



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities Thirty-first session

### Summary record (partial)\* of the 719th meeting

Held at the Palais des Nations, Geneva, on Monday, 12 August 2024, at 10 a.m.

*Chair:* Ms. Fefoame

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

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*The meeting was called to order at 10 a.m.*

### **Opening of the session**

1. **The Chair** declared open the thirty-first session of the Committee on the Rights of Persons with Disabilities.

### **Opening statement by the representative of the Secretary-General of the United Nations**

2. **Mr. Ori** (Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that he wished to pay tribute to the life and legacy of Sir Robert Martin, the first person with an intellectual disability to have been elected to serve as a member of the Committee, who had passed away on 30 April 2024, during his term of office.

3. The participation of the Chair and other Committee members in the seventeenth Conference of States Parties to the Convention on the Rights of Persons with Disabilities, held in June 2024, had been much appreciated. Also in June 2024, the United Nations had issued the *Disability and Development Report 2024*, which had indicated that progress on the Sustainable Development Goals for persons with disabilities was insufficient, with just five indicators on track for the 2030 targets. Significant gaps persisted between persons with and without disabilities, particularly in relation to food security, health, access to energy and poverty, and for women and Indigenous persons with disabilities, persons with intellectual or psychosocial disabilities and persons with disabilities living in rural areas. The involvement of persons with disabilities in decision-making processes remained modest. Accelerated efforts were needed to achieve the Sustainable Development Goals by, for and with persons with disabilities by 2030, particularly by making physical and virtual environments accessible for persons with disabilities, adopting anti-discrimination legislation, expanding social protection and ensuring the safety and protection of persons with disabilities in disasters and emergencies.

4. Looking ahead to the Summit of the Future, to be held in September 2024, the latest draft of the Pact for the Future recognized disability inclusion in key areas, such as the protection of civilians in armed conflict and the social inclusion of young persons with disabilities, while the latest draft of the Declaration on Future Generations emphasized the need for the full and equal participation of persons with disabilities in society and decision-making processes to ensure that no one was left behind. The latest draft of the global digital compact was similarly anchored in the principles of inclusion, human rights, gender equality and equitable and accessible digital technologies and services.

5. The Human Rights Council had acknowledged the essential nature of care and support systems for persons with disabilities to fully participate in society and live independently in the community in its resolution 54/6 of September 2023, while in its resolution 55/8 of April 2024 it had expressed concern that some traditional care models positioned persons with disabilities as passive recipients of care, thereby heightening the risk of them experiencing violence, exploitation or abuse. The latter resolution had called on all States to establish and implement support systems that respected, protected and fulfilled human rights and ensured the inclusion of persons with disabilities in the community and their involvement in care and support system design, implementation, monitoring and evaluation. The first United Nations policy paper on care and support for persons with disabilities had been published in July 2024. The paper, to which OHCHR had been a main contributor, set out five principles for the transformation of care systems and brought together the rights of those giving and receiving care, noting that patriarchal and paternalistic models of care exploited the labour of women and girls as caregivers and subordinated the recipients of care as passive dependents.

6. In July 2024, the Subcommittee on Prevention of Torture had published its first general comment, which had recommended an interpretation of the term “places of deprivation of liberty” that was closely aligned with the definitions concerning disability-based institutionalization and detention set out in the Committee’s guidelines on deinstitutionalization, including in emergencies. Human Rights Council resolution 55/11, adopted in April 2024, had called on States to ensure access to community support services,

including personal assistance, and adequate housing, affordable services and appropriately trained support in the community, with a view to achieving deinstitutionalization.

7. At the thirty-sixth meeting of the Chairs of the human rights treaty bodies in June 2024, progress had been made in aligning working methods and garnering support for implementation of the treaty body strengthening process. The Chairs had advocated for resources to implement the predictable review schedule and other proposals, and had highlighted the negative impact of the United Nations liquidity crisis on the work of the treaty bodies. It was to be hoped that the Chairs' engagement would yield positive results through the biennial resolution on the treaty body system that would be adopted by the General Assembly later in the year. Despite the liquidity crisis, all annual sessions of the treaty bodies – with the exception of those of the pre-sessional working groups – would take place as planned.

#### **Tribute to the memory of Sir Robert Martin, member of the Committee**

8. **The Chair, a representative of New Zealand and Ms. Gamio Ríos** paid tribute to the memory of Sir Robert Martin, member of the Committee, who had passed away.

9. *At the invitation of the Chair, those present observed a minute of silence.*

#### **Adoption of the agenda (CRPD/C/31/1)**

10. *The agenda was adopted.*

#### **Report of the Chair on activities undertaken between the thirtieth and thirty-first sessions of the Committee**

11. **The Chair** said that she wished to acknowledge the efforts made by OHCHR to ensure that the Committee's work continued, although some activities – such as the meeting of the pre-sessional working group – had not been possible, due to the liquidity crisis. A significant backlog remained of reports by States parties that were pending consideration by the Committee.

12. As a result of the Committee's advocacy efforts, disability had been included in the preparatory processes for the Summit of the Future. In that regard, she had participated in the United Nations Civil Society Conference on the theme of the Summit of the Future, where she had raised issues related to strengthening disability inclusion at several sessions, including a side event, entitled, "Missing a seat at the table for one billion persons with disabilities: Building an inclusive future for all". She had organized virtual and in-person meetings to encourage States and the facilitators of the Second World Summit for Social Development, due to be held in 2025, to assist in supporting disability inclusion in both the Summit of the Future and the Summit for Social Development. She had also made a submission on behalf of the Committee during the 2024 United Nations High-level Political Forum on Sustainable Development.

13. In her activities to promote the rights of persons with disabilities, she had participated in an online workshop on accessible documentation, giving a presentation on accessibility for persons with visual impairments. She had also attended the High-level Wilton Park retreat, entitled "Disability rights: Advancing the agenda", held in the lead-up to the 2025 Global Disability Summit and the forthcoming twentieth anniversary of the adoption of the Convention. While some achievements regarding disability mainstreaming had been noted, several gaps had been highlighted, including with regard to intersectionality, inclusive budgeting, and the need for close consultation with and active involvement of persons with disabilities and their representative organizations in the design, development, implementation, monitoring and evaluation of advocacy programmes and policies. At the invitation of the Spanish National Organization for Blind Persons (ONCE), she had delivered a keynote speech at the fifteenth European Conference of Supported Employment.

14. At the Seventeenth Conference of States Parties to the Convention, successful side events had been held on the theme "the future of disability rights is feminist" and on strategic litigation. Other side events had been organized by the United Nations Children's Fund, the World Health Organization and Sightsavers. She had held meetings with representatives of

States parties and civil society to discuss implementation of the Convention. She had also participated in a meeting of the Commonwealth Disabled People's Forum to discuss the progress and challenges of implementation of the Convention and solicit governments' support to adopt a disability inclusion strategy during the meeting of Commonwealth heads of government, due to take place in Samoa later in the year.

15. Regarding treaty body strengthening, she had responded to the questions for Committee Chairs on the establishment of a coordination mechanism and had participated in the thirty-sixth meeting of the Chairs of the human rights treaty bodies. It was hoped that efforts to strengthen the treaty body system, such as the introduction of the eight-year coordinated calendar and a harmonized approach to working methods, would assist in reducing the backlog of State party reports for consideration.

16. With regard to promoting the rights of persons with disabilities in the field, the Committee had issued a press statement on the situation of Palestinian persons with disabilities in the Occupied Palestinian Territory. It had also issued a letter of ad hoc follow-up to the Committee's concluding observations on Argentina, on the deteriorating situation of persons with disabilities in relation to employment, social protection and mental health. Correspondence had also been sent to the Permanent Mission of the Republic of Korea expressing concern and calling on local authorities not to abolish the deinstitutionalization measures that had been initiated.

17. Work was ongoing on the Policy Board of the United Nations Partnership for Persons with Disabilities to strengthen the governance system and rebrand the Partnership. A meeting had been held between the International Human Rights Commission and the Chairs of the treaty bodies to share experiences in areas of mutual interest and explore new avenues for cooperation. Lastly, she had delivered a presentation at an event organized by the International Disability Alliance to launch its updated guidance on reporting to United Nations human rights mechanisms. She would rely on Committee members' continued support to maintain the momentum of activity; there was much more to be done.

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

18. **Ms. Arias Moncada** (Chair of the Human Rights Council Task Force on Accessibility for Persons with Disabilities), speaking in a pre-recorded video message, said that as the premier intergovernmental body for human rights, the Human Rights Council was not only a forum for discussing human rights, but a place where rights should be exercised. To that end, accessibility for persons with disabilities to Council meetings should not be negotiable. Measures had been taken to progressively improve the situation in that regard, and reasonable adjustments for persons with disabilities had become standard. Challenges persisted, however, particularly since the Zoom platform for remote participation, which included in-built accessibility features, was no longer in use. The Task Force, together with the Bureau and secretariat of the Human Rights Council, would continue to advocate for remote participation options for Council meetings.

19. In 2023, the Council had held 14 panel discussions and 1 interactive dialogue that had been fully accessible, including the provision of international sign language interpretation and captioning. It had adopted 24 resolutions mandating accessibility for 24 future panel discussions, workshops and seminars, and requesting 20 reports to be prepared in accessible or easy-to-read formats. The Council's increasing call for accessible debates was particularly encouraging given the budgetary constraints currently faced by the United Nations. In 2024, the Council had already held 10 fully accessible panel discussions and one fully accessible interactive dialogue on such topics as sport and the Olympic Games, climate change, and the right to social security. The annual high-level panel discussion on human rights mainstreaming had been held on the theme "harnessing multilateral efforts to embed, amplify and realize the rights of persons with disabilities, with a focus on full and effective participation and inclusion in society".

20. The Council had adopted resolution 55/8 requesting the Secretary-General to "prepare a study defining the administrative procedures and budget required to make all Council resolutions accessible, including in easy-to-understand language". The study would be

prepared in consultation with and ensuring the active engagement and participation of persons with disabilities and their representative organizations. In that context, the Committee's insight and expertise would be invaluable. The newly appointed Special Rapporteur on the rights of persons with disabilities, Ms. Heba Hagrass, had held her first interactive dialogue with the Council, setting out her vision for her tenure. A representative of the Office of the High Commissioner for Human Rights had presented the Office's report on countering cyberbullying against persons with disabilities, which identified recent trends and challenges, as well as applicable human rights principles, safeguards and best practices. An oral report had also been delivered on implementation of the United Nations Disability Inclusion Strategy.

21. Looking ahead, she would continue to amplify the voices of persons with disabilities in decision-making processes in the Council and review implementation of measures to improve accessibility in close consultation with relevant actors, while also continuing to raise awareness of the rights of persons with disabilities. The attendance and participation of members of the Committee and other persons with disabilities would be appreciated. Every effort must be made to ensure that Council adhered to the principle of "nothing about us, without us".

22. **Ms. Jabbour**, Chair of the Subcommittee on Prevention of Torture, speaking in a pre-recorded video message, said that the Subcommittee played a supportive role in assisting and advising States and national preventive mechanisms in their work and placed significant focus on the rights of persons with disabilities. The Subcommittee's recent general comment No. 1 clarified the scope of places of deprivation of liberty, highlighting non-traditional settings, such as psychiatric hospitals, social care institutions, and institutions for persons with disabilities. Such recognition had been necessary to ensure comprehensive access for all monitoring bodies, including national preventive mechanisms, and comprehensive protection for all individuals, particularly those with disabilities, who were often among the most vulnerable. In that context, national mechanisms established under article 33 of the Convention on the Rights of Persons with Disabilities could collaborate with national preventive mechanisms and the Subcommittee to strengthen the protection of the rights of persons with disabilities in places of deprivation of liberty.

23. The current year was a pivotal one for the treaty body strengthening process, now under way for 10 years. The recent thirty-sixth meeting of the Chairs of the human rights treaty bodies, which she had chaired, had called for increased resources and support for the treaty bodies. The current backlog of State party reports and individual communications could only be addressed through more effective and timely reviews and interventions. The treaty body Chairs had also agreed on the importance of harmonizing working methods and to that end had proposed the establishment of a coordination mechanism to reduce unnecessary duplications, enhance shared perspectives on common issues, and ensure mutual reinforcement and harmonious jurisprudence while respecting the unique mandates of each treaty body.

24. **Mr. Pla** (Office of the United Nations High Commissioner for Refugees) said that the world was witnessing unprecedented levels of violence, the root causes and consequences of which required urgent and collective action. In 2023, the United Nations High Commissioner for Refugees had declared 43 emergencies in 29 countries, the highest number for a decade. Violence could manifest in multiple forms and have diverse roots, yet the violence experienced by persons with disabilities was often barely visible and remained largely unaddressed. The Office of the United Nations High Commissioner for Refugees therefore wished to propose the development of a clearly defined conceptual framework on disability-based violence, as a crucial aspect of ensuring comprehensive protection and advancing the rights of persons with disabilities.

25. Persons with disabilities faced an increased risk of discrimination, violence, abuse and other violations of their human rights. Evidence showed that violence against women and children with disabilities was more prevalent than violence against women and children without disabilities. While disabilities were often considered an aggravating factor in gender- or age-based violence, the violence and human rights violations experienced by individuals with disabilities could also stem from harmful attitudes and beliefs towards disability. Individuals with psychosocial or intellectual disabilities could be deprived of their liberty,

confined to institutions, without the community-based services that would allow them to live independently and be included in the community. Persons with disabilities who faced violence in their home countries were often forced to flee and seek asylum elsewhere.

26. Clear definitions of, and delineation between, specific forms of disability-based violence must be established to ensure adequate visibility and response. While efforts to mainstream disability rights were crucial, they could inadvertently overlook specific issues requiring targeted protection interventions. Shaping the term “disability-based violence” was essential to effectively address specific forms of discrimination and violence against persons with disabilities. The establishment of such a definition or conceptual framework could support the creation of national laws to tackle disability-based violence. Setting such a definition would help to address violence against persons with disabilities in settings such as schools, workplaces and communities, and in their own homes, while also protecting persons with disabilities from violence leading to forced displacement.

27. **A representative of the International Disability Alliance** said that he wished to pay tribute to Sir Robert Martin, whose legacy would endure as the global disability community continued to fight for the right to independent living, and to Dr. Bhargavi Davar, who had brought new perspectives to the movement of persons with psychosocial disabilities by leading efforts to decolonize the mental health space.

28. His organization had actively promoted the visibility and transparency of the Committee’s 2024 elections; 7 out of 15 candidates had shared videos and 10 had provided written information on their motivation and profile, and nearly all candidates had participated in an online public presentation event. In the elections, the gender balance had been confirmed and diversity had been increased with the inclusion of a deaf member. Perhaps future elections might increase the Committee’s geographic diversity by incorporating a member from Eastern Europe.

29. His organization greatly appreciated the Committee’s ongoing engagement with organizations of persons with disabilities from the countries under review at each session. The International Disability Alliance also engaged with other treaty bodies to promote the mainstreaming of disability standards, including by providing input for the development of general comments and recommendations. It was encouraging that the Subcommittee on Prevention of Torture had confirmed in its general comment No.1 on places of deprivation of liberty that the mandate of the Subcommittee on Prevention of Torture included visits to places of disability-specific deprivation of liberty and had equated the situation of persons with disabilities who were forced to live in institutions for lack of alternatives with deprivation of liberty. The call made by the Committee on the Elimination of Discrimination against Women in its draft general recommendation No. 40 on the equal and inclusive representation of women in decision-making systems for targeted measures and statutory quota to ensure the proportionate representation of women with disabilities was also commendable.

30. The negative impact of the current liquidity crisis in the United Nations on the work of the treaty bodies, including the cancellation of the twentieth meeting of the Committee’s pre-session working group, was regrettable. It was discouraging that opportunities for remote participation in treaty body meetings for representative organizations of persons with disabilities were few and far between and little progress had been made in ensuring meaningful civil society participation. A predictable calendar of State party reviews and a budget increase to enable the Committee to address the backlog were needed.

31. His organization appreciated the Committee’s efforts to give equal consideration to all conflicts, situations of occupation and other crisis situations around the world. In particular, it welcomed the statement of 27 May 2024 on Palestinians with disabilities subject to unbearable consequences of the ongoing hostilities and violence in the Occupied Palestinian Territories.

32. **Ms. Pedreros** (Office of the United Nations High Commissioner for Human Rights), reading out a statement on behalf of the Centre for the Human Rights of Users and Survivors of Psychiatry, said that the Committee’s guidelines on deinstitutionalization, including in emergencies, provided a sound normative framework to afford survivors of psychiatry reparative justice and full legal capacity, abolish involuntary hospitalization and treatment,

and create an enabling economic and social environment. The challenge was to put those fundamental human rights into practice.

33. Thus far, only Mexico had undertaken a reform in relation to legal capacity that was fully compliant with the provisions of the Convention. The Centre for the Human Rights of Users and Survivors of Psychiatry had submitted an amicus curae brief in support of a case before the Mexican Supreme Court seeking the release of persons from a psychiatric hospital. If successful, the case would serve as a beacon of hope for others.

34. The European Court of Human Rights played an important role in the enforcement of human rights standards in member States. Unfortunately, an outdated, pejorative and discriminatory standard that permitted detention based on “unsoundness of mind” was maintained, which impeded the implementation of the Convention and needed revision. Since the Committee’s inception, a new vision of a community that left no one behind had emerged. Now, those standards must be enforced at country level to make the vision real and achieve full deinstitutionalization.

35. **A representative of the Mexican Community of Hard-of-Hearing Persons** (Comunidad Mexicana de Hipoacúsicos) said that persons who were hard of hearing were confronted with difficulties in obtaining information in formats that were accessible to them, although access to information was a prerequisite for social inclusion, quality of life, freedom of expression, and empowerment, both individually and collectively. Captioning, hearing and speech rehabilitation and hearing aid technology were costly and, as such, a privilege.

36. It was important to recognize the diversity of hearing disability. Persons who were hard of hearing were caught half-way between the world of the hearing, from which they were excluded because they could not hear well, and the world of the deaf, who had their own culture and language. Access for hard-of-hearing persons, including in the current meeting, continued to be a privilege whose enjoyment required collective activism and legal representation.

37. There were more than 4 million people with hearing loss in Mexico, whose rights were violated on a daily basis because they had no identity of their own, their needs went unrecognized, and their numbers were not reflected in official statistics on inclusion and non-discrimination. Her organization cooperated with others in Latin America to link up communities of hard-of-hearing persons in support of an identity within the diverse community of persons with hearing impairments. The work of the Committee and the provisions of the Convention needed to be disseminated more widely, and work must continue to ensure that access for hard-of-hearing persons was no longer seen as a privilege, but as a human right of one community within the diverse world of hearing impairment.

38. **A representative of Morphi Independent Living Centre, Costa Rica**, said that her organization had contributed to the adoption of the Act on the Promotion of Personal Autonomy of Persons with Disabilities (No. 9379) and the attendant shift from a system of guardianship to personal assistance, which had been a crucial achievement. Her organization had also been one of the founding members of the Latin American Network for Independent Living (Red Latinoamericana de Vida Independiente), which now comprised organizations in Argentina, Bolivia, Ecuador, Chile, Colombia Guatemala, Honduras, Mexico, Peru, Panama, Paraguay and Uruguay, and had been established to share best practices, support the creation of independent living centres, and promote personal assistance as the most appropriate support system for persons with disabilities.

39. Persons with disabilities, who accounted for 14 per cent of the population in Latin America, were left out of current discussions on the care agenda being pursued across the continent and around the globe, although their active participation in all matters that concerned them was a human and political right. The concept of “nothing about us without us” was omitted altogether, and the agenda revolved around the needs of those who provided support and care without pay, with no consideration for the needs and wishes of the recipients of such care. Moreover, by being referred to as “dependants”, persons with disabilities and older persons were portrayed as a burden on society. Given the legacy of discrimination and marginalization they had suffered in the name of “care”, many persons with disabilities preferred the term “support”.

40. In several countries, the provision of care and support services was subject to “dependency assessment scales”, which identified deficiencies and functional limitations instead of support needs, user preferences and access barriers. Certain measures proposed under the care agenda, such as long-term residential care and sheltered housing, were incompatible with the rights of persons with disabilities. The care agenda made no provision for solutions involving support for independent living and focused instead on unpaid family care. Comprehensive solutions must include technological support, personal assistance, interpreting services, supported decision-making and support networks, among other things.

41. The inclusion of persons with disabilities in the discussions would enable the delivery of services and support in accordance with their needs and preferences, based on the type of disability and level of support required, which included peer support and personal assistance. Centres for independent living provided a space for horizontal engagement, helped build capacities, and created new opportunities for the inclusion of persons with disabilities in the labour market.

42. **Representatives of the Judiciary of Buenos Aires Province**, delivering their statement jointly, said that the situation of persons with disabilities in Argentina had been deteriorating, as illustrated by the growing number of lawsuits involving disability issues being brought before the courts. In the Autonomous City of Buenos Aires, a total of 1,264 cases had been filed in 2018. With digitalization, the number of cases had reached a record high of 5,877 in 2020, with a similar number in 2021 and a slight drop to 4,500 in 2022 and 2023. In the light of those developments, the inclusion of a disability perspective in the work of the judiciary must be a priority.

43. The Disability Observatory of the judiciary in the City of Buenos Aires had been established in 2021 to enable procedural adjustments and include a disability rights perspective in the consideration of the merits of cases involving persons with disabilities, among other things. Still, some of the problems identified in the Committee’s concluding observations on the combined second and third periodic reports of Argentina (CRPD/C/ARG/CO/2-3), including those relating to the “invalidity” pension, persisted. Those benefits, which were based on a medical model of disability, had been reduced systematically, in parallel with the loss of health insurance coverage for beneficiaries.

44. On the other hand, there were laudable initiatives, such as the introduction of accessibility and elements of universal design at Club Atlético River Plate, which had been at the forefront of inclusion in sport. In the province of Santa Cruz, cultural and social forces had been harnessed to promote the recognition of persons with disabilities as unique, integral bearers of rights, and to overcome social constructs that fostered exclusion and undermined human development. Recently adopted legislation provided for the establishment of a disability rights office within the High Court of Santa Cruz, with the objective of mainstreaming disability across the justice system. The office was tasked with enhancing the visibility of disability rights, guaranteeing equal access to justice, and promoting diversity. Mainstreaming disability would entail, among other things, the preparation of context analyses, the removal of barriers, the provision of reasonable accommodation and procedural adjustments, the preparation of reports, the delivery of training and awareness-raising activities, and the provision of technical advice on disability-sensitive administration of justice.

45. **A representative of Privacy International** said that, while digital technologies could offer important opportunities for accessibility and the realization of the human rights of persons with disabilities, they could also present barriers thereto. As the provision of public services often required the processing of personal data, Governments must ensure that proper safeguards were in place to guarantee respect for core data protection principles. Private companies that facilitated access to public services or produced assistive technologies must also respect such principles. Her organization had developed a set of recommended safeguards related to surveillance technologies and data processing to be implemented when engaging in public-private partnerships.

46. The digitalization of social protection programmes and the use of black-box automated decision-making systems for eligibility assessment were also a concern. Automated decision-making harnessed algorithm-powered artificial intelligence, to the



detriment of transparency and accountability. Those tools contained encoded ableist biases and discriminated against persons with disabilities and minorities as they were trained on non-representative data sets. States must not rely on automated decision-making in social protection and must be mindful of the potential human rights impact of such technology.

47. It was gratifying to note that the Committee had addressed issues around artificial intelligence and data protection in the use of automation in the welfare system in its report on follow-up to the inquiry concerning the United Kingdom of Great Britain and Northern Ireland (CRPD/C/GBR/FUIR/1), recognizing the human rights implications of the use of digital technologies for persons with disabilities. In pursuing that work, the Committee might wish to include questions related to technology and data protection in its lists of issues; examine the impact of the use of technology and data on disability rights; explore measures for mitigating risks; and reaffirm the obligations of Member States to adopt robust regulatory frameworks and hold third parties to account. In light of the unprecedented, rapid proliferation of data-driven technologies, those issues must be addressed as a matter of urgency.

*The discussion covered in the summary record ended at 12 noon.*