

Convention on the Rights of Persons with Disabilities

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COMMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES

First session

SUMMARY RECORD OF THE 7th MEETING

Held at the Palais des Nations, Geneva, on Thursday, 26 February 2009, at 10 a.m.

Chairperson: Mr. AL-TARAWNEH

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The meeting was called to order at 10.10 p.m.

COOPERATION WITH OTHER UNITED NATIONS BODIES, SPECIALIZED AGENCIES AND OTHER COMPETENT BODIES

1. <u>Mr. TROMMEL</u> (International Disability Alliance (IDA)) said that the International Disability Alliance, a network of international, regional and national disabled persons' organizations (DPOs) and allied non-governmental organizations (NGOs), had been established and strengthened during the process of negotiation of the Convention. It would continue to be actively involved in the implementation and follow-up of the Convention. He was grateful that the Committee had decided to hold its meetings in public, which sent an important message to disabled people's organizations and stakeholders about its willingness to work in a transparent manner.

2. Mr. KABUE (Disabled Peoples' International (DPI)) said that Disabled Peoples' International had been at the forefront of efforts to equalize opportunities for persons with disabilities for many years, including through participation in work relating to the World Programme of Action concerning Disabled Persons, the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and all the meetings of the Ad Hoc Committee established pursuant to General Assembly resolution 56/168. DPI would be working to monitor the implementation of the Convention and to ensure that persons with disabilities were included in the process. It would continue to build the capacity of international, regional and national organizations of persons with disabilities in preparing shadow reports. As it did so, it would be confronting such challenges as poverty, the current economic crisis, HIV/AIDS and global warming. Those challenges, however, must not be allowed to deter or delay the full implementation of the Convention. One issue of concern to DPI was accessibility, including physical and information access, and participation in decision-making. To address those concerns, there was a need to increase awareness about disability issues and to strengthen the advocacy capacity of organizations of persons with disabilities and their capacity to engage with their Governments.

3. <u>Mr. ESTEY</u> (Disabled Peoples' International (DPI)) expressed gratitude to the Committee members for their robust defence of access to their meetings for deaf people, as he himself was late-deafened. He said that the proposal for the establishment of a subcommittee on the issue, in which he had been invited to participate, was an excellent example of the kind of cooperation that should take place between the Committee and civil society. DPI had been closely involved in the development of the Convention from the outset and looked forward to supporting the work of the Committee in any way that it could. It had developed toolkits and conducted workshops to help its members work towards ratification and implementation of the Convention. It had appealed to human rights organizations such as Human Rights Watch to treat disability as a human rights issue. DPI was anxious to be kept informed of the arrangements for the submission of States parties' reports, so that its concerns could be properly reflected at the meetings dealing with those reports.

4. <u>Mr. BACH JENSEN</u> (World Network of Users and Survivors of Psychiatry) said that, as a representative of the community of persons with mental health problems, survivors of psychiatry and persons with psychosocial disabilities, he had been involved in the discussion of the Convention since the 2002 meeting of experts on the comprehensive and integral international

convention to promote and protect the rights and dignity of persons with disabilities, held in Mexico City. At that meeting, he had argued that mental health problems should be considered as a form of disability. Often, mental disabilities were not treated in the same way as other disabilities, even in his own country, Denmark; they were regarded as disorders requiring treatment by medical professionals.

5. He cited paragraph 44 of the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/63/175), which referred to the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, currently superseded by the Convention, and which noted that involuntary treatment and confinement ran counter to the Convention. He also cited paragraph 48 of the report of the United Nations High Commissioner for Human Rights (A/HRC/10/48), which referred to the Convention as "forbidding deprivation of liberty based on the existence of any disability, including mental or intellectual, as discriminatory".

6. Recently, he himself had experienced a breakdown and had been imprisoned, forcibly strapped to a bed and injected with very dangerous psychiatric medication. Paragraph 63 of the Special Rapporteur's report spoke of the need for close scrutiny of the use of such medication, including neuroleptics, which could "constitute a form of torture or ill-treatment" depending on the circumstances of the case.

7. As the provisions of the Convention might conflict with guidelines followed by States parties, including guidelines set by the World Health Organization on the basis of the aforementioned Principles, he suggested that the Committee should consider issuing general comments on articles 12, 14, 17 and 25 of the Convention. Consideration should also be given to how the principle of "reasonable accommodation" should be applied to persons with psychosocial disabilities. Very often such persons were shunned in the workplace because of ignorance of their disability. Better awareness about psychosocial disability could help to create better workplaces for everyone.

8. <u>Mr. TROMMEL</u> (International Disability Alliance (IDA)) said that it was important for the Committee to establish a pre-sessional working group, which would ensure effective interaction with the States parties. Provision should be made in the rules of procedure and working methods for non-governmental organizations to participate in the work of the pre-sessional working group and in the regular sessions. The Committee must also follow the best practices of other human rights treaty bodies, including the appointment of special rapporteurs to follow up on the concluding observations regarding specific States parties in the intervals between the submission of periodic reports. There should be a rule concerning days of general discussion, as in other treaty bodies, as they would be an effective way of informing stakeholders about the Convention. The rules of procedure should also include a provision on the drafting of general comments. He emphasized the importance of actively involving specialized agencies in the drafting of such comments. As the Committee would have to produce reporting guidelines swiftly, he suggested that it should establish a small working group for that purpose.

9. Concerning the role of the IDA CRPD (Convention on the Rights of Persons with Disabilities) Forum in the work of the Committee, the NGO Group for the Convention on the Rights of the Child was a model to be followed. The Forum's aim was to ensure the highest possible level of participation by non-governmental organizations and disabled people's

organizations in the reporting process at the national level. That would require capacity-building for its national members and manuals on producing alternative reports. It would also be necessary to find ways of bringing such organizations to Geneva to interact with the Committee. The Forum shared the Committee's ambitious objective of mainstreaming the rights of persons with disabilities in the United Nations human rights machinery. It would be working with the Committee and other treaty bodies, including the Committee against Torture, the Committee on Economic, Social and Cultural Rights, the Committee on the Rights of the Child and the Committee should appoint members to monitor the work of other treaty bodies. All special procedures should include the rights of persons with disabilities in their mandate. The Forum stood ready to work with the Committee to find the best ways of meeting the considerable challenge of mainstreaming the rights of persons with disabilities throughout the United Nations system.

Ms. CISTERNAS REYES welcomed the non-governmental organizations (NGOs) present 10. on behalf of the 650 million people living with disabilities worldwide. The hard work of NGOs at the regional and national levels was of paramount importance to implementation of the Convention, and the Committee should continue developing close ties with civil society. Indeed, article 33 and article 4, paragraph 3, of the Convention itself mentioned the importance of the active participation of civil society. It was vital for international NGOs to pass on their knowledge at the local level in order to enhance further the input of civil society, as a way of ensuring the success of national implementation of the Convention and encouraging States to ratify the Convention and the Optional Protocol without reservations. In addition to the State party reports, the Committee would follow the practice of other treaty bodies and receive alternative reports from civil society organizations, and would produce reporting guidelines in that regard. Many challenges lay ahead and the Committee would be redoubling its efforts to ensure that it addressed them to the best of its ability, with the close collaboration of NGOs. Special attention needed to be given to persons with disabilities whose vulnerability was compounded by other factors in the case of women, children, older people, migrants, refugees, indigenous peoples, those living in areas of armed conflict and so on. Disability must therefore be considered in a cross-cutting fashion across all United Nations bodies, with the Committee working closely with NGOs and national human rights institutions. She encouraged all NGOs present to submit to the Secretariat any documentation that might be of use to the Committee.

11. <u>Ms. MULLIGAN</u> (International Disability and Development Consortium (IDDC)) said that the aim of IDDC was to promote the rights of persons with disabilities through effective collaboration and sharing of information and expertise, which could be achieved only through inclusive development policies and practice. The Convention held great potential for bridging the long-standing division between human rights and development in order to achieve a meaningful approach to international development based on human rights. The Convention encouraged a holistic approach in a number of ways, notably in articles 32 and 11, and covered civil, political, economic, social and cultural rights as well as the commitment to development enshrined in the Vienna Declaration and Programme of Action (1993). Inclusive development, as defined by the Convention, involved ensuring that all phases of the development cycle - design, implementation, monitoring and evaluation - were inclusive of and accessible to persons with disabilities, so that all people could play a meaningful and effective part in development processes and policies. Development institutions, policies and programmes must take into account and be assessed in accordance with their impact on the lives of persons with disabilities. 12. The exclusion of persons with disabilities from development processes was evident in many corners of the world. She strongly encouraged the Committee to seek ways of supporting the inclusion of persons with disabilities in internationally agreed development goals, including the Millennium Development Goals (MDGs), as soon as possible. IDDC had launched a website (www.IncludeEverybody.org) with the support of the United Nations Millennium Campaign, which explained why the MDGs would never be met if the needs of persons with disabilities were not addressed in poverty-reduction programmes. An IDDC note on inclusive development had been made available to the Committee.

Ms. PELÁEZ NARVÁEZ said that the Committee would face a number of challenges over 13. the coming year. It was currently in the process of electing its Bureau and working on its rules of procedure, and substantive work would be undertaken at the second session. The rules of procedure would stress the importance of working closely with NGOs and the need to incorporate strategies for working with States parties to achieve national implementation. The Committee's methods of work were also being developed, and would be completed during the second session. The specific nature of the Committee meant that issues of accessibility should be addressed. Owing to the short life of the Committee so far, it had not been able to meet all requests in that respect. It was, however, the Committee's intention to approve a series of resolutions before the end of the session on accessibility issues, as well as other issues that had arisen during the session. A statement would be issued covering issues of concern to the Committee, such as the need for ratification of the Convention and the Optional Protocol and the prevention of further discrimination against persons with disabilities during the global economic crisis. The Committee would be developing reporting guidelines in time for 2010, when a long list of States parties would be submitting reports under article 35 of the Convention. The Convention called on States parties to be open and transparent in the reporting process and encouraged the participation of NGOs; the Committee's reporting guidelines would reflect those ideas. She looked forward to close cooperation between the Committee and NGOs.

14. <u>Mr. KÖNCZEI</u> said that the Convention had been created with maximum involvement of civil society, and the latter's input remained essential. The task of bringing disability into the mainstream constituted a real challenge. The Committee must be visible, and should be represented in certain General Assembly proceedings.

15. <u>Ms. YANG Jia</u> said that the Committee was indebted to NGOs for the contribution they had made to the drafting of the Convention. The Committee would be relying on NGOs to promote the Convention's implementation. Since NGOs and the Committee shared that common goal, they should now work together to decide on how best to organize the resources available for such purposes as the monitoring of national implementation. She agreed that there must be the highest possible level of participation of NGOs in that area, but that level must be defined. The role of NGOs at the international level must also be defined.

16. <u>Mr. McCALLUM</u> welcomed the NGOs and thanked those that had submitted draft rules of procedure and other documents. While decisions on such documents were for the Committee to make, it welcomed any input from NGOs. He particularly commended their work with blind people in Africa.

Ms. MAINA associated herself with the previous two speakers in commending NGOs for 17. their contribution to the Convention, and welcomed the trust that they had placed in the Committee. It was her opinion, however, that the primary role of NGOs was at the national level. For many years, most Governments had been unable to implement crucial programmes for persons with disabilities owing to lack of capacity, while NGOs had tended to focus on highlighting failures of Governments rather than collaborating positively with them. The recognition by the Convention of the primary responsibility of Governments in implementing the Convention now allowed for different modalities for cooperation to be instituted at the national level, with NGOs and Governments working towards the same goal. The Committee's international responsibilities were clear in terms of examining reports at the international level to ensure States parties' compliance with their legal obligations under the Convention. It was a matter of concern to her that many NGOs seemed to be working in isolation. In Kenya, where she had worked for the National Council for Persons with Disabilities, she had noted a lack of unity among NGOs. Some had no links to the organs of the State, especially those whose perspective was confined to the medical model of disability. It was crucial also that persons with disabilities be included in all initiatives at the national level to ensure that nobody was excluded. NGOs had a responsibility to help the various bodies within Governments to establish mechanisms to monitor implementation of the Convention, so that reports became more positive. The Committee's aim was not to develop a policing role but to collaborate with States parties in pursuit of a common goal. Trust between the various stakeholders would be vital to that end.

18. <u>Ms. AL SUWAIDI</u> said that the contribution of NGOs to the Convention during the drafting stage had been invaluable; Qatar's delegation had included representatives of five different organizations of persons with disabilities. At the implementation stage, too, the Committee would rely on NGOs to provide assistance to Governments. She agreed with previous speakers that the role of the Committee did not have a policing role, but should provide Member States with guidance in complying with their obligations under the Convention.

19. <u>Mr. CHOWDHURY</u>, welcoming the contribution of NGOs to the work of the first session, said that NGOs in the twentieth century had taken the lead in the disabled movement, particularly in developing countries. International NGOs and their partners at the country level continued to mobilize resources from a variety of sources to implement effective programmes to improve the lives of persons with disabilities; prevent disability; and promote access to education, gainful employment and rehabilitation services. In Bangladesh and the Asia-Pacific region as a whole, NGOs had played a particularly significant role in furthering the rights of persons with disabilities.

20. Most States parties had already established national frameworks to monitor implementation of the Convention pursuant to its article 33, paragraph 2, or were already in the process of doing so. Each country also, however, needed a civil society watch group to follow up on the activities and policies of the national monitoring committee. Such watch groups should include organizations of persons with disabilities as well as NGOs working to further their interests. The recently established Bangladesh Disability Rights Watch Group would, for its part, be working hand in hand with the National Committee on Disability of Bangladesh.

21. <u>Mr. BEN LALLAHOM</u>, paying tribute to the work carried out on the ground by the NGOs present at the meeting, said that in Tunisia, excellent cooperation had been established over a period of more than 15 years with Handicap International, an NGO that had established a network across Algeria and Morocco, which it was planned would extend to other Maghreb countries. That positive experience could be replicated elsewhere. He wondered whether a cross-cutting and horizontal cooperation network existed to link NGOs working on disability issues in various continents, and whether all NGOs now adopted a "medico-psychosocial approach" towards persons with disabilities, since an exclusively medical approach would be a barrier to the promotion of their rights. A section of the Committee's rules of procedure provided for the possibility of inviting NGOs to take the floor at meetings and to submit documents and questions to the Committee.

22. <u>Mr. TORRES CORREA</u> asked the NGOs present to comment on the specific actions they expected from the Committee.

Mr. TROMMEL (International Disability Alliance (IDA)), responding first to 23. Mr. Ben Lallahom, said that several networks of NGOs working on disability issues already existed, including the International Disability and Development Consortium (IDDC) and the International Disability Alliance (IDA) with its CRPD Forum. IDDC was mainly composed of persons with disabilities, whereas IDA united international organizations working in the field of development cooperation and disability. The NGO submissions to the Committee had in fact been the product of a joint effort. There were also regional organizations, such as the Arab Organization of Disabled People. His own organization did not use the term "medico-psychosocial", but preferred to speak in terms of a transition from a medical model to a social model and to a human rights model. He wondered how many countries - or members of the Committee - had made the paradigm shift themselves. With regard to the question put by Mr. Torres Correa, NGOs saw the Committee's role as being similar to that of other treaty-monitoring bodies, namely to ensure full and effective implementation of the Convention in every State party. Although he agreed with Ms. Al Suwaidi that the Committee must be supportive of Governments, it should also be prepared to criticize a State party if it failed to meet its obligations. His own organization's approach was one of constructive criticism. During negotiation of the Convention, NGO input had been both unified and coordinated. At the national level, too, his organization worked to strengthen coalitions with various stakeholders with a view to building joint capacity and complementing States parties' reports. With regard to the question put by Ms. Yang Jia, he said that the Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women provided for NGO participation in their pre-sessional working groups. Some treaty bodies also allowed for the interactive participation of NGOs in their regular sessions. The Committee now had an opportunity to follow the highest standards of other treaty bodies and produce the most advanced rules of procedure and working methods to date.

24. <u>Ms. MULLIGAN</u> (International Disability and Development Consortium (IDDC)) said that her organization was ready to provide a panel of experts to clarify any questions the Committee might have with regard to international development and application of article 32 (international

cooperation). An inter-agency, cross-cutting mechanism was already being developed within the United Nations to ensure that all parts of the system understood their particular role with respect to the Convention. IDDC stood ready to help coordinate the preparation of guidelines in that regard. Her own work involved building networks and alliances between stakeholders in some 36 countries and helping to strengthen their capacity to implement the Convention. She was in favour of a multipronged approach to disability in developing countries. Her experience had shown that the medical dimension of needs assessment should not be neglected, since persons with disabilities required access to a correct diagnosis, as well as medical rehabilitation and support, to ensure their cultural and social integration and empowerment. IDDC supported the social and human rights models for disability, even if some of its work still related to the medical model.

25. <u>Ms. MAINA</u> said that the Convention already provided for the submission by NGOs of reports of violations by States parties of their obligations under the Convention as a way of helping to strengthen implementation at the national level. She wondered what other lines of approach the NGO representatives would suggest that would be consistent with the Convention.

26. <u>Mr. ESTEY</u> (Disabled Peoples' International (DPI)), responding to the question put by Mr. Ben Lallahom regarding the approach to disability of the organizations present, said that DPI was first and foremost a human rights organization seeking to realize the full gamut of human rights for all persons with disabilities.

27. <u>Mr. CHERVIN</u> (Handicap International) said that all the NGO representatives present were cognizant of the importance of working together in order to be effective and to be "heard" at the country level. Much remained to be done to ensure that non-governmental organizations supporting persons with disabilities spoke with one voice. The Convention served to unite NGOs around a common goal, as in Madagascar where the incorporation of the Convention in the Government's agenda had helped motivate national NGOs to strengthen their coordination. The Committee should keep in touch with civil society and call on it for clarification of specific issues.

28. <u>Mr. HARPER</u> (Disability Action) stressed that responsibility for implementing the Convention lay primarily with States parties. The key challenge for the Committee was to lift the combined expertise of members to the international level and to develop a strong international, pan-disability perspective covering all countries and regions, so as to complement the national or disability-focused perspective of NGOs and Governments.

29. <u>The CHAIRPERSON</u> suggested that the meeting should be suspended while a film crew interviewed members of the Committee for a documentary on the human rights treaty body system.

The meeting was suspended at 11.55 a.m. and resumed at 12.25 p.m.

30. <u>Ms. ROSE</u> (International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)) said that the ICC comprised representatives of national human rights institutions from around the world. A total of 64 of those institutions

had been accredited with grade A status under the Paris Principles. The ICC's mission was to promote and strengthen national human rights institutions, and its activities included granting accreditation to national human rights institutions under the Paris Principles, holding training courses and workshops, and facilitating exchanges of experiences and best practices, with a view to strengthening national human rights institutions' capacity to address core human rights issues. The ICC promoted the participation of national human rights institutions in international human rights mechanisms, in particular the United Nations treaty bodies and the Human Rights Council.

31. The ICC and its member institutions had played an active role in drafting the Convention on the Rights of Persons with Disabilities, and were aware of the need to prepare stakeholders to participate in the effective implementation of the Convention at the national level. With its regional bodies, the ICC was working to develop and share practical strategies for national human rights institutions, including the designation of regional focal points on disability, responsible for raising the level of engagement of human rights institutions on disability issues, and the development of work tools to support the implementation of Convention rights. A database of information for knowledge sharing and training had been established to facilitate the sharing of best practices on handling disability rights cases. Training workshops were held to ensure that national human rights institutions could respond to the needs of the disabled community.

The ICC was developing an Internet site on disability to ensure that landmark cases, 32. research and other relevant information on conferences, workshops and publications were accessible to all. It was also exploring the role it could play in human rights and business, and was making efforts to promote access to justice for all. It worked to promote the participation of national human rights institutions in the treaty body system, and in that regard a document on a harmonized approach to treaty body and national human rights institution interaction had been drafted. The draft included information on cooperation in respect of State party reporting processes, participation of national human rights institutions in Committee sessions, complaints procedures, drafting lists of issues, drafting general comments and follow-up procedures. Some treaty bodies, such as the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women, the Committee against Torture and the Committee on the Rights of the Child, had made considerable efforts to promote the role of national human rights institutions. Clear guidance should be given on how national institutions could participate in treaty body work, and on the modalities of their attendance at treaty body meetings. The participation of national human rights institutions should be taken into account in the drafting of the rules of procedure and methods of work of the Committee on the Rights of Persons with Disabilities, in order to formalize the relationship between the Committee and those institutions.

33. Speaking on behalf of the Irish Human Rights Commission, she said that the Commission was Ireland's national human rights institution, and was Chair of the European Group of National Human Rights Institutions. The Convention on the Rights of Persons with Disabilities was a landmark in international human rights. It represented a new departure in that it linked international and national monitoring to ensure the fullest possible achievement of the rights enshrined in the Convention. National human rights institutions already played an important role

in monitoring compliance with the core human rights treaties, and article 33 of the Convention formalized the good working relationships that already existed between those institutions and the treaty bodies. The national monitoring mechanisms envisaged under the Convention must be properly resourced and funded in order for the Convention to achieve its aims. The Committee should use its influence to encourage Governments to establish national monitoring mechanisms.

34. At the national level, the Irish Human Rights Commission was committed to working to promote the rights enshrined in the Convention, and to encouraging the Irish Government to ratify the Convention at the earliest opportunity. The Commission had conducted awareness-raising activities in Ireland to promote understanding of the Convention and its mechanisms, and would continue those efforts. It was also working to promote the Convention at the regional and international level through its chairmanship of the European Group of National Human Rights Institutions and as part of the International Coordinating Committee of National Human Rights Institutions.

Ms. NEOPHYTOU (Equality and Human Rights Commission of Great Britain) said that 35. the Equality and Human Rights Commission of Great Britain was the British statutory equality body, which had grade A accreditation under the Paris Principles. Its mandate covered seven areas of equality: gender, race, sexual orientation, gender identity, age, religion and belief, and disability. Such a broad mandate enabled the Commission to take an integrated approach to disability, incorporating knowledge and practice from other areas of human rights. The Commission had a statutory committee dealing with disability, which met five times each year, and the Commission had been granted authority as an independent monitoring mechanism under article 33 of the Convention. The Commission therefore hoped to play a strategic role in the implementation of the Convention in the United Kingdom, in particular through identifying gaps in domestic protection, facilitating the inclusion of disabled persons in civil society, working with the Government focal point, national regulators and public institutions, as well as the private sector, to promote understanding of the Convention and the manner in which it could be applied to extend greater benefits and protection to disabled persons. The Commission hoped that the Committee would include the specification of a role for national human rights institutions in its methods of work.

36. <u>Mr. McCALLUM</u> said he welcomed the presence of national human rights institutions. While the Convention was concerned with both human rights and social and economic rights, the human rights dimension should remain at the centre of the discourse on the rights of persons with disabilities.

37. <u>Mr. HARPER</u> (Disability Action) said that efforts should be made to ensure that national human rights institutions were granted sufficient financial resources to attend Committee meetings. The Committee should encourage States parties to provide adequate funding so as to enable national institutions to fulfil their role under article 33 of the Convention. He noted that the Committee's rules of procedure would have implications far beyond its work. Any limitations on access for persons with disabilities under those rules would send the wrong message to States parties.

38. <u>The CHAIRPERSON</u> acknowledged the importance of the work of national human rights institutions, particularly at the local level, as well as with regard to monitoring and cooperation with civil society organizations and NGOs on shadow reporting. Those efforts would complement the work of the Committee. The Committee looked forward to working with all national human rights institutions in a spirit of cooperation.

39. <u>Mr. TROMMEL</u> (International Disability Alliance (IDA)) said that the International Disability Alliance had high expectations for the work of the Committee. The Convention was innovative in its consideration of the role of national human rights institutions. Although a number of national institutions were making considerable progress with respect to their promotion and protection of disability rights, the majority did not have sufficient knowledge of disabilities. The Convention had put disability on the international human rights agenda. Cooperation should be increased between national human rights institutions and disabled persons' organizations, in order for them to share their experience and practices.

The meeting rose at 12.55 p.m.