Porras** (Costa Rica) said that his country had adopted a law in 2016 to guarantee equality before the law for persons with disabilities and made enormous effort to ensure that the law had a real impact. He asked the Special Rapporteur which elements of the Convention were relevant to addressing gaps in the protection of older persons with disabilities, and what she viewed as the main normative obstacles to achieving equality before the law for older persons with disabilities.

51. **Mr. Reed** (United Kingdom) said that his Government had put in place an ambitious set of reforms to provide a range of support to older persons, as part of which it had implemented the Challenge on Dementia 2020 programme, with a view to transforming the model

of care for those living with dementia. It had also set a target to increase the number of persons with disabilities in the workforce by one million by 2027. The Department for International Development had published a disability inclusion strategy with a view to systematically and routinely including persons with disabilities in all its development work. He asked the Special Rapporteur how States could be encouraged to develop programmes that would tackle and change societal perceptions with respect to disability and age.

52. **Ms. Xu Daizhu** (China) said that age-related disability was a common reality worldwide. China had 249 million older persons and 85 million persons with disabilities. China faced the issues of an extremely large population of older persons, a population that was ageing rapidly overall and a society that would become old before it could become wealthy. The Government had adopted a series of measures to promote social integration and social security to foster a society that cared for older persons with disabilities. China was making use of research into information technologies and artificial intelligence to develop interventions to address disability and age-related loss of function. It was willing to work with various United Nations entities and other countries on ways to promote respect for and to end discrimination against older persons with disabilities. She asked the Special Rapporteur to provide examples of best practices in that regard.

53. **Mr. Batal** (Morocco) said that many countries, in particular developing countries, experienced considerable problems in combating the inequality faced by persons with disabilities, who were also more likely to be living in poverty, often owing to an absence of suitable infrastructure and accessibility, as well as institutional obstacles. Persons with disabilities were particularly impacted by armed conflict, natural disasters and other humanitarian emergencies; women and girls faced the even greater challenges of compounded forms of discrimination. Without the resources to put in place basic infrastructure and social services, it would not be possible to reduce poverty and promote equality. He asked the Special Rapporteur for her views on the inequalities arising from a lack of resources and their impact on the implementation of the Convention in various regions of the world.

54. **Ms. Devandas Aguilar** (Special Rapporteur on the rights of persons with disabilities) said that there was a great danger that persons with disabilities, especially older persons, would be denied their rights and that investments in addressing their needs would be reduced, owing to the mistaken idea that a loss of function was a normal part of the end-of-life process. That was a key issue in her report, and every effort should be made to

ensure that older persons with disabilities enjoyed the same rights and quality of life as others. A shift in emphasis was needed, to move away from giving priority to the mere diagnosis and medical treatment of disability, a focus that was too narrow and did not take into account human rights. Responses needed to focus on eliminating physical, social and attitudinal barriers. Urgent attention should also be given the issue of women with disabilities, given that their life outcomes were consistently worse than those of women and men without disabilities.

55. Regarding gaps in the protection of the human rights of older persons with disabilities, it was for Member States to determine whether a higher standard of protection was necessary. The minimum level of human rights protection had to be the level established by the Convention. It might also be necessary to look again at the application of articles 12, 14, 17 and 25 and consider whether it was necessary to go beyond those standards.

56. Persons with disabilities had benefited from the development of assistive services for older persons, which had created a market for products, and which in turn had facilitated access to and reduced the prices of such services. However, there was a risk that assistive technologies could result in the isolation of older persons. It was essential to determine how to use them without eliminating the opportunity for human interaction.

57. More central to the fight against stigma and discrimination was the concept of participation. To that end, it was necessary to have direct contact between persons with disabilities and older persons; persons with disabilities should take part in discussions relating to the rights of older persons and vice versa. Ageing and disability should not be viewed as a problem or a cost, but as a manifestation of human diversity. If that did not happen, societies would continue to face the spectre of reduced access to health care for older persons with disabilities and a greater interest in the end-of-life process and assisted suicide.

58. **Ms. González López** (El Salvador), speaking on behalf of the Group of Friends of Older Persons, which comprised Argentina, Bolivia, Brazil, Chile, Colombia, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Indonesia, Kenya, Malaysia, Mexico, Panama, Paraguay, Peru, the Philippines, Qatar, Slovenia, South Africa, Trinidad and Tobago, Turkey and Uruguay, said that the existing legal framework and the human rights treaty body system and mechanisms were insufficient to effectively and comprehensively protect and promote the rights and dignity of older

persons. In addition, the consolidation of the human rights of older persons into a specific, universal and legally binding instrument would address the current regulatory dispersion. Such an instrument would also strengthen the monitoring and exercise of those rights, and foster national policies to better define the responsibilities of States.

59. The best way to address the gaps in the international legal framework of human rights law regarding older persons was through open and frank discussions with all Member States and relevant stakeholders regarding what measures to take in order to fill those gaps. Regardless of the level of implementation of existing arrangements and the main human rights treaties, there was still a need to develop international human rights standards for the protection of the rights of older persons.

60. **Ms. Carey** (Bahamas), speaking on behalf of the Caribbean Community (CARICOM), said that, owing to a lack of capacity and technical expertise, the countries of CARICOM were regularly confronted with challenges related to the fulfilment of their responsibilities to report on and implement human rights standards. The safeguarding and enjoyment of human rights, including the right to life, was being undermined in countries throughout the region by the impact of climate change, which had given rise to sudden natural disasters and to slow-onset environmental degradation, both of which had contributed to socioeconomic stagnation. The disasters wrought by climate change were not limited to the Caribbean region and should be a matter of grave concern around the world.

61. **Mr. Butt** (Pakistan) said that his country was particularly concerned at the growing scale of xenophobia and anti-Muslim sentiment created by extremist political parties in his region and elsewhere that deliberately targeted vulnerable populations. In Indian-occupied Jammu and Kashmir, the Kashmiri people had been facing a draconian lockdown and communications blackout for over two and a half months. Despite the serious concerns raised by the United Nations High Commissioner for Human Rights, special procedure mandate holders, civil society and the international media, the Kashmiri people continued to be denied their basic human rights, a situation that demanded immediate corrective action.

62. Double standards had to be avoided in the work of the United Nations human rights machinery. In that regard, it was quite unfortunate that some situations were given prominence, while other equally serious situations were ignored. Country-specific or region-specific considerations should focus mainly on

situations of armed conflict. It was in such situations that the gravest violations of human rights took place.

63. Pakistan had constituted an independent and autonomous national commission for human rights in accordance with the Paris Principles that had been equipped with broad powers. While he welcomed constructive engagement with special procedure mandate holders, he emphasized that they must discharge their duties with full independence, within their mandate, on the basis of impartiality, transparency and strict avoidance of politicization.

64. **Mr. Dang Dinh Quy** (Viet Nam) said that confrontation and imposition from above needed to be replaced by cooperation and consultation in order to address slow and uneven social progress and widening inequality. After completing the third cycle of the universal periodic review in January 2019, Viet Nam had adopted over 80 per cent of the recommendations made. It had ratified the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), and had joined Bangladesh and the Philippines in sponsoring Human Rights Council draft resolutions on climate change and human rights, with a focus on children, women and persons with disabilities.

65. **Mr. Carazo** (Costa Rica), speaking also on behalf of Albania, Argentina, Australia, Austria, the Bahamas, Belgium, Bulgaria, Canada, Chile, Croatia, Cyprus, Czechia, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Marshall Islands, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Romania, Samoa, Slovakia, Slovenia, Sweden, Switzerland, Tunisia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay, said that those States were strong proponents of the human rights treaty body system, which should be strengthened through the introduction of more streamlined and coherent working methods. They welcomed the recent decision of the Human Rights Committee to move to a predictable review cycle in 2020, to shift from an opt-in model for a simplified reporting procedure to an opt-out model, and to align its working methods and lists of issues with those of the other treaty bodies. The treaty body Chairs had a crucial role to play in mainstreaming the implementation of General Assembly resolution [68/268](#) across the system, and the most recent position paper of the Chairs of the human rights treaty bodies on the future of the treaty body system provided interesting suggestions in that regard.

66. Special attention needed to be given to the reporting calendar, so that the reporting obligations of each State under each of the human rights treaties were spread out evenly across time, which would make it easier for States to meet their reporting obligations and to implement recommendations. Efforts should be made to explore ways of enhancing consistency in the application of procedures for individual communications.

67. There was deep concern regarding reprisals against individuals who had cooperated with human rights treaty bodies. He encouraged those treaty bodies and the office of the Assistant Secretary-General for Human Rights to continue their efforts to respond to such reprisals. The harmonized implementation of the Guidelines against Intimidation or Reprisals (San Jose Guidelines) was essential in that regard.

68. **Mr. Hermida Castillo** (Nicaragua) said that, with respect to public security, his country had been described as one of the most secure in Latin America and the most secure in Central America. Between 2009 and 2016, the levels of overall poverty and of extreme poverty had fallen from 42.5 to 24.9 per cent and from 14.6 to 6.9 per cent, respectively. The portion of the population that was undernourished had fallen from 50.5 to 16 per cent. Its comprehensive school nutrition programme had been designated as one of the four best food security initiatives in the world. Nicaragua ranked fifth in the world for gender equality.

69. It was unacceptable that certain developed countries unilaterally imposed coercive economic measures on certain developing countries, which hobbled the fight against poverty and efforts to achieve the Sustainable Development Goals. His country rejected the selective use by certain powerful countries of human rights arguments for selfish political goals.

70. **Ms. Pritchard** (Canada) said that Canada was deeply concerned by restrictions on civil society actors and reprisals against those who cooperated with the United Nations to draw attention to human rights violations. Capacity-building in collaboration with the Office of the United Nations High Commissioner for Human Rights and deliberations in the present forum on emerging trends were two ways to protect civic space and protect those who stood up for human rights. Participants must not lose sight of the fact that the work being done in the present forum could and should have a real impact on the lives of those being represented.

71. **Mr. Rivero Rosario** (Cuba) said that greater priority and visibility should be given to solving problems such as extreme poverty, illiteracy, inability to exercise the basic rights to health care, education and nutrition. Cuba opposed all initiatives that selectively

targeted developing countries for political reasons, including the unilateral action taken by the United States to single out certain countries for alleged human rights violations. It was in fact the United States, which had imposed an economic embargo on Cuba for nearly 60 years, that was the world's main violator of human rights. The universal periodic review mechanism was the appropriate instrument for addressing human rights situations in all countries in an objective and apolitical manner.

72. **Ms. Vasquez Muñoz** (Mexico) said that close cooperation with the universal human rights system had had a noticeable and significant impact in Mexico, including on its constitutional order. Mexico was undergoing a profound transformation, with the Government promoting respect for human rights as a fundamental pillar of its vision for the country. It was open to international scrutiny and was determined to promote the international human rights agenda through frank discussion and a search for common ground. Her delegation would support initiatives undertaken in the context of the Third Committee that would strengthen national human rights capacity and consider the needs of vulnerable and marginalized groups.

73. **Ms. Diedricks** (South Africa) said that her country had aligned itself with the statement delivered on behalf of the African Group. South Africa fully subscribed to the notion of the universality, indivisibility, interdependence and interrelatedness of all human rights. Furthermore, the right to development was a universal and inalienable right. Her delegation's principled position on the notion of justiciability of economic, social and cultural rights was informed by a recognition that extreme poverty and social exclusion constituted a violation of human dignity. South Africa firmly believed in the complementarity of effective implementation of the Vienna Declaration and Programme for Action and the 2030 Agenda for Sustainable Development.

74. **Mr. Rugeles** (Colombia) said that the incorporation of international human rights instruments into his country's legal code with the same status as the Constitution had made it possible for Colombia to develop a solid institutional framework to face challenges and design appropriate responses. For example, Colombia had formulated a plan of action to protect human rights defenders; established a unit dedicated to determining the fate of persons reported missing; formulated a strategy to address migration from Venezuela that was fully aligned with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

and established mechanisms to gather information on trafficking in persons.

75. As the circumstances that forced people to leave Venezuela persisted, risks to public health and sanitation, pressures on the public education system, and shortages of housing and shelter in Colombia and other Latin American countries would continue to rise. His country called upon the international community to make greater efforts to address the profound crisis affecting the Venezuelan people.

76. **Mr. Chua** (Singapore) said that his country's approach to human rights had been founded on four overarching principles. First, Singapore considered securing the social and economic development of its people as being key to realizing their human rights, and that approach had resulted in the country obtaining a high ranking in global measures of human development outcomes. Second, Singapore believed that individual rights came with corresponding responsibilities. Given the delicate social fabric that had been so carefully woven by its people, it was important that individual freedoms were not abused to the point of rupturing Singapore's hard-won collective social harmony. Third, to best promote and protect human rights, Governments should be accountable to their people, exercise good governance and uphold the rule of law. Fourth, Singapore believed that there was no "one size fits all" approach to human rights. Given that each country had its own unique set of circumstances, priorities and challenges, it was up to each country to determine what worked best at the national level. To impose a particular view or ideology on another country without being accountable to its citizens would be counterproductive and irresponsible.

*The meeting rose at 1 p.m.*