



# Convention on the Rights of Persons with Disabilities

Distr.: General  
22 September 2023

Original: English

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## Committee on the Rights of Persons with Disabilities Twenty-ninth session

### Summary record (partial)\* of the 688th meeting\*\*

Held at the Palais des Nations, Geneva, on Friday, 8 September 2023, at 3 p.m.

*Chair:* Ms. Fefoame

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\* No summary record was prepared for the rest of the meeting.

\*\* No summary records were issued for the 678th to 687th meetings.

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*The discussion covered in the summary record began at 5 p.m.*

**Other matters (continued)**

1. **Ms. Fernández de Torrijos** (Rapporteur) said that, at its twenty-ninth session, the Committee had adopted concluding observations in relation to the initial reports of Andorra, Israel and Mauritania, the combined initial and second periodic reports of Malawi and the combined second and third periodic reports of Austria, Germany, Mongolia and Paraguay. The Committee had considered five individual communications submitted under the Optional Protocol to the Convention; it had found violations of the Convention in three of them and had discontinued its consideration of the other two. The Committee had also considered matters related to inquiries pursuant to the Optional Protocol.

2. The Committee had held a panel discussion on deinstitutionalization and had adopted a statement calling on States parties to further develop their plans and policies in that regard, in line with its guidelines on deinstitutionalization, including in emergencies. The Committee had decided to continue piloting the establishment of task forces for the preparation and conduct of constructive dialogues with States parties.

3. The Committee had decided to continue engaging with the United Nations Office at Geneva and the Office of the United Nations High Commissioner for Human Rights with a view to improving the provision of accessible conference services and reasonable accommodation to members of the Committee and participants with disabilities at its meetings. It had adopted a statement on the right of persons with disabilities to social protection. Lastly, the Committee had adopted the report on its twenty-ninth session, subsequently to be issued as document [CRPD/C/29/2](#).

4. **The Chair** said that the Committee had also briefed the High Commissioner for Human Rights on developments in its work and had encouraged him to contribute to its efforts to ensure disability mainstreaming. It had held an informal meeting with States parties to discuss challenges related to its work, and most of its members had participated in side events, including one on the medical model of psychosocial disability and another on the use of funds for post-conflict recovery in Ukraine to promote the inclusion of persons with disabilities. The Committee had met with a representative of the World Health Organization (WHO) to discuss the WHO Global report on health equity for persons with disabilities and the possibility of further engagement.

**Cooperation with other United Nations bodies, specialized agencies, organizations of persons with disabilities and other competent bodies (continued)**

5. **Ms. Molina** (Rapporteurship on the Rights of Persons with Disabilities, Inter-American Commission on Human Rights), speaking via video link, said that, in 2023, the Rapporteurship was focusing on the economic, social, cultural and environmental rights of persons with disabilities, their legal capacity and the process of deinstitutionalization, in addition to urging more Caribbean States to ratify the inter-American human rights treaties.

6. In the last quarter of the year, it planned to publish the Commission's first thematic report on the situation of persons with disabilities in the Americas. The report, whose content was informed by a public consultation launched in 2022 with the participation of civil society organizations, included a separate chapter on legal capacity. To date, two countries in the Americas, namely Colombia and Peru, had amended their legislation to ensure the exercise of legal capacity by persons with disabilities, while other countries had made significant progress in that regard. The report addressed outstanding challenges related to legal capacity, including the establishment of appropriate systems of supported decision-making, and laid down recommendations to promote disability rights in the region. As part of ongoing efforts to develop synergies, the Commission was interested in exploring the possibility of releasing the report jointly with the Committee.

7. **Ms. Carrillo** (Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities, Organization of American States), speaking via video link, said that the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities was the monitoring mechanism of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities. The Committee

had been set up in 1999 and comprised approximately 50 experts from various disciplines. It was mandated to define the objectives, indicators and descriptors used on the template or form provided to States parties for them to submit their national reports. The indicators were divided into 15 thematic areas. Once they had received the form, reporting States had around nine months to complete it, with the possibility of requesting a brief extension. The Committee conducted an initial review of the reports submitted to it and could seek additional information or clarification if necessary. Subsequently, the Committee split into evaluative groups, to which States presented an oral defence of their reports. On the basis of the evaluations carried out, the Committee produced reports containing conclusions on the progress made during the period under review and the challenges observed, along with recommendations.

8. To date, the Committee had successfully completed three evaluation cycles, in 2010, 2015 and 2019. For the fourth cycle, States would be able to submit their reports through an online platform developed with the support of the Saraki Foundation. The platform would require the provision of precise information in relation to quantitative indicators, enable line ministries to contribute directly to relevant sections of reports and encourage timely submission by indicating the percentage of the report that had been completed. The information supplied by States would be systematically compiled in a repository where users would be able to search for information by keyword, country or thematic area, among other criteria. The repository would make it possible to examine trends across reporting cycles and to compare progress across countries, while facilitating the generation of statistics on persons with disabilities, which, in the long run, would contribute to public policies and legislative reforms, promote the proper allocation of public resources and strengthen the participation of civil society organizations.

9. **Mr. Pérez Bello** (International Disability Alliance) said that his organization had provided support to organizations of persons with disabilities engaged in seven of the eight State party reviews at the current session and was thankful to the Committee for the opportunities that it provided in that respect and for the availability of its members to listen to concerns regarding the implementation of the Convention.

10. Some challenges remained, as illustrated by the inability of civil society representatives from Mauritania to attend the session. However, thanks to the tentative forecast of reviews published by the Committee's secretariat, the International Disability Alliance expected to prevent future visa issues and other barriers to participation. In that connection, it hoped that solutions could be found to ensure interpretation for remote participation.

11. The International Disability Alliance would take steps to promote the visibility of the elections to the Committee scheduled for June 2024, at which nine seats would be at stake. It would call on States parties to nominate candidates through transparent and open national processes and to vote according to the criteria established in article 34 (3) and (4) of the Convention.

12. The International Disability Alliance was glad that the process of drafting the Committee's general comments No. 9 and No. 10 was advancing steadily under the leadership of the working group on article 11 and looked forward to contributing to the process in appropriate ways.

13. An issue of concern that had arisen at the current session was the blunt rejection by Germany of aspects of the Committee's interpretation of article 12 of the Convention, in favour of the views of its own jurists and academics. Such messages demanded a reflection on what could be done better to ensure that States parties understood and took ownership of the human rights standards set out in the Convention and carried out relevant legal capacity reforms.

14. On 9 October 2023, WHO and the Office of the United Nations High Commissioner for Human Rights would launch a joint publication entitled "Mental health, human rights and legislation: guidance and practice". The publication incorporated key elements of the Committee's groundbreaking work.

15. The International Disability Alliance believed that, in its dialogues with States parties, the Committee might wish to recommend the provision of demedicalized psychosocial health services and the adoption of measures to ensure that options made available outside the health-care system fully respected individuals' self-knowledge, will and preferences.

16. **Mr. Ferreyra** (Judiciary of Buenos Aires Province), speaking via video link, said that the Disability Observatory mentioned in paragraph 6 (j) of the Committee's concluding observations on the combined second and third periodic reports of Argentina (CRPD/C/ARG/CO/2-3) had enhanced access to justice for persons with disabilities in Buenos Aires Province.

17. The Committee's concerns regarding the lack of accessibility of information and communications were being addressed by the Council of the Magistracy of the City of Buenos Aires in the context of a joint project with the United Nations Development Programme to promote the exercise of legal capacity by persons with disabilities in Argentina. Under the project, barriers to access to online legal portals had been identified and were being overcome through the introduction of technical modifications.

18. Regarding the concerns expressed in paragraphs 25 (c) and 27 (d) of the concluding observations, it was important to note that the purpose of the obligation to grant procedural accommodations was to ensure the right of persons with disabilities to exercise their legal capacity. Where support persons had to be appointed for them, they must have received specialized disability training and have comprehensive knowledge of the Convention and the Committee's concluding observations. Enforcing such requirements in Buenos Aires Province would allow persons with intellectual or psychosocial disabilities to exercise their legal capacity without having to undergo national determination processes in which the medical model of disability continued to be applied. The need for steps to be taken at the provincial level was evident from the fact that, in 2019, there had been a total of 1,718 persons confined in 16 psychiatric hospitals in the city of Buenos Aires and that, of all persons institutionalized nationwide, 60.4 per cent had not signed informed consent forms.

19. While the judiciary of Buenos Aires Province had made significant progress in giving effect to article 13 of the Convention, the participation of persons with disabilities in specialized bodies and the disability training provided to relevant stakeholders remained insufficient, which prevented the Government from meeting the human rights standards to which it was committed.

#### **Future meetings**

20. **Ms. Fernández de Torrijos** (Rapporteur) said that the Committee's thirtieth session would be held in Geneva from 4 to 22 March 2024 and would be followed by the nineteenth meeting of the pre-sessional working group, from 25 to 28 March 2024. A provisional programme of work for the thirtieth session had been adopted.

#### **Closure of the session**

21. After the customary exchange of courtesies, **the Chair** declared the twenty-ninth session of the Committee on the Rights of Persons with Disabilities closed.

*The meeting rose at 5.45 p.m.*