



**Convention on the
Rights of Persons with
Disabilities**

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COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

First session

SUMMARY RECORD (PARTIAL)* OF THE 1st MEETING (PUBLIC)

Held at the Palais des Nations, Geneva,
on Monday, 23 February 2009, at 10 a.m.

Temporary Chairperson: Ms. CONNORS (Office of the United Nations
High Commissioner for Human Rights)

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

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

OPENING OF THE SESSION

1. The TEMPORARY CHAIRPERSON declared open the first session of the Committee on the Rights of Persons with Disabilities.

STATEMENT BY THE DEPUTY HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Ms. KANG (Deputy High Commissioner for Human Rights) welcomed the Committee members and extended the warmest wishes of the High Commissioner, who would follow the Committee's work closely and meet members during a future session. She congratulated members on their election to the Committee and assured them of her commitment, and that of the staff of the Office of the High Commissioner for Human Rights (OHCHR), to providing the Committee with high-quality substantive and technical support to assist it in its important task. Staff of the Division for Social Policy and Development of the Department of Economic and Social Affairs (DESA), whom she welcomed to the current meeting, had also provided support to the Committee's work.

3. The Committee was the ninth and newest human rights treaty body and was part of a comprehensive framework created by the United Nations to promote and protect human rights. It joined the eight existing human rights treaty bodies, whose task was to monitor implementation by Governments of their substantive human rights obligations as parties to the various human rights treaties. A tenth human rights treaty body, the Committee on Enforced Disappearances, would begin its work as soon as the International Convention for the Protection of All Persons from Enforced Disappearance entered into force. The work of the treaty bodies, including the Committee, was complemented and reinforced by the Human Rights Council - the principal intergovernmental body on human rights - its special procedures and working groups, and its universal periodic review mechanism through which all States Members of the United Nations were reviewed every four years for their track record on human rights.

4. As all Committee members would agree, disability was an evolving concept, emerging from the interaction between persons with impairments and attitudinal and environmental barriers that hindered their full and effective participation in society on an equal basis with others. There were currently over half a billion persons with disabilities in the world, amounting to nearly 10 per cent of the global population. The issue of disability stood at the intersection between human rights and development, since 80 per cent of persons with disabilities lived in developing countries, many of them in conditions of extreme poverty. Only 2 per cent of children with disabilities in the developing world received any formal education. In many corners of the world, there persisted beliefs, attitudes, practices and laws which directly or indirectly deprived those with disabilities of their entitlement to achieve their fullest personal development and to contribute like others to their societies.

5. In all countries of the world, persons with disabilities had faced, and continued to face, profound discrimination and violations of their human rights on a daily basis. Even though the protection offered by the web of human rights treaties based on the Universal Declaration of Human Rights was meant to apply to all, including those with disabilities, persons with disabilities had remained invisible in human rights discourse and rarely benefited from treaty

procedures. However, the very swift process of elaboration and adoption of the Convention on the Rights of Persons with Disabilities and its Optional Protocol, as well as their rapid entry into force, attested to the international community's commitment to closing that glaring gap and transforming human rights into a legal framework that was truly inclusive and universal. It was now imperative to promote universal acceptance of those new instruments and to ensure that the obligations that States parties had voluntarily undertaken under them had a tangible effect on the lives of men, women, girls and boys with disabilities. The task of the Committee was to achieve that outcome through the process of consideration of States parties' periodic reports, petitions from or on behalf of individuals or groups of individuals, and inquiries. The Convention also provided a basis for encouraging United Nations and other competent bodies to provide technical advice or assistance to accelerate implementation, as well as international cooperation directed towards the same end.

6. Building on earlier international texts on the rights of persons with disabilities, including the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and the Standard Rules on the Equalization of Opportunities for Persons with Disabilities, the Convention provided minimum standards of protection for the civil, cultural, economic, political and social rights of persons with disabilities on the basis of non-discrimination. However, the Convention went beyond those instruments by including provisions that made clear that persons with disabilities were entitled to live independently in their community, to make their own choices and to play an active role in society. By confirming persons with disabilities as full and active members of society with rights and entitlements, rather than dependent on goodwill or charity or to be approached from a medical perspective, the Convention embodied a paradigm shift in attitudes. While it did not create new rights, it explained key concepts such as discrimination on the basis of disability, reasonable accommodation and universal design. Importantly, by recognizing the specific experience of women and children with disabilities, the Convention acknowledged that discrimination on the grounds of disability could be compounded by other factors. That was of profound significance, and would be especially relevant as implementation of the Durban Declaration and Programme of Action was reviewed in April 2009.

7. With regard to the Committee's draft rules of procedure and working methods to be discussed during the current session, she emphasized that the Convention, the Optional Protocol and the Committee were part of a broader human rights framework. That framework had been further strengthened by the adoption, on the sixtieth anniversary of the Universal Declaration of Human Rights, of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. Upon entering into force, the Protocol would enable the Committee on Economic, Social and Cultural Rights to consider individual and inter-State petitions alleging violations of the rights enshrined in the Covenant and to conduct inquiries. It was likely that the framework would be further expanded in the near future, particularly since discussions had begun on the possible elaboration of a similar Protocol providing for petitions to the Committee on the Rights of the Child.

8. She drew attention to the work of the Annual Meeting of Chairpersons of Human Rights Treaty Bodies and the biannual Inter-Committee Meeting, which aimed to streamline and simplify the procedures and practices of the treaty bodies. Perhaps the most important achievement of those meetings thus far had been the formulation and adoption of harmonized guidelines for State-party reporting to the human rights treaty bodies. The guidelines provided

for a common core document to be submitted to all treaty bodies and targeted treaty-specific reports. She encouraged the Committee to consider those guidelines, as well as the various recommendations of the meetings, as it developed its working methods. Indeed, article 38 (b) of the Convention required the Committee to “consult, as appropriate, other relevant bodies instituted by international human rights treaties, with a view to ensuring the consistency of their respective reporting guidelines, suggestions and general recommendations, and avoiding duplication and overlap in the performance of their functions”. She further encouraged the Committee to work closely with the Special Rapporteur on Disability of the Commission on Social Development, who was mandated to monitor implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities.

9. The Committee’s inaugural session was a historic milestone in the journey towards achieving all human rights for all, and signalled the beginning of the process of making the Convention applicable, in practice, to the lives of persons with disabilities. For the United Nations system, especially OHCHR, the current session was of profound significance. There was much still to be done before the system fully complied with the spirit of the Convention, but it was committed to change. She wished the Committee well for the busy session that lay ahead and encouraged members to put forward any suggestions they might have on ways that her office could better assist them.

SOLEMN DECLARATION BY THE MEMBERS OF THE COMMITTEE

10. The TEMPORARY CHAIRPERSON invited the members of the Committee to make the solemn declaration provided for in rule 12 of the Committee’s draft provisional rules of procedure, which was available in all the official languages and in Braille in each language.

11. Ms. AL SUWAIDI, Mr. AL-TARAWNEH, Mr. BEN LALLAHOM, Mr. CHOWDHURY, Ms. CISTERNAS REYES, Mr. KÖNCZEI, Ms. MAINA, Mr. McCALLUM, Ms. PELÁEZ NARVÁEZ, Mr. TORRES CORREA, Mr. URŠIČ and Ms. YANG Jia made the following solemn declaration: “I solemnly declare that I will perform my duties and exercise my powers as a member of the Committee on the Rights of Persons with Disabilities honourably, faithfully, impartially and conscientiously.”

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (CRPD/C/1/1)

ORGANIZATION OF WORK

12. The TEMPORARY CHAIRPERSON, noting a proposal to postpone the election of the Bureau until later in the session, invited comments on the provisional agenda.

13. Mr. TORRES CORREA asked whether the Temporary Chairperson would remain in the chair.

14. The TEMPORARY CHAIRPERSON said that unless a member of the Committee was nominated to act as temporary chairperson, she would remain in the chair to facilitate the Committee’s work until the Bureau was elected.

15. Ms. PELÁEZ NARVÁEZ requested that an item on preparation for the next Conference of the States Parties to the Convention should be added to the provisional agenda.

16. Ms. YANG Jia expressed support for the proposal that the election of officers should be postponed. She suggested that each Committee member should have a 10-minute slot on the day of the election to make a personal introductory statement in order to help members to get to know each other. Given that all Committee members were equal under the Convention, whether elected as officers or not, the responsibilities and roles of each officer should be clarified before the election.
17. Mr. TORRES CORREA expressed the view that the induction course (item 3 of the provisional agenda) should be conducted in a public meeting.
18. Ms. CISTERNAS REYES suggested that the Committee should issue an initial statement to enhance its public profile. She had drafted a statement in Spanish and would submit it, together with an English translation, to the Secretariat for distribution and discussion by Committee members. Proposals for topics to be considered at the second session should be discussed under an item to be included in the agenda for the current session in order to facilitate preparatory work by the Committee members, particularly with regard to operational aspects. She expressed support for the suggestion that the induction course should be conducted in public and members should make personal statements to introduce themselves.
19. Mr. BEN LALLAHOM proposed that a charter should be drawn up by Committee members that would call on everyone - persons with disabilities, Governments and non-governmental organizations (NGOs) - to work together to implement the Convention.
20. Mr. KÖNCZEI commented that future sessions should be as open as possible.
21. Mr. AL-TARAWNEH proposed that the Committee's sessions should be held in alternate years in New York so that it might benefit from the expertise of the Department of Economic and Social Affairs at Headquarters. Although the Secretariat had done its best to facilitate access to the Palais des Nations, Geneva was not a disabled-friendly city.
22. He agreed with Ms. Yang Jia that members running for election should be encouraged to make presentations to the Committee.
23. Mr. McCALLUM said that, while he agreed that the Committee's proceedings should be open at appropriate times, discussions of the draft provisional rules of procedure and working methods should be held in closed session until members found their bearings.
24. The TEMPORARY CHAIRPERSON said that the induction course for members would not be of public interest, since it mainly concerned logistics. The second part of the meeting would thus not be covered in the summary record.
25. The location of the Committee's sessions was a matter to be decided by the Secretary-General with reference to the calendar of conferences.
26. It was her understanding that the Committee wished to postpone the election of officers and that it also wished to include the following items on its agenda: preparation for the next Conference of States Parties to the Convention on the Rights of Persons with Disabilities; the agenda for the second session; and operational matters.

27. It was so decided.
28. The TEMPORARY CHAIRPERSON said that there appeared to be some support among members for working towards the adoption of a charter that would include parameters for cooperation with other parts of the United Nations system and beyond.
29. Mr. AL-TARAWNEH proposed that the Committee should meet with members of the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women to discuss issues of common concern.
30. The TEMPORARY CHAIRPERSON said that Mr. Al-Tarawneh's proposal was in line with the High Commissioner's aim of further harmonizing the treaty body system. The Committee on the Elimination of Racial Discrimination was currently in session at the Palais des Nations and meetings with one or more of its members could thus easily be organized. The Committee on the Elimination of Racial Discrimination was the oldest human rights treaty body; it had pioneered the preparation of periodic reports and had introduced a petitions procedure. It might also share its experience of issuing statements on situations of human rights and of assessing country situations in the absence of periodic reports.
31. Mr. TORRES CORREA suggested that the election of officers should be postponed until after the induction course.
32. The TEMPORARY CHAIRPERSON outlined the proposed programme of work which had been distributed to all members, including Braille versions in all official languages. She suggested that the Committee might wish to introduce a break halfway through each meeting.
33. Mr. TORRES CORREA proposed that the Committee should only break for one hour for lunch to make the most of the time available.
34. The TEMPORARY CHAIRPERSON explained that interpretation could only be provided from 10 a.m. to 1 p.m. and from 3 to 6 p.m.
35. Mr. TORRES CORREA withdrew his proposal.
36. Ms. PELÁEZ NARVÁEZ asked whether the Committee planned to discuss reporting guidelines.
37. The TEMPORARY CHAIRPERSON said that the Committee could decide to discuss any matter, including reporting guidelines and the establishment of working groups.
38. Mr. CHOWDHURY, supported by Mr. URŠIČ, said that he was of the strong opinion that the Committee's reporting guidelines should not be finalized until the next session, to allow members to become fully conversant with the human rights system and learn from the experience of other treaty bodies. The guidelines must be carefully drafted to take account of the different economic, social, cultural and political situations in States parties.
39. The majority of countries from the developing world had ratified the Convention; he looked forward to its ratification by more developed countries.

40. The TEMPORARY CHAIRPERSON informed the Committee that the ninth Inter-Committee Meeting, which had formulated the Harmonized Guidelines on reporting under the international human rights treaties, would be held from 22 to 24 June and that the twenty-first Annual Meeting of Chairpersons of Human Rights Treaty Bodies would be held on 25 and 26 June.
41. Ms. MAINA, supported by Mr. AL-TARAWNEH and Mr. CHOWDHURY, proposed that the election of officers be held only after the discussion of the draft provisional rules of procedure.
42. It was so decided.
43. The TEMPORARY CHAIRPERSON said she took it that the Committee wished to approve the provisional agenda, subject to possible amendment during the course of the session.
44. It was so decided.

The discussion covered in the summary record ended at 10.10 a.m.