



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Second session

Summary record of the 1st meeting

Held at the Palais des Nations, Geneva, on Monday, 19 October 2009, at 10 a.m.

Chairperson: Mr. Al-Tarawneh

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The meeting was called to order at 10.20 a.m.

Opening of the session

1. **The Chairperson** declared open the second session of the Committee on the Rights of Persons with Disabilities.

Statement by the Chief, Human Rights Treaties Branch, Office of the United Nations High Commissioner for Human Rights

2. **Mr. Salama** (Chief, Human Rights Treaties Branch, Office of the United Nations High Commissioner for Human Rights), commended the Committee on the progress it had made thanks to the election of its members, the drafting of core documents and the important work carried out in the recent meeting of States parties in New York, but said that much remained to be done. Persons with disabilities, who accounted for 10 per cent of the world's population and were its largest minority, faced daily challenges in the context of human rights. In the developing countries, 80 per cent of children with disabilities did not attend school, perpetuating the vicious circle of poverty and disability, and problems were even more acute for persons with disabilities belonging to other marginalized groups.

3. He welcomed the fact that a record number of States had become parties to the Convention in so short a time and stressed the need to maintain the momentum behind the Convention by adopting without delay the three fundamental documents, namely the rules of procedure, the reporting guidelines and the working methods of the Committee, since the consideration of the first reports submitted by States parties and the communications process would start the following year. The experience of other human rights treaty bodies should be taken into account, especially as harmonization of working methods was the key current priority for those bodies, as had been underlined at the previous inter-committee meeting, in which the Chairperson of the Committee on the Rights of Persons with Disabilities had taken part.

4. Harmonizing working methods based on different legal instruments was no easy task, but the Office of the High Commissioner was counting on the Committee on the Rights of Persons with Disabilities, the most recent of the eight bodies whose work the Branch supported, to draw on the experience of its elders and contribute to the process by setting an example. The Office of the High Commissioner was committed to assisting the Committee in that task, aware that the cooperation of all stakeholders was vital and that everyone must accept their share of responsibility in achieving the required progress.

Adoption of the agenda (CRPD/C/2/1)

5. **The Chairperson** read out the items on the provisional agenda of the second session of the Committee and invited Committee members to comment.

6. **Ms. Cisternas Reyes**, supported by **Mr. Könzei**, suggested that several other issues should be considered under agenda item 8, other matters, and wished to present some recent activities undertaken between the first and second sessions of the Committee but not included in the report.

7. **The Chairperson** said that any issue could be addressed under agenda item 8. Committee members would also be able to report on recent activities undertaken in their region or elsewhere during discussion of agenda item 3, report of the Chairperson on intersessional activities.

8. **Mr. Könzei**, supported by **Mr. Choudhuri**, noted that private meetings were included in the programme of work of the session and, referring to rule 25 of the draft rules

of procedure of the Committee (CRPD/C/2/CRP.1), suggested that all meetings should be held in public.

9. **Ms. Maina**, supported by **Mr. Choudhuri**, suggested moving on to the adoption of the agenda, as the discussion on the private or public nature of meetings could be postponed until the draft rules of procedure were considered.

10. **Ms. Pelález Narváez** and **Ms. Cisternas Reyes** suggested adding an item to the agenda for each session to allow the Committee to decide on the usefulness of holding meetings in private on issues connected with the internal functioning of the Committee.

11. **Mr. McCallum**, supported by **the Chairperson**, pointed out that, in addition to the experience gained during its first session, there were a number of sound reasons for the Committee henceforth to hold some of its meetings in private, and he therefore suggested leaving the programme of work unchanged.

12. **Mr. Doria** (Secretariat) said that other Committees usually held meetings on purely internal issues, such as methods of work, in private.

13. **Ms. Maina**, supported by **Mr. Choudhuri** and **Mr. Ben Lallahom**, said that, in order not to waste time, the Committee should adopt the agenda as presented.

14. **Mr. Könczei**, supported by **Mr. Torres Correa**, suggested voting on each agenda item to decide whether the corresponding discussions should be held in private or in public.

15. **Ms. Maina** said that the question of when the Committee met in private should be decided once and for all when the Committee's rules of procedure were adopted.

16. **Mr. Uršič** said that all Committee meetings should be public, but agreed that it would be useful to vote to decide whether a particular issue should be considered in private session, in order to avoid disagreements or misunderstandings.

17. **Mr. Ben Lallahom**, wishing to see the Committee move forward in its work, also accepted the idea of voting before discussing each issue.

18. **The Chairperson** invited the Committee to adopt the agenda without amendment, and to decide on the private or public nature of discussions in due course.

19. *The agenda was adopted.*

The meeting was suspended at 11.10 a.m. and resumed at 11.25 a.m.

Adoption of the report of the first session of the Committee (CRPD/C/1/2)

20. **Mr. Lucas** (Secretariat) read out the Committee's draft report of its first session.

Section I

Organizational and other matters

21. *Section I of the report was adopted without amendment.*

Section II

Action taken during the first session

22. **The Chairperson**, referring to section A — on working methods — considered it essential to set up a pre-sessional working group to enable the Committee to carry out its work successfully, as an annual 10-day meeting was not sufficient.

23. **Mr. Torres Correa** regretted that the Spanish version of working documents had reached him late and insisted that Committee members should receive the documentation they needed in time to prepare each session properly.

24. **The Chairperson** urged the secretariat to ensure that all documents were available in the five working languages of the Committee, in formats accessible to all.

25. **Ms. Maina** said that in section C mention should have been made of the fact that the Committee had discussed at length rules 13 to 18 of the draft rules of procedure before electing the Chairperson and the members of the Bureau. She would have liked the issue of assistants to have been addressed in section E and pointed out the need to ensure that assistants were available to provide support to members of the Committee even when it was not in session.

26. **The Chairperson** said that although the adoption of rules 13 to 18 of the rules of procedure was mentioned in annex IV, it could also be included in the body of the report. With respect to personal assistants, he invited the secretariat to take Ms. Maina's comment into account and to pay full attention to so important an issue.

27. *Section II of the report, as amended, was adopted.*

Section III

Relations with other bodies

28. **Ms. Maina** said that item A had been dealt with too briefly in view of the many proposals put forward during the previous session and the resources requested to implement them.

Annex IV

29. **Ms. Peláez Narváez** said that interpreters must be provided with the relevant language versions of documents in order to enable them to carry out their work more smoothly. If those versions were not available, any document that was read out should be read more slowly.

30. **The Chairperson** pointed out that all documents should be available in all the official languages of the Committee and be provided to all speakers. Referring to paragraph 4 of annex IV, he regretted that, for lack of resources, other members of the Committee had not been able to participate in some intersessional meetings. He sincerely hoped that his repeated appeals to the Office of the High Commissioner for the Committee to be allocated funds for that purpose would be heeded so that the Committee would be able to perform its mandate properly.

31. **Ms. Maina** recalled, with regard to paragraph 5, that the secretariat had agreed to contact United Nations institutions to request them to facilitate the Committee's work and intersessional activities even before the establishment of a voluntary fund. She would like to know what success the secretariat had had.

32. **Mr. Doria** (Secretariat) explained that each institution was individually responsible for providing assistance to the Committee, and the role of the secretariat was to inform the various institutions that the Committee requested their assistance. An inter-agency working committee had recently been set up with a view to harmonizing the rules governing the support institutions were able to provide for implementing the Convention on the Rights of Persons with Disabilities. Such support was likely to be forthcoming when the Committee considered country reports. UNESCO could provide support when education was being discussed, for example.

33. **Ms. Cisternas Reyes** asked whether a reply had been received by the Committee concerning the possibility, mentioned in paragraph 7, of holding some of its sessions in New York.

34. **The Chairperson** said that the matter would be taken up under agenda item 8 (Other matters).

35. **Ms. Maina**, referring to paragraphs 8, 9 and 10, said that on account of language difficulties some people had not been able to take part in e-mail exchanges within working groups.

36. **The Chairperson** agreed that language barriers made communicating by e-mail difficult; solutions to such problems needed to be discussed under agenda item 8.

Annex VI

37. **Ms. Cisternas Reyes** noted that the Committee's first official document was the Declaration which appeared in annex VI, in the last paragraph of which the Committee called for the Declaration to be disseminated in all the United Nations official languages and in accessible formats. However, the Declaration did not appear in all those languages on the website of the Office of the High Commissioner or in Latin American countries; it had therefore been necessary to translate it into Spanish unofficially. It was vital to have an official translation for distribution in the mother tongue of all those concerned in particular people with disabilities, their families and those close to them.

38. **Ms. Maina** regretted that the Convention was as a whole largely unknown, including within the United Nations system. The lack of information meant United Nations institutions did not take account of the problems of people with disabilities in their initiatives.

39. **Mr. Könczei** was surprised that the Declaration of the Committee had not yet been translated into Spanish, even though it had been adopted eight months previously, and he would like the secretariat to explain why.

40. **Mr. Schmidt** (Office of the United Nations High Commissioner for Human Rights) said that delays in translating official documents affected not only the Committee on the Rights of Persons with Disabilities but all treaty bodies, because the capacity of the translation services of the United Nations Office at Geneva was limited. The difficulties encountered had already been the subject of discussions between the translation services, the treaty bodies and the secretariat. However, the Committee could raise the issue in a letter to the Director-General of the United Nations Office at Geneva.

41. **The Chairperson** said he was surprised at such difficulties because the Office of the High Commissioner for Human Rights had assured him that all the relevant services would support the Committee.

42. **Ms. Maina** suggested that, before contacting the United Nations Office at Geneva, a list should be drawn up with the secretariat to cover all issues of concern to the Committee — apart from the translation of documents — such as problems of access. Anything that might slow down or interfere with the work of the Committee should be raised in a letter to the United Nations Office at Geneva.

43. **The Chairperson** said that it was vital to establish a solid foundation for the work of the Committee and to make the Committee members' positions on the availability and accessibility of documents officially known, either through a letter or a statement. As a treaty body, the Committee should receive the support and assistance of the United Nations and the Office of the High Commissioner should therefore provide all available resources.

44. **Ms. Cisternas Reyes** considered it essential to send a letter stressing the necessity of timely and proper distribution of Committee documents, in particular official documents, to United Nations institutions and civil society, to allow them to be studied thoroughly.
45. **Mr. Uršič** said that, while he understood the reasons put forward by Mr. Schmidt, he could not accept a situation in which Committee members would have to settle for second best. The Chairperson should transmit a message to that effect to the secretariat and other services concerned.
46. **The Chairperson** assured the Committee that a letter would be sent before the end of the session.
47. **Ms. Peláez Narváez** suggested that, in order to facilitate the work of Committee members, a new item should henceforth be added to the agenda, after the item relating to the adoption of the report of the previous session, for the purpose of following up decisions taken in previous sessions or meetings.
48. **The Chairperson** supported the proposal.
49. **Mr. Torres Correa** pointed out that comments and proposed amendments should be included in the draft report submitted for adoption.
50. **The Chairperson** invited the Committee to adopt the report, with observations and amendments.
51. *It was so decided.*

Draft report of the Chairperson on activities undertaken between the first and the second sessions of the CRPD (CRPD/C/2/CRP.4)

52. **The Chairperson** requested the secretariat to read out the report.
53. **Mr. McCallum** (Rapporteur), wishing to save time, wondered whether it was necessary for the report to be read out in its entirety since the text was available in Braille and in an electronic version. He suggested that they should confine themselves to allowing Committee members who so wished to take the floor and to updating the list of meetings to include those that had taken place since the drafting of the report.
54. **The Chairperson** said that it was standard practice to read out the report before hearing any comments Committee members might have.
55. **Mr. Lucas** (Secretariat) read out the draft report of the Chairperson on activities undertaken between the first and the second sessions of the Committee.
- I. Introduction*
56. *The first section of the draft report was adopted, without change.*
- II. CRPD core documents (drafts)*
57. *The second section of the report was adopted, without change.*
- III. Inter-session meetings*
58. **Ms. Cisternas Reyes** pointed out that at the inter-committee meeting participants had recommended that within each committee one person should be appointed to liaise with the various treaty bodies.
59. *The third part of the report was adopted, without change.*

IV. Participation in conferences and seminars

60. **Ms. Cisternas Reyes** would like the report to mention the meeting held in Costa Rica, from 21 to 24 September 2009, on the topic of access to justice and people with disabilities, and the fourth Conference of the Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families (RIADIS), at which she and Mr. Torres Correa had made several presentations, including one on the Committee as the body mandated to monitor implementation of the Convention.

61. *The fourth part of the report was adopted, with the proposed amendments.*

V. CRPD correspondence

62. **Ms. Cisternas Reyes** speaking on behalf of the Latin America region, thanked the Chairperson for sending a letter of condolence to the family of Mr. Julio Fretes who, apart from having stood as a candidate for election to the Committee, had been Secretary-General of the Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families.

63. **Ms. Maina**, having followed the debate on general comment No. 20 of the Committee on Economic, Social and Cultural Rights, pointed out that contrary to what was indicated in the report, the Committee's request had been only partially taken into account. Since the Convention contained many new aspects with which other treaty bodies were still not familiar, such as those concerning the rights of the child, she observed that the working group on the rules of procedure had recommended a special session to harmonize articles dealing with disability in the different conventions.

64. **Ms. Peláez Narváez** requested that the report should mention that on 14 October 2009 she had led a debate on disability as part of the meeting held by the United Nations and the European Union to strengthen cooperation between those two institutions on non-discrimination.

65. **Mr. Doria** (Secretariat) pointed out that owing to translation deadlines only activities that had taken place more than three months previously could be mentioned in the draft report.

66. **The Chairperson** said that the Committee would continue consideration of agenda item 3 at its next meeting.

The meeting rose at 1.05 p.m.