**CRPD Committee Opening, 31 March 2014**

**11th session (31 March- 11 April)**

The CRPD Committee opened it 11th session on Monday 31 March 2014.**[[1]](#footnote--1)\***

Flavia Pansieri, OHCHR Deputy High Commissioner

Ms Pansieri formally opened the 11th session of the CRPD Committee. She provided information on the following developments:

* the post 2015 development agenda and set out the need to ensure that: first, the new goals, targets and indicators should be universal and inclusive; second, the focus should be placed on the elimination of barriers that hinder participation of persons with disabilities; and finally, persons with disabilities must be involved in the design and implementation of this sustainable development framework.
* the appointment of Lenin Moreno, in December 2013 as special envoy on disability and accessibility.
* the expiry of the mandate of the Special Rapporteur on Disability in December 2014 and consideration by the Human Rights Council of establishing a specific mandate related to persons with disabilities.
* the OHCHR thematic study on inclusive education that was presented at the 25th session of the Human Rights Council.
* OHCHR country level field presences are promoting the rights of persons with disabilities by increasing awareness of the importance of aligning national anti-discrimination legislation with the CRPD.
* the treaty body strengthening process and the conclusion of the intergovernmental process which led to a resolution which increased meeting time and resources for capacity building, drawing attention to the fact that the resolution requests the Secretary-General to ensure the progressive implementation of relevant accessibility standards and to provide reasonable accommodation for treaty body experts with disabilities.
* the participation of the Chair, Maria Soledad Cisternas Reyes, in the informal consultations of the treaty body chairpersons, which influenced the consultations and was an element that led to the positive decision. Ms Pansieri stressed the importance for the Committees to work together in order to be strong, and referred to the Dublin II consultations and the Poznan formula which captured the right balance between the autonomy and unity of the treaty body system. She concluded by stating that in her view the treaty bodies are increasingly moving as a unified system and have the ability as a system to improve their work but also to increase their independence.

Maria Soledad Cisternas Reyes, Chairperson of the Committee

The Chair welcomed everyone to the opening of the 11th session and highlighted that this session marked the Committee’s fifth anniversary. There have been 143 ratifications of States Parties and regional organisations and 80 ratifications to the Optional Protocol. She discussed the post 2015 agenda and the need for it to be human rights based, and she stressed importance on accessibility and full legal capacity as pillars contributing to better social development.

The Chair drew attention to the Conference of States Parties as a forum for exchange- in particular during the 6th session, a panel was held looking at the cross sectionality of work of the CRPD Committee and the Committee against Torture. Similarly, this year, a side event will be held on the cross sectionality of the CRPD and the CEDAW Conventions to address the intersections concerning the rights of women and girls with disabilities.

The Chair also referred to developments which have taken place intersessionally including activities by UNICEF and UN Women, and addressed challenges that the Committee is facing with the treaty body strengthening process, as well as the increased of sessional and pre-sessional weeks. The Chair proceeded to adopt the agenda for the 11th session as well as adopting the report on the 10th session.

Jorge Araya, Secretary of the CRPD Committee

Since September 2013, the following states have ratified the CRPD: Zimbabwe, Venezuela, Papua New Guinea, Kiribati, Tuvalu, Côte d’Ivoire, Japan, Andorra and Georgia. And Zimbabwe, Venezuela and Andorra have also ratified the Optional Protocol.

The Committee has received the following initial reports from 11 States Parties to the Convention: Gabon, Guatemala, Iran, Honduras, Bolivia, Canada, Luxembourg, Mauritius, Montenegro and Haiti. The number of reports including these 11 reports make a total of 59 reports; 49 of which are pending consideration and the Committee has considered 10 of those reports.

At the 10th session of the Committee, the Committee adopted a simplified reporting procedure. That simplified reporting procedure has been made available to the ten states that have already had their initial reports reviewed, they are: Spain, Tunisia, Peru, Argentina, Hungary, Paraguay, Austria, Australia and El Salvador. This simplified reporting procedure will be made operational as of 2016.

Lenin Moreno, Special Envoy on Disability and Accessibility

Mr Moreno’s statement was read by the Committee secretary; he apologised for not being present at the 11th session of the CRPD Committee. He expressed his commitment to provide all possible support to the work carried out by the Committee to promote and protect the rights of persons with disabilities and their families. Mr Moreno explained that his mandate will focus on contributing to the efforts of UN system to ensure that initiatives that are undertaken culminate in policies that meet the needs of the persons with disabilities. His work plan will compromise three specific areas; international management which involves promoting the social inclusion of persons with disabilities through the ratification and implementation of the Convention and its Optional Protocol; science and technology by encouraging the scientific community to engage and to assume their social responsibilities in order to increase accessibility and inclusion for persons with disabilities; and communication and culture to promote accessibility, including access to information and culture.

Shuaib Chalklen, Special Rapporteur on Disability

Mr Chalken’s statement was read out by the Committee secretary; he apologised for not being present at the 11th session. He mentioned that he intends to visit Egypt, Kazakhstan and Canada in the next months for the purposes of monitoring the implementation of the Convention. He highlighted that there is a lack of clarity on the implementation of Article 33 and its full implementation and asked the Committee to raise this issue among States Parties as the provision is vital to the full implementation of the Convention.

**Statements from UN bodies, specialised agencies and civil society**

Krista Orama, Office of the High Commissioner for Human Rights

Emerging from the outcome document of the High Level Meeting on Disability and Development, Ms Orama elaborated upon two specific tracks of OHCHR’s current work: 1) ensuring that the post 2015 development framework is targeted towards reducing inequality and discrimination; and 2) ensuring inclusive quality education and life long learning which manifested in inclusive education being the subject of the OHCHR’s latest thematic study to the Human Rights Council as well as the annual interactive debate on the rights of persons with disabilities which took place in the context of the Human Rights Council’s 25th session. Ms Orama also referred to the accessibility improvements within the UN to ensure coordinated and efficient work on the rights of persons with disabilities. She specifically mentioned the work on accessibility made by the Human Rights Council and the UN in Geneva.

Paolo Lanteri, World Intellectual Property Organization (WIPO)

Mr Lanteri shared an update on the progress towards implementing the Marrakech Treaty, adopted in June 2013. He mentioned that WIPO is undertaking significant efforts to support ratification and then to enforce the treaty. Many governments have indicated an interest in ratifying the treaty and others may require some amendments to their national copyright laws in order to implement the instrument. Today 60 States have signed the Marrakech Treaty. He explained that WIPO has a parallel initiative to the Marrakesh Treaty: a Stakeholders’ Platform which is an alliance of key stakeholders such as the World Blind Union, DAISY consortium, and other representatives of the rights-holder community. The Stakeholders' Platform supports the objectives of the Marrakech Treaty through serving persons who are visually impaired in developing and less developed countries, including through the production and distribution of educational materials in accessible formats in national languages. WIPO is also preparing a landscape report on assistive devices and technologies for visually and hearing impaired persons, which will be released this year. The WIPO’s Standing Committee on Copyright and Related Rights has also instructed the Secretariat to commission a study on other disabilities that are the subject of copyright limitations and exceptions in the laws of WIPO Member States.

Heidi-Maria Helenius, UNICEF

Ms Helenius addressed UNICEF’s specific work on the rights of children with disabilities within the focus areas of education, social inclusion and child protection. She highlighted that the global partnership on children with disabilities has generated considerable interest and provided a veritable platform for partners to come together and work on critical areas to impact the rights on children of disabilities. UNICEF has also been playing an active role in the UN Partnership on the Rights of Persons with Disabilities and also been mainstreaming disability in other forums. Some examples of UNICEF work on disability mainstreaming include the development of inclusive education policies; the UNICEF headquarter has developed technical guidance on improving education management systems and UNICEF is developing a survey on measuring environmental factors and an expert consultation on the assessment of disability was held in January. UNICEF is also involved in the post 2015 agenda and working with partners to ensure that issues of children with disabilities are high up in the discussions. UNICEF has also collaborated with OHCHR to develop goals and targets on inclusive education.

José Díaz Batanero, International Telecommunication Union

Mr Diaz reiterated the commitment of the ITU to defend the rights of persons with disabilities and the work of the CRPD Committee. He highlighted some of the activities that they have done in the last year: ITU established a new Rapporteur group to advance the standardization of audio-visual accessibility; and are working on a project to make the 2016 Paralympic Games fully accessible through a digital TV services. ITU has also advanced in making the organisation more accessible establishing an annual accessibility plan. Mr Díaz highlighted some of the challenges that are still pending, in particular, access to ICTs remains unequal, access to assistive technologies is still expensive in many areas. Moreover, there are many key elements that have to be addressed: capacity building, public awareness, and standardization. Finally, Mr Díaz informed that in October 2014, ITU will hold a conference to review their plan and to define their key priorities for the next four years. The conference will be open to statements and proposals from Member States but also from bodies such as the Committee.

[International Disability Alliance](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/IDA%20statement%2011th%20session.final.doc)

A statement was made excusing Yannis Vardakastanis, IDA Chair, who regretted not to be able to make it to the session. The following issues were raised :

* IDA continues to engage in advocacy to ensure an inclusive post 2015 development framework including in the negotiations of the Sustainable Development Goals (SDGs). In this context, IDA hosted a conference in Kenya in March 2014 to deepen the dialogue amongst national, regional and global DPOs, and stakeholders, in order to strengthen advocacy for inclusive development. The conference concluded with the adoption of the Nairobi Declaration, which calls to prioritise persons with disabilities when designing the post-2015 development goals and places a particular emphasis on the diversity of contexts in Africa. IDA called on the Committee to make use of it as a tool in the context of state reviews and other activities such as the elaboration of General Comments.
* IDA welcomed the expiry of the mandate of the Special Rapporteur on Disability under the Commission on Social Development and indicated to the Committee that it will advocate for the establishment of a new Special Rapporteur on the Rights of Persons with Disabilities to join the UN human rights family under the Human Rights Council.
* IDA welcomed the Committee’s draft General Comments on Articles 12 and 9 and the public readings of both texts. IDA expressed appreciation for the Committee’s participatory process and urged the Committee to remain unwavering when it comes to securing the spirit and letter of the Convention, in particular regarding the text on Article 12 in light of several submissions which depart from the Committee’s established jurisprudence. IDA’s submission on the draft GC on Article 9 called for increased attention to accessibility as a key development issue for persons with disabilities; need for greater attention to gender and child dimensions of accessibility, as well as on ICTs, and suggested the Committee sustain a concrete call on States Parties to adopt an accessibility action plan and ensure they are a permanent feature of their reporting obligations
* IDA welcomed the Committee’s draft guidelines on participation and called for further criteria to be considered in the identification of DPOs including: the role of disabled persons in organisations as well as more detailed criteria on the representative nature of the organisation in order to lend to discerning the legitimacy and accountability of DPOs.
* IDA expressed concern that national sign language interpretation will not be made available during the review of Azerbaijan despite the Committee’s entitlement to it, and concluded by reminding the members of the country specific side events taking place during the week, as well as IDA’s live webcasting of public meetings.

[Tina Minkowitz, World Network of Users and Survivors of Psychiatry](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/WNUSP%20CRPD%20opening%2011th%20session.final.docx)

Ms Minkowitz thanked the Committee for their work on the draft general comment on Article 12; WNUSP supported the Committee’s interpretation therein as it is in line with the negotiating history, and upholds the purpose and principles of the CRPD. WNUSP highlighted that in its submission to the Committee, it proposed a limited number of changes to strengthen the General Comment while maintaining the Committee’s overall approach, in particular to clarify that functional and outcome-based approaches to legal capacity always violate Article 12, and to ensure that the detailed guidance on implementation is grounded in an inclusive regime of legal capacity that respects decisions made by persons with disabilities and provides for the full range of support options. A side event on legal capacity will be held by WNUSP on the morning of April 8 to present WNUSP’s proposal, reflect on other submissions, and share a national experience with law reform from Peru. WNUSP also prepared an illustrative text based on its submission which can be shared with Committee members.

WNUSP also welcomed the Committee’s Concluding Observations on Article 14 which sets out that no one may be detained in any kind of mental health facility and that deprivation of liberty based on a prediction of harm to the person or to others conflicts with Article 14 and constitutes deprivation of liberty based on an actual or perceived disability, and that legal provisions authorising inpatient and outpatient commitment or any forced psychiatric interventions must be repealed. With respect to Article 13, WNUSP commended the Committee’s approach in the Concluding Observations to prohibit the use of diversion programs that transfer individuals from criminal proceedings to psychiatric commitment regimes or require the individual to undergo non-consensual mental health services. WNUSP called on the Committee to make this standard known to the Intergovernmental Expert Group revising the Standard Minimum Rules on the Treatment of Prisoners, as it is directly on point for the revision of contrary rules in that outdated document.

Information was also shared with the Committee on developments made within the Human Rights Committee regarding harmonizing its standards with a higher degree of human rights protection in the CRPD. WNUSP drew attention to the HRCttee’s progressive movement as evidenced by the Concluding Observations on the United States recommending that non-consensual medication, electroshock and other restrictive and coercive practices in mental health services should be “generally prohibited,” and shared its view that it is evident that the Human Rights Committee is struggling with the new paradigm, and that the work of both WNUSP members and the CRPD Committee is having a discernible impact. WNUSP encouraged the Committee to keep up its outreach to the Human Rights Committee in particular regarding the draft General Comment on Article 9 of the Covenant, as well as to other treaty bodies and Special Procedures, in particular the CAT Committee whose standards persist to support mental health and non consensual interventions contrary to the CRPD. Finally, WNUSP called the Committee’s attention to its comments on the Committee’s draft guidelines for participation of DPOs, CSOs and NHRIs, regarding the communications procedure and the definition of DPOs.

[Joseph Murray, World Federation of the Deaf](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/wfd%20statement%20crpd%2011th.final.doc)

Dr Murray highlighted that the CRPD is an important tool for deaf persons yet the fact remains that only 15 out of the 143 States Parties have made sign language translations of the text available online which means that in 90% of the countries that ratified the Convention the CRPD, it is not accessible in sign language. Dr Murray informed the Committee of WFD’s activities, including human rights training for deaf leaders in El Salvador and Azerbaijan in sign language to support them to become aware of the CRPD permitting them to participate in national disability movements on a more equal basis.

WFD commended the Committee’s work to promote the inclusion of deaf students in education by ensuring that teachers of deaf students have adequate sign language skills in order to make it possible for deaf students to communicate freely with teachers, and others in sign language without using a sign language interpreter. Dr Murray also expressed concerns about the number of countries which are taking instructions from medical authorities in relation to the education of deaf children, because they are not experts in educational pedagogy and which is not in accordance with the spirit or best practice of Article 24 of the CRPD. Deaf children and their families should be given full and neutral information, based on research, that shows the necessity and benefits of multilingual education in sign language for deaf children’s full academic and social development.

On accessibility, while WFD commended the Committee’s practice of provision of captioning and International Sign interpretation of the public meetings, it called on the Committee to also extend these provisions to private meetings and to address the current unequal situation where national sign language interpretation is provided only if official spoken language of a country during review is one of UN official languages. WFD encouraged the Committee to consider expanding the provision of national sign language interpretation to cover all countries regardless whether their official languages align with UN official languages or not as means of making your sessions fully accessible for the deaf community.

[Jolijn Santegoeds, Mind Rights & European Network of Users and Survivors of Psychiatry](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/ENUSP%20opening%20statement%2011th%20session.doc)

Ms Santegoeds informed the Committee that in the Netherlands, Mind Rights has developed an alternative model to avoid forced psychiatric interventions, based on Family Group Conferencing, which is one possible model of supported decision-making. This pilot project is being expanded to a European level. At a European level, ENUSP notified that the implementation of the CRPD is not all running smooth at all levels, such as in the framework of the Council of Europe: on 11 March 2014, the Bureau of the Committee on Bioethics of the Council of Europe held a meeting in Paris with the drafting group for the preparation of an Additional Protocol on the Protection of Human Rights and Dignity of Persons with Mental Disorder with regard to Involuntary Treatment and Involuntary Placement. This new draft protocol is contrary to the CRPD. Last week ENUSP sent a letter to oppose this and ENUSP urged the Committee to actively engage in this process and to send a strong message to the Council of Europe.

Thomas Huck, Swedish organisation

Mr Huck declared that there is room for improvement in Sweden with regard to people with disabilities and their support needs; there are private care providers, however persons with disabilities cannot choose care providers and where and with whom to live.

Anna Lachowska, Disability Council International

The representative informed the Committee of follow up activities – in El Salvador with one DPO, DCI developed a project to establish a sign language training centre, as well as actions in Paraguay. DCI informed the Committee that it continues to make submissions on country reports and congratulated the Chair for the opening of the 11th session.

[Shantha Rau Barriga, Human Rights Watch](http://www.internationaldisabilityalliance.org/sites/disalliance.e-presentaciones.net/files/public/files/CRPDCommittee_HRWopeningStatement_April2014%20%281%29.docx)

Human Rights Watch aligned itself with the statement of the International Disability Alliance. Ms Rau Barriga informed the Committee that HRW have established a formal division on disability rights and have a dedicated team working on documenting the situation of people with disabilities around the world. HRW had documented the lack of accessibility in a number of Russian cities in the lead up to the Sochi Olympics and para-Olympics Games, abuse against persons with mental disabilities in Ghana, violence against women and girls with psychosocial or intellectual disabilities in India, and barriers in accessing HIV education, testing and treatment in Zambia. In the coming year, HRW will be working on documenting challenges experienced by refugees with disabilities in the Syrian conflict, as well as the situation of children with disabilities in Russian orphanages. HRW welcomed the Committee’s draft general comments and in particular called on the Committee to provide specific guidelines on the implementation of supported decision-making frameworks with particular attention to people with high level of support needs, as well as on mechanisms that satisfy the requirements under Article 12(3).

The 11th session opening was webcast live in [English](http://www.treatybodywebcast.org/crpd-session-11-public-opening-english-audio/) and [Spanish & International Sign interpretation](http://www.treatybodywebcast.org/crpd-11-opening-sign-interpretation-and-spanish-audio/).

1. \* This summary compilation is provided by the IDA secretariat and is not an official record of the proceedings. The public opening was webcast live with English and Spanish audio and international sign interpretation. The videos have been archived in [English](http://www.treatybodywebcast.org/crpd-session-11-public-opening-english-audio/) and [Spanish & international sign](http://www.treatybodywebcast.org/crpd-11-opening-sign-interpretation-and-spanish-audio/) [↑](#footnote-ref--1)