



# General Assembly

Sixty-ninth session

Official Records

Distr.: General  
3 December 2014

Original: English

---

## Third Committee

### Summary record of the 29th meeting

Held at Headquarters, New York, on Monday, 27 October 2014, at 10 a.m.

*Chair:* Ms. Mesquita Borges . . . . . (Timor-Leste)

## Contents

Agenda item 68: Promotion and protection of human rights (*continued*)

- (b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*)
- (c) Human rights situations and reports of special rapporteurs and representatives (*continued*)

---

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Control Unit (srcorrections@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (<http://documents.un.org/>).

14-63365 (E)



Please recycle



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

**Agenda item 68: Promotion and protection of human rights** (*continued*) ([A/69/383-S/2014/688](#))

**(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms** (*continued*) ([A/69/97](#), [A/69/99](#),

[A/69/121](#), [A/69/214](#), [A/69/259](#), [A/69/261](#), [A/69/263](#), [A/69/265](#), [A/69/266](#), [A/69/268](#), [A/69/269](#), [A/69/272](#), [A/69/273](#), [A/69/274](#), [A/69/275](#), [A/69/276](#), [A/69/277](#), [A/69/286](#), [A/69/287](#), [A/69/288](#), [A/69/293](#), [A/69/294](#), [A/69/295](#), [A/69/297](#), [A/69/299](#), [A/69/302](#), [A/69/333](#), [A/69/335](#), [A/69/336](#), [A/69/365](#), [A/69/366](#), [A/69/397](#), [A/69/402](#) and [A/69/518](#))

**(c) Human rights situations and reports of special rapporteurs and representatives** (*continued*) ([A/69/301](#), [A/69/306](#), [A/69/307](#), [A/69/356](#), [A/69/362](#), [A/69/398](#), [A/C.3/69/2](#), [A/C.3/69/3](#), [A/C.3/69/4](#) and [A/C.3/69/5](#))

1. **Ms. Farha** (Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context), introducing her report ([A/69/274](#)), expressed concern over the large and ever-widening gap between adequate housing standards and the realities of daily life for millions of people. Systemic homelessness, substandard housing conditions, unaffordable rents, insecure tenure and lack of adequate housing for many vulnerable and marginalized people in all countries, both affluent and less affluent, suggested a crisis of commitment to effectively implement the right to adequate housing. Inadequate housing and homelessness had severe implications for other human rights, including the rights to health, education, protection of the family, social security, water and sanitation, work, and, in many cases, life. In her work, she would focus on how housing-related international human rights norms could be transformed into domestic law and policy.

2. Her first priority would be to encourage national and international dialogue, because the effective implementation of international human rights standards at the national level must benefit from advances made in domestic law and practice, while domestic human rights must be nurtured by substantive norms and principles developed at the international level. A

crucial aspect of that interaction was the challenge of ensuring access to justice for claimants of the right to adequate housing.

3. Second, she would strive to clarify the obligation of States to ensure the progressive realization of the right to adequate housing through the development of legal norms, which would make it possible to address homelessness and resource allocation for adequate housing for marginalized groups. She would also consider ways in which her mandate could support access to justice by victims of violations, with a particular focus on the obligation of States to take positive measures.

4. Third, she would pay attention to patterns of inequality and exclusion in housing, which were often linked to indirect and unintentional forms of discrimination, failure to accommodate the needs of marginalized groups, and insufficient attention to the positive obligations linked to substantive equality. More could be done to ensure that new understandings of non-discrimination and equality were fully incorporated into housing policies, programmes, legislation and budgetary allocations. Also in that connection, in collaboration with other special mandate holders, she would continue the traditional focus on women, with an added focus on persons with disabilities, migrant workers and their families, indigenous peoples and those stigmatized by homelessness or housing status.

5. Lastly, since in many countries, housing-related programmes and policies usually fell under the authority of subnational or municipal governments, and the implementation of the right to adequate housing therefore required a joint commitment of all levels of government and the engagement of community organizations, private actors and international institutions, she would strive to engage constructively with a variety of actors in that regard.

6. She had already identified some topics for her work, including homelessness and its criminalization, human-rights-based housing strategies, and access to justice and effective remedies. Her first report to the Human Rights Council would discuss the responsibilities of subnational governments with respect to the right to adequate housing. She would organize a public consultation in Geneva on 19 November to receive comments prior to the finalization of that report, and looked forward to the

opportunity to officially visit Member States in the coming years.

7. **Mr. Ponikvar** (Observer for the European Union) urged the Special Rapporteur to continue to engage in dialogue with civil society organizations. He asked her to expand on the problem of lack of access to adequate housing in both developing and developed countries; on how the criminalization of homelessness, mental health issues, stigma and discrimination compounded that problem; and on how a human-rights-based approach to housing, either explicit or implicit, could help stakeholders address those issues more effectively. He also asked how she would approach the issue of the housing conditions of vulnerable and marginalized individuals, and how she intended to continue the cooperation with the Special Rapporteur on the human right to safe drinking water and sanitation. He hoped that, with her help, and in cooperation with indigenous peoples, strategies to protect the housing rights of indigenous peoples would be further explored.

8. **Mr. Diyar Khan** (Pakistan) asked the Special Rapporteur what role she expected international cooperation and assistance to play in ensuring implementation of the right to adequate housing in least developed and developing countries. He also asked whether she was satisfied with the inclusion of the right to adequate housing in the post-2015 development agenda, in particular with regard to the sustainable development goals, which already included a goal on inclusive and sustainable cities.

9. **Ms. Schneider Calza** (Brazil) said that the right to adequate housing was guaranteed under the Constitution of Brazil. Her Government welcomed the Special Rapporteur's focus on vulnerable populations, in particular women, indigenous peoples and other minorities. She asked the Special Rapporteur to expand on the possibilities of international cooperation and the exchange of best practices in adequate housing programmes.

10. **Ms. Farha** (Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context), referring to the issues raised by the Observer for the European Union, said that the international community understood the deep link between homelessness and mental health issues; she intended to explore those fundamental issues in collaboration with the Special Rapporteur on the right

to health. Taking a human rights approach to the right to adequate housing would introduce structure to a field often viewed as a simple policy matter as opposed to a justiciable right; that would be an area of focus during her mandate. It was important to collaborate with fellow Special Rapporteurs and mandate holders, and she intended to continue that tradition with the Special Rapporteur on the human right to safe drinking water and sanitation as soon as a replacement was officially appointed.

11. Responding to the representative of Pakistan, she said that all States could benefit from international cooperation and the exchange of good practices. In line with the tradition of her mandate, she would continue to promote such exchanges. She was encouraged by the progress achieved since the adoption of the Millennium Development Goals, though more work remained to be done. She had already begun to participate in the post-2015 development agenda formulation process and would continue to do so whenever possible.

12. **Mr. Pūras** (Special Rapporteur on right of everyone to the enjoyment of the highest attainable standard of physical and mental health), introducing his predecessor's report (A/69/299), said that the question of whether the right to health was a justiciable right continued to be contested based on the somewhat artificial division between civil and political rights on one hand, and economic, social and cultural rights, on the other. However, there were no intrinsic differences between those rights, and all of them demanded positive action by the State, were resource dependent and were justiciable. The right to health imposed overlapping obligations, including non-discrimination, full and effective realization, and the obligation to respect and protect. States were encouraged to ensure the justiciability of the right to health and to ratify the Optional Protocols to the International Covenant on Economic, Social and Cultural Rights and to the Convention on the Rights of the Child.

13. The reliance of the progressive realization of the right to health on available resources was an additional source of complexity, particularly since the meaning of "available resources" had not been well defined. Enforcement of the right to health was crucial to its enjoyment; unfortunately, many judgments on economic, social and cultural rights were not fully implemented by States. Adjudicators were encouraged to develop targeted judgments, taking into account the State's capacity, and incorporating court monitoring

and civil society participation. Meaningful participation of affected communities and other stakeholders, along with access to health information, was an essential component of the right to health, as well as a critical tool for monitoring its implementation.

14. The report further focused on the accountability deficit of transnational corporations, which had directly or indirectly perpetrated some of the worst human rights violations, especially in developing and least developed countries.

15. During his mandate, he intended to continue to promote the principles underlying the right to health, and to try to help reduce the implementation gap, so that health policies were evidence-based and human rights-friendly and, with the appropriate accountability and monitoring mechanisms in place, were conducive to good practices and good public health outcomes. He would also focus on right to health issues such as the right to life and survival in early childhood, the right to emotional well-being and mental health, and the right of children and adolescents to holistic development. He would pay particular attention to the health-related rights of people belonging to groups in vulnerable situations, including children and adults affected by poverty and social exclusion, children with developmental disabilities, and adults with mental, psychosocial and other disabilities. He would also analyse effective ways to prevent violence, as a major threat to enjoyment of the right to health.

16. The international community must provide assistance to contain the Ebola epidemic. It should also analyse and address the root causes of such outbreaks, one of which was the global lack of will to implement a rights-based approach in health policies. Not enough attention was being paid by global institutions to neglected diseases and diseases of poverty and to the huge inequalities within and between States and regions, resulting in detrimental and unfair outcomes, such as failing health-care systems in some countries.

17. Despite significant progress in the promotion and protection of the enjoyment of the right to health globally, much remained to be done. Health-care systems needed to be immunized against such problems as lack of transparency, accountability and independent monitoring, all of which led to corruption and excessive focus on narrow biomedical models and specialized health-care services, and to the according

of low priority to primary care and health promotion activities. The solution was a rights-based approach that should be applied in a systematic and sustainable way by all stakeholders.

18. **Mr. Ponikvar** (Observer for the European Union), referring to the role of transnational corporations in the context of the right to health, asked the Special Rapporteur to what extent the issues he had mentioned could be resolved by the United Nations Global Compact Vulnerability Alert System. He also requested clarification on how, in adjudicating whether a State had taken sufficient steps to realize the right to health, the evaluation of budgetary allocations made by the executive and legislative authorities could be handled by the judiciary without conflicting with the separation of powers.

19. **Mr. Pūras** (Special Rapporteur on right of everyone to the enjoyment of the highest attainable standard of physical and mental health) said that he was unable to discuss in depth a report he had not written. However, he agreed that resources were one of the keys to the progressive realization of the right to health, although that did complicate the work of adjudicators. While he could not engage in a legal analysis of the issue, the concept of available resources might need to be refined. During his mandate, he would focus on how to better implement existing laws.

20. **Mr. Singh** (Special Rapporteur on the right to education), introducing his report ([A/69/402](#)), said that the explosive growth of privatized education, taking advantage of the inability of Governments to cope with rising demands, had encroached on all levels of education, with private institutions using many tactics to lure students away from public schools, thereby depleting public investment in education. The need to be able to pay exorbitant fees to access private education was contrary to international human rights conventions that prohibited discrimination based on social origin, economic condition or property. Education was not a privilege of the wealthy; it was an inalienable right of every child. The provision of a free, basic education was a core obligation and a moral imperative of States.

21. Driven by business interest, privatization by definition was detrimental to education as an essential public service, and vitiated the humanistic mission of education. The international community should recognize the importance of preserving the social

interest in education, and uphold education as a public good. According to the International Covenant on Economic, Social and Cultural Rights, States had the primary responsibility to provide universal education at all levels. The adverse effects of privatized education should receive urgent consideration in public policies. States were responsible for establishing standards and ensuring a transparent and effective mechanism of control. Abusive practices by private education providers indicated a failure on the part of States to adequately monitor and regulate privatized education. Governments must ensure that the credentials and standards of private schools or educational establishments were verified by designated public authorities and address the complex challenges arising from abusive practices, including corruption and tax evasion. Human rights mechanisms should be strengthened to effectively address and sanction violations of the right to education committed by private providers.

22. Guided by human rights law and by general principles of social justice and equity, States should develop a comprehensive framework to regulate private providers at all levels of education and hold them accountable for their operations. They should put an end to market-driven education reforms that subsidized private education or low-cost private schools, as well as to the provision of school vouchers. If the private sector had to be made a development partner, public policies should be put in place to safeguard the social interest in education while encouraging corporate social responsibility schemes. The principles of social justice and equity should be kept at the forefront when introducing education reforms.

23. Numerous court rulings around the world had demonstrated that private education providers were being held accountable to the State and to the public. Public interest litigation should be increased, thereby strengthening the justiciability of the right to education. Civil society should be a strong voice against the commercialization of education, and should monitor abusive practices in education. It was also important to encourage and support research, events and expert consultations on the adverse effects of privatization on the exercise and enjoyment of the right to education. Parliamentarians also had a crucial role to play in stimulating public debate on the preservation of education as a public good.

24. **Mr. El Hacen** (Mauritania) said that the privatization of education, a phenomenon which was widespread in all countries, clearly had harmful effects in terms of social injustice and discrimination. He asked the Special Rapporteur whether abandoning privatization and investing in public education were adequate solutions to the problem.

25. **Mr. Diyar Khan** (Pakistan) said that his delegation was concerned by the trend of privatized education, the adverse effects of which included rapidly falling public education standards, leading to a sense of abandonment and general apathy which was highly detrimental. He asked the Special Rapporteur what steps could be taken to ensure that States guaranteed at least a minimum standard of quality in terms of curriculum, quality of teachers, and the physical environment of schools in the public sector so as to narrow the gap between those schools and schools in the private sector. He also asked whether it was worthwhile or feasible to make the right to education justiciable and, if so, whether any action had been taken in that regard.

26. **Mr. Al-Khayarin** (Qatar) said that education was one of his Government's top priorities, given its role in equipping people to combat violence and discrimination and protecting them from exploitation and ill-treatment. His country's Educate a Child initiative aimed to secure children's right to basic education, especially in poverty- and conflict-stricken societies. Qatar had also hosted a regional forum on the protection of the right to education during insecurity and armed conflict in the Middle East and North Africa region. It was unacceptable that children continued to be deprived of the right to education as a result of poverty or discrimination. He wondered whether the spread of extremism and terrorism necessitated a comprehensive review of the means by which the right to education was realized in a manner that at the same time served to promote moral and cultural values and principles.

27. **Mr. Mulyadi** (Indonesia) said that his Government had taken measures to provide quality education for all, including the launch in 2013 of a 12-year, free compulsory education programme. The Constitution mandated the allocation of 20 per cent of State and regional budgets to education, in order to ensure the primacy of public over private education. Despite the disparity in the number of private and public universities, all universities were under strict

Government supervision. The Special Rapporteur's valuable assessments and input would help Indonesia monitor private education providers and improve Government policies to implement its obligation to ensure the right to education.

28. **Mr. Ponikvar** (Observer for the European Union) said that the European Union agreed that States had the primary responsibility to provide education and that private education providers needed to be monitored. In that regard, the European Union Charter of Fundamental Rights recognized that the right to education included the possibility to receive free compulsory education. He enquired how States should go about ensuring equality and addressing the challenge of social marginalization as a possible effect of privatization in education, and requested examples of best practices. He also asked how the international community could foster a human-rights-based approach to education in the post-2015 development agenda in order to ensure that no one was left behind and what could be done to ensure that the quality of education could be promoted without undermining the objective of universal access. Lastly, he asked whether the proposal by the Open Working Group on Sustainable Development Goals to establish a goal on ensuring inclusive and equitable quality education and promoting life-long learning opportunities for all was in line with the desired human-rights-based approach.

29. **Mr. Ríos Sánchez** (Mexico) said that his Government acknowledged the role of the State as the guarantor of education and the complementary role of private institutions in ensuring the exercise of the right to education. In that regard, Mexico's educational reform had aimed to strengthen the role of the State in educational policy and guarantee free, public, secular education in the entire country. He asked the Special Rapporteur to provide examples of good practices in the collaboration of public and private educational institutions to guarantee universal access to education and foster human rights education; and to make recommendations in terms of promoting synergy between public and private educational systems in order to ensure enjoyment of the right to education.

30. **Ms. Tsvetanova** (Bulgaria) said that Bulgaria was a staunch defender of the right to education and actively promoted universal access to education as well as the right to quality education and lifelong learning, as the basis of all other human rights. As negotiations on the post-2015 development agenda progressed, her

Government advocated a human-rights-based approach to development with a strong emphasis on ensuring inclusive and equitable quality education for all, including the most vulnerable and marginalized groups. Noting the negative effect of increased privatization of education on the universality of the right to education, she asked what States should do to turn that trend into an advantage in realizing the right to education for all. She also asked what steps should be taken to ensure quality education for all, especially for girls and persons with disabilities, who often faced multiple discrimination in education and other areas. Lastly, she enquired how the issue of privatization in education should be addressed in the post-2015 development agenda under a human-rights-based approach.

31. **Ms. Sameer** (Maldives) said that her delegation agreed that education was a public good, not a commodity to be exploited. As such, the State was responsible for providing universal quality basic education using the maximum amount of its available resources. While States should avoid two-track education systems, she wondered whether the Special Rapporteur saw a role for private institutions in improving overall access to education in small developing States, which might otherwise lose some students to foreign institutions.

32. **Ms. Skácelová** (Czech Republic) asked the Special Rapporteur to elaborate on the most successful ways for States to move beyond building public school capacity to achieving excellence in public education. While her country had a relatively good public education system, it continued to strive for truly inclusive education, since persistent stereotypes among the public and among professionals about Roma communities and students with disabilities were slowing the process of integrating students from those groups. The situation highlighted the need for State institutions to be able to monitor and assess the performance of public and private schools. In that connection, she would welcome examples of best practices regarding that role of the State.

33. **Ms. Abdulkadir** (Ethiopia) said that her Government agreed that education was crucial to bringing about democratic governance and sustainable and inclusive development. She asked how the Special Rapporteur would reconcile the evident reality that, in many countries, private schools and universities

provided high quality education, with the detrimental impact of the commercialization of education.

34. **Ms. Vangansuren** (Mongolia) said that, as the main sponsor of General Assembly resolution 67/18 on education for democracy, her delegation hoped that the Special Rapporteur would redouble efforts to report on that issue in the future.

35. **Mr. Singh** (Special Rapporteur on the right to education) said that he would continue to explore ways to regulate the privatization of education. Steps taken by Governments included establishing guidelines for private education and closing universities found to be doing business that was detrimental to quality education. In order to guarantee the right to education, States had the responsibility of putting in place a regulatory framework. He commended the Ministers for Education of the Francophone countries for their work in regulating the commercialization of education.

36. The general apathy towards quality standards for public education was unfortunate; in his extensive report to the Human Rights Council on the issue, he had proposed norms for introduction at the national level that should be applied to public and private institutions. He had also reported on the extent to which the right to education was justiciable in case law. The question was no longer whether the right to education was justiciable but instead, how countries should do everything possible to enforce that right under existing jurisprudence. He was encouraged by the rulings issued in many countries against the privatization of education where it impeded the exercise of the right to education.

37. Turning to the post-2015 development agenda, he stressed that the agenda's main feature was the newly introduced standard of accountability, which would make it possible to achieve its goals in a timely manner. That meant that every person entitled to education should be able to approach the courts or other human-rights mechanisms when States failed to fulfil their political commitments to secure the right to education. Social justice and equity should be integrated in the post-2015 development agenda, and action at the national level was needed to give effect to those principles and to human-rights obligations.

38. He had examined the role of technical and vocational education in the context of the right to education. The experiences of several developed countries had demonstrated that institutionalized

collaboration between the public and private sectors could result in important linkages with regard to technical education.

39. The private sector's contribution to education should be guided by social justice and a perception of education as a public good; unfortunately, that was far from being the case. A paper by Oxfam had cautioned that unless the growing inequality in the world was minimized, social tension would be imminent. To that end, public investment in quality universal education should increase under the post-2015 development agenda. Moreover, political commitments under the new agenda should be linked to Government commitments in order to ensure accountability. Under human-rights law, the primary responsibility to provide basic education fell to States; once that duty was fulfilled, States could partner with other stakeholders, including the private sector.

40. Best practices included the long-standing European tradition of merit-based, free, quality education. The principle of merit-based education was sacrificed by private providers, for whom profit was the primary consideration. He had been heartened to find that in most of the countries he had visited, the view that quality education should be free of charge was widely held. The next steps would be to examine existing practices and trends in private education and to put in place the necessary regulatory framework in order to uphold the fundamental right to education and prevent it from being reduced to a mere commodity.

41. **Ms. Cisternas Reyes** (Chair, Committee on the Rights of Persons with Disabilities) said that since its inception, the Committee on the Rights of Persons with Disabilities had considered the reports of 19 States Parties and produced a total of nine concluding observations. Its most recent session had been extended to three weeks. Moreover, the Committee had registered 24 communications, two of which it had pronounced inadmissible, eight of which it had rendered a legal opinion on, and 14 of which remained pending. In 2014, the Committee had adopted two general comments, the first on equal recognition before the law and legal capacity and the second on accessibility, and it was working on a third general comment on women and girls with disabilities. A general debate on education and on the right to live independently and be included in the community would be held in April 2015, with a view to formulating general comments on those matters. The Committee

had adopted a statement on article 14 of the Convention on the Rights of Persons with Disabilities that compiled its jurisprudence on the liberty and security of persons with disabilities.

42. The Committee noted with satisfaction that the perspective of the rights of persons with disabilities had been included in the zero draft for the post-2015 development agenda prepared by the Open Working Group on Sustainable Development Goals. It encouraged the Secretary-General to include that perspective in the synthesis report to be presented in December 2014 and also called on Member States to do so in their negotiations on social development goals, targets and indicators and in the post-2015 development agenda.

43. Following a meeting with the Special Representative of the Secretary-General for Disaster Reduction, the Committee had called for the inclusion of disability in the third World Conference on Disaster Risk Reduction to be held in Japan in March 2015 and had established a focal point to follow up on the issue.

44. In line with its strong commitment to the strengthening of treaty bodies and the implementation of General Assembly resolution 68/268, the Committee had adopted decisions to continue to offer States Parties the simplified reporting procedure to States Parties whose initial reports had already been considered; to prepare draft guidelines for the presentation of reports under that procedure; to designate a focal point on reprisals; and to endorse the guidelines on the interactive dialogue structure with States Parties and the general framework of the concluding observations suggested at the Annual Meeting of Chairpersons of Human Rights Treaty Bodies. The simplified procedure had been in use by the Committee for some time already.

45. The Committee interacted closely with various relevant bodies within and outside the United Nations system at the international, regional and national levels. Those entities included the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Children's Fund (UNICEF), the World Health Organization (WHO), the Office of the United Nations High Commissioner for Human Rights and UN Women, along with the Human Rights Council, the Human Rights Committee, the Committee on the Rights of the Child and other treaty bodies. Maintaining a close relationship with the

Conference of States Parties to the Convention had been one of the Committee's priorities, as was collaboration with the recently established Special Rapporteur on Disability.

46. The Committee's synergistic work model included a cross-cutting approach to the human rights of persons with disabilities. At its twelfth session, the Committee had organized a meeting with national human-rights institutions and other independent monitoring mechanisms which had featured remote participation capabilities facilitated by the International Telecommunication Union. A meeting had also been held with various regional monitoring mechanisms in order to exchange views on the human-rights model and create a network on that issue. Capacity-building was also a priority for the Committee, in order to provide guidance to States in implementing the Convention.

47. In October 2014, the Committee had received an award from the Telefónica Foundation, the Repsol Foundation and Down Madrid for its human-rights work. The €3000 prize had been given to the Office of the United Nations High Commissioner for Human Rights for use in future Committee activities. She called on all States that had not yet done so to ratify the Convention and its Optional Protocol in order to join the international consensus on the human rights of persons with disabilities.

48. **Ms. Hamilton** (United States of America) asked what steps the Committee would take to improve its productivity and review periodic reports more expeditiously; and whether the Committee was contemplating other types of assistance to Member States, beyond capacity-building and technical assistance.

49. **Mr. Barkan** (Israel) said that his Government had been an active participant in the drafting of the Convention. Israel was also one of the few countries that had established a commission to uphold the equal rights of persons with disabilities. Efforts had been made to increase accessibility in education and promote participation in competitive sport.

50. **Ms. Islame** (Chile) asked how the Committee would be involved in developing multidimensional disability indicators, given that the final report of the Open Working Group on Sustainable Development Goals would create challenges which would require the collection of more data than was currently the case.



51. **Mr. Ponikvar** (Observer for the European Union) said that the accession of 151 States to the Convention was evidence of a successful paradigm shift in the protection of the rights of disabled persons worldwide. Noting that more needed to be done to protect the rights of women and girls with disabilities, who were often targets of multiple forms of discrimination, he asked whether any progress had been made toward the adoption of a gender-sensitive approach, whether efforts had been undertaken to address the needs of disabled persons who faced various forms of discrimination, and what the European Union could do to strengthen its commitment in those areas. He requested the Committee's assessment of States Parties' compliance with articles 12 and 13 of the Convention, the implementation of which could require the provision of specific support and age-appropriate accommodations, and asked whether it had identified any best practices based on that assessment. Underscoring the importance of incorporating the rights of disabled persons, including in developing countries, in the post-2015 development agenda, and the growing concern in the international community regarding the protection of persons with disabilities in situations of armed conflict, humanitarian emergencies and armed conflict, he emphasized the need to mainstream the protection of those persons in humanitarian and emergency operations and asked for the Committee's views on the main challenges faced when designing disability-inclusive development policies and humanitarian operations.

52. **Ms. Tsvetanova** (Bulgaria) said that Bulgaria strongly advocated for equality, non-discrimination and accessibility for disabled persons in all of its policies and programmes. As Vice-Chair of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities for 2013-2014, it had been working actively to strengthen the role of the Conference in the implementation of the Convention at all levels, including by strengthening partnerships with disabled persons' organizations. Her country strongly supported a human rights-based approach in development and was working actively to ensure that all development policies benefited persons with disabilities in the context of the post-2015 development agenda. She requested an assessment of the main challenges faced by persons with disabilities that needed immediate action and what could be done by Governments to ensure a better life for persons with disabilities in the short term. She asked how States

could better address the needs of persons with disabilities, particularly girls, in their domestic policies and programmes; and how disability could be integrated most effectively in the post-2015 development agenda.

53. **Mr. Al-Khayarin** (Qatar) said that his Government had made tireless efforts to raise awareness of and provide care and legal protection to persons with disabilities and to empower them to exercise all their rights, in accordance with its obligations under the Convention. In that connection, the One Billion Strong initiative aimed to raise awareness of the human rights of the roughly one billion persons with disabilities worldwide. The initiative, which operated as an international non-governmental organization, organized activities and awareness-raising programmes around the world, in cooperation with local and international organizations. Noting with dismay the continued obstacles faced by persons with disabilities, 80 per cent of whom lived in developing countries, he stressed that it was up to the international community to take action and ensure their equal access to education, employment and a life with dignity.

54. **Mr. Ríos Sánchez** (Mexico) said that Mexico attached great importance to disability-inclusive development and the protection of the fundamental human rights of disabled persons. It had established an inter-agency working group to oversee the implementation of the Committee's recommendations, which provided a useful road map for the country's future work in promoting the rights of disabled persons. He requested the Committee's views on the scope and potential for international cooperation in the area of disability, and on its plans to promote wider accession to the Convention. He also asked what steps the Committee planned to take to ensure effective coordination with the newly created Special Rapporteur on the rights of persons with disabilities.

55. **Ms. Schneider Calza** (Brazil) asked what possibilities the Committee envisioned, both in the context of the Conference of States Parties to the Convention and in the broader United Nations system, for giving a more prominent place to the voices and concerns of persons with disabilities in the South; and what role the Committee could play in promoting wider ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

56. **Ms. Larsen** (Norway) asked how data and statistics on persons with disabilities could be improved to ensure the effectiveness of outcomes. Noting that education was one of the most effective ways to break the cycle of discrimination and poverty faced by children with disabilities, she sought the Committee's views on best practices for incorporating disability-inclusive teaching methods and content in classrooms. She also requested further information on the results of the treaty-body strengthening process and the impact of that process on the Committee's work.

57. **Mr. Mulyadi** (Indonesia) said that Indonesia's ratification of the Convention attested to its commitment to the mainstreaming of persons with disabilities in national development priorities. As a State Party to the Convention, his country was adapting its national legislation and policies and reviewing its 1997 law on persons with disabilities. Other targeted efforts had included the adoption of laws on persons with disabilities and the holding of discussions on related draft laws in several provinces. Indonesia's Minister of Education and Cultural Affairs had signed a memorandum of understanding to promote the inclusion of persons with disabilities and had enacted several policies aimed at promoting disability-inclusive education. In line with the commitments defined under the Millennium Development Goals, Indonesia was working to improve accessibility for disabled persons in the Asia-Pacific region by implementing its National Action Plan for Persons with Disabilities (2004-2013). In collaboration with civil society and disability organizations, his Government had established more than 19 disability-related organizations and was currently preparing a national action plan on persons with disabilities for the period 2015-2019.

58. **Mr. Fawundu** (Sierra Leone) said that, although his country had made important strides in the area of disability which had culminated in the promulgation of a National Disability Act in 2011, its status as a developing country recovering from war hindered further progress to that end. He asked what the Committee could do to ensure the provision of technical assistance to countries like Sierra Leone to enhance their capacity in that regard.

59. **Ms. Cisternas Reyes** (Chair, Committee on the Rights of Persons with Disabilities) said that several measures had been introduced to improve the Committee's productivity. The extension of its sessions by one week was expected to lead to a rise in

productivity of over two points in the next year. It had introduced simplified reporting procedures for countries whose initial reports had already been considered, and had developed a number of environmentally conscious work practices. The drafting by a pre-session working group of the Committee's list of issues would allow it to reach its target of reviewing 2.5 reports per week. Moreover, it planned to hold intersessional meetings to allow for coverage of only the most substantive points during its regular sessions. The Committee had provided capacity-building to States Parties for the implementation of the Convention, notably through the provision of technical assistance, and was also undertaking collaboration with civil society with a view to furthering States' implementation capacity.

60. With regard to the promotion of a disability-inclusive post-2015 development agenda, the Committee had prepared two statements for submission to the Open Working Group on Sustainable Development Goals in which it had emphasized the link between the rights of disabled persons and the achievement of social development. During the High-Level Meeting on Disability and Development, the Committee had underscored the importance of taking into account the diversity of disabled persons, the nature of their disabilities and their personal circumstances in the post-2015 framework. To that end, it had hosted a number of targeted side events, including an event on indigenous women and girls with disabilities. Efforts to increase the number of references to persons with disabilities in the post-2015 development agenda should be undertaken with the aim of developing clear indicators and goals with respect to the protection of their rights. To that end, promotion of education, equal access to the labour market, for which the implementation of anti-discrimination measures was essential, and access to all aspects of health, sports, leisure and cultural activities were indispensable. Because disabled persons were frequently deprived of civil and political rights, including the right to vote, negotiate labour contracts and make fundamental decisions affecting their lives, the post-2015 development agenda and the sustainable development goals must focus specifically on guaranteeing those rights with the aim of ensuring full recognition of their personal integrity. Improving access to information, a key means by which persons with disabilities achieved social integration and

independence, must also be prioritized in the post-2015 framework.

61. Although the Committee had adopted a general comment with guidelines for implementing article 12 of the Convention, articles 12 and 13 were difficult to address owing to the complexity of factors affecting disabled persons' access to justice. While safeguards in proportion to the degree of disability should be provided for persons with psychosocial or intellectual disabilities, the foremost aim of article 12, namely, the achievement of equal recognition of all persons with disabilities before the law, must be borne in mind. In addition to legal measures, steps should be taken within the legal system itself, such as the provision of training for judges and law enforcement personnel in the area of reasonable accommodation, in order to improve disabled persons' access to justice. Responding to the Observer for the European Union, she said that, while several mechanisms were in place to promote the ratification of the Convention, the European Union was encouraged to draft and implement guidelines in accordance with that instrument as an example for countries outside that region.

62. The Convention must be implemented in a targeted manner through the harmonization of national legislation and development of public policies and related measures, with particular attention to the disproportionate impact of poverty on disabled persons. With respect to women with disabilities, a more holistic approach needed to be taken to address the specific challenges they faced at various stages of life. To that end, the Committee's draft general comment on article 6 of the Convention and relevant side events at the Conference of States Parties were important steps. Particular attention must be given to promoting the equality and potential of children with disabilities, of whom one in three lacked access to education, and to protect them against violations of their personal integrity. Inclusive education required the full and immediate implementation of reasonable accommodation measures, and much remained to be done to ensure that teachers were trained in appropriate methods of communication and were cognizant of the human rights challenges faced by children with disabilities. With regard to employment, special efforts must be undertaken to uphold the principle of equal pay for equal work.

63. To promote universal accession to the Convention, the Committee had held a public event to celebrate its 150th ratification and planned to use the upcoming International Day of Persons with Disabilities to call upon States that were not yet parties to ratify the Convention and its Optional Protocol. Those States would likewise be the target of a public campaign to encourage them to join the international consensus on the importance of the rights of persons with disabilities. The Committee's working methods stipulated a close collaboration with the Special Rapporteur on the rights of persons with disabilities, whose fieldwork, studies and attendance at Committee meetings were crucial contributions. Given the cross-cutting nature of disability, she welcomed further collaboration with other Special Rapporteurs as well.

64. While the Committee had received national reports from many countries of the South and provided technical assistance to those countries, notably fewer reports of human rights abuses had been received from citizens of those countries than from their northern counterparts. To that end, it was crucial for countries of the South to promote full citizen participation in both the implementation and the follow-up to the Convention and its Optional Protocol, which must be circulated broadly and in an accessible format. The Committee had also made specific recommendations to States Parties to ratify the Marrakesh Treaty.

65. As stipulated in article 31 of the Convention, the collection of statistics was key for the formulation of scientifically-based public policies and laws in the area of disability. The Committee had therefore underscored, both in its specific recommendations to Member States and in its proposals for the post-2015 agenda, the importance of collecting a broad range of disaggregated data.

66. Responding to the representative of Sierra Leone, she said that, just as the implementation of the Convention seemed an impossible goal for his country, so, too, had the adoption of that instrument once seemed unlikely to persons with disabilities. She encouraged Sierra Leone to focus on empowering civil society and to consult its neighbouring countries and international partners for further assistance in implementing the provisions of the Convention.

*The meeting rose at 12.30 p.m.*