



## Convention on the Rights of Persons with Disabilities

Distr.: General  
18 May 2016

Original: English

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### Committee on the Rights of Persons with Disabilities

#### **Report of the Committee on the Rights of Persons with Disabilities on its fifteenth session (29 March-21 April 2016)**

#### **I. States parties to the Convention and the Optional Protocol thereto**

1. As at 21 April 2016, the date on which the fifteenth session closed, there were 162 States parties to the Convention on the Rights of Persons with Disabilities and 88 States parties to the Optional Protocol thereto. The lists of States parties to these instruments are available on the website of the Office of Legal Affairs of the Secretariat.

#### **II. Opening of the fifteenth session of the Committee**

2. The fifteenth session opened in a public meeting with welcoming remarks by the Chair of the Committee. The opening statement of the Office of the United Nations High Commissioner for Human Rights (OHCHR) was delivered by the Chief of the Groups in Focus Section of the Human Rights Treaties Division and is available on the Committee's website.

3. The Committee reviewed and adopted the provisional agenda and tentative programme of work for the fifteenth session (CRPD/C/15/1).

#### **III. Membership of the Committee**

4. The list of members of the Committee as at 21 April 2016, indicating the duration of their terms of office, is available on the Committee's website.

#### **IV. Working methods**

5. The Committee discussed various issues related to its working methods and adopted the decisions contained in the annex to the present report.



## V. Activities related to general comments

6. The Committee considered the report of its working group on women and girls with disabilities and further discussed draft general comment No. 3 on women with disabilities.

7. The Committee further discussed draft general comment No. 4 on the right to inclusive education.

8. The Committee held a day of general discussion on the right of persons with disabilities to live independently and be included in the community. It featured three panel discussions. The first was on independent living schemes, and looked at autonomy, self-determination and personal choice in law, policies and programmes. The second was on diversity and the delivery of services and the financial dimension for effective implementation of article 19. The third was on deinstitutionalization and community-based services.

## VI. Activities related to the Optional Protocol

9. On 1 April 2016, the Committee examined communications Nos. 11/2013 (*Beasley v. Australia*) and 13/2013 (*Lockrey v. Australia*). Ms. Beasley was called up for jury duty in New South Wales in November 2012 and informed the body that oversees the functioning of the courts, the Office of the Sheriff of New South Wales, that she would need Australian Sign Language interpreting. Mr. Lockrey was called up three times in 2012 and told officials that he would need real-time stenocaptioning. The Sheriff's Office informed both of them that support could not be provided as it would undermine confidentiality by introducing a non-jury person into the jury deliberation room. Mr. Lockrey was also warned that he would be fined if he did not attend jury service.

10. The Committee noted the State party's argument that providing Australian Sign Language interpreters or stenocaptioning affected the complexity, cost and duration of trials, but that the State party had not provided any data or analysis to demonstrate that this would constitute a disproportionate or undue burden. The Committee also noted that the State party had not provided any argument to show that no adjustment could be made to enable the Australian Sign Language interpreter (or the person assisting with stenocaptioning) to perform his or her functions without affecting the confidentiality of the deliberations of the jury, such as a special oath before a court.

11. In both cases, the Committee found that the State party had violated the rights of the authors under article 5 (1) and (3); article 9 (1); article 21 (b), read alone and in conjunction with articles 2, 4 and 5 (1) and (3); and article 13 (1), read alone and in conjunction with articles 3, 5 (1) and 29 (b), of the Convention. While accepting that States parties had a certain margin of appreciation when assessing the reasonableness and proportionality of accommodation measures, the Committee recommended that every time a person with disabilities is called up for jury duty, a thorough, objective and comprehensive assessment of his or her request for adjustment be carried out before reaching a conclusion that the respective support and adaptation measures would constitute a disproportionate or undue burden for the State party.

12. On 20 April 2016, the Special Rapporteur on new communications presented the note by the Secretary-General on new communications. The note describes the communications submitted to the Committee between its fourteenth and fifteenth sessions and analyses their main characteristics and tendencies, as well as the status of all the communications received since the entry into force of the Optional Protocol. The Special Rapporteur for follow-up on Views also presented a report to the plenary meeting. The Committee decided that the follow-up procedure should be maintained for all the Views to

which it is currently being applied (namely communication No. 1/2010, *Nyusti and Takács v. Hungary*; communication No. 4/2011, *Bujdosó et al. v. Hungary*; and communication No. 21/2014, *F. v. Austria*).

13. The Committee considered matters related to inquiry proceedings pursuant to articles 6 and 7 of the Optional Protocol.

## **VII. Other decisions**

14. The Committee adopted the present report on its fifteenth session.

15. The full list of the decisions adopted by the Committee is available in the annex to the present report.

## **VIII. Future sessions**

16. The sixteenth session of the Committee is scheduled to be held from 15 August to 2 September 2016 and will be followed by the sixth meeting of the pre-sessional working group, from 5 to 9 September 2016.

## **IX. Accessibility of the Committee's meetings**

17. Captioning was provided by the United Nations in all public meetings and was facilitated, in some private meetings, by disabled persons' organizations. International Sign interpretation was provided during public meetings. National sign language interpretation was provided during the dialogues with two States parties to the Convention.

## **X. Cooperation with relevant bodies**

### **A. Cooperation with United Nations organs and specialized agencies**

18. At the opening meeting of the session, representatives of the following United Nations agencies, departments and programmes made statements: the Office of the United Nations High Commissioner for Refugees, in its capacity as Chair of the Inter-Agency Support Group on the Convention on the Rights of Persons with Disabilities, the Office of the High Commissioner for Human Rights, the United Nations Children's Fund, the World Intellectual Property Organization, the International Telecommunication Union, the World Health Organization, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Office for Disaster Risk Reduction.

19. The Committee met with the Special Rapporteur on the rights of persons with disabilities to discuss matters relating to coordination of the mandate of the Special Rapporteur with that of the Committee.

20. The Committee met with the Chair of the Human Rights Council's Task Force on Accessibility to discuss the way forward in promoting accessibility across the United Nations.

### **B. Cooperation with non-governmental organizations and other bodies**

21. The Committee was addressed by representatives of the International Disability Alliance; the International Disability and Development Consortium; the Centre for the

Human Rights of Users and Survivors of Psychiatry; the University of Essex; the European Network of National Human Rights Institutions; the European Network on Independent Living; the Mental Disability Advocacy Centre; Human Rights Watch; Mental Health Uganda; the Slovak Disability Council; the National Mechanism for the Prevention of Torture, of Serbia; Handicap International; the National University of Ireland, Galway; Autistic Minority International; and disabled persons' organizations of the countries considered by the Committee during the session.

22. The Committee interacted with the following national human rights institutions, which made opening and/or concluding remarks during the dialogue between the Committee and States parties: the National Human Rights Commission (Thailand), the National Human Rights Institute (Chile), the Protector of Citizens (Serbia) and the Uganda Human Rights Commission.

## **XI. Consideration of reports submitted in accordance with article 35 of the Convention**

23. The Committee considered the initial reports of Chile (CRPD/C/CHL/1), Lithuania (CRPD/C/LTU/1), Portugal (CRPD/C/PRT/1), Serbia (CRPD/C/SRB/1), Slovakia (CRPD/C/SVK/1), Thailand (CRPD/C/THA/1) and Uganda (CRPD/C/UGA/1). The Committee adopted concluding observations on those reports, which are available from the Committee's website. The Committee adopted lists of issues in relation to the initial reports of the Plurinational State of Bolivia (CRPD/C/BOL/Q/1) and Guatemala (CRPD/C/GTM/Q/1).

## **XII. Conference of States parties to the Convention**

24. The Committee confirmed that it would be represented at the ninth conference of States parties by its Chair and one Vice-Chair.

## **XIII. Tenth anniversary of the Convention on the Rights of Persons with Disabilities**

25. The Committee held a public event on 19 April 2016 to celebrate the tenth anniversary of the Convention on the Rights of Persons with Disabilities. Statements were delivered by the Chief of the Human Rights and Economic and Social Issues Section, Research and Right to Development Division, OHCHR; the Permanent Representative of Mexico to the United Nations Office and other international organizations in Geneva; the Deputy Permanent Representative of New Zealand to the United Nations Office and other international organizations in Geneva; a Vice-Chair of the Committee; and a representative of the International Disability Alliance. A recorded message from the Chair of the Bureau of the Conference of States parties to the Convention on the Rights of Persons with Disabilities was projected. Persons with disabilities made statements about the impact of the Convention on their lives.

26. On 19 April 2016, the Special Envoy of the Secretary-General on Disability and Accessibility, the Special Rapporteur on the rights of persons with disabilities, the Committee on the Rights of Persons with Disabilities and the International Disability Alliance launched an online campaign for universal ratification of the Convention.

## Annex

### Decisions adopted by the Committee during its fifteenth session

1. The Committee adopted concluding observations in relation to the initial reports of the following countries: Chile (CRPD/C/CHL/CO/1), Lithuania (CRPD/C/LTU/CO/1), Portugal (CRPD/C/PRT/CO/1), Serbia (CRPD/C/SRB/CO/1), Slovakia (CRPD/C/SVK/CO/1), Thailand (CRPD/C/THA/CO/1) and Uganda (CRPD/C/UGA/CO/1).
  2. The Committee adopted Views on communication No. 11/2013, *Beasley v. Australia*, and on communication No. 13/2013, *Lockrey v. Australia*. It also adopted the note by the Secretary-General on submissions received between the fourteenth and fifteenth sessions, and its interim follow-up report with regard to Views under the Optional Protocol.
  3. The Committee considered matters related to its inquiry procedure pursuant to articles 6 and 7 of the Optional Protocol. The Committee decided to establish a second inquiry.
  4. The Committee decided that its sixteenth session would be held from 15 August to 2 September 2016 and would be followed by the sixth meeting of the pre-sessional working group, from 5 to 9 September 2016.
  5. With regard to countries to be considered at its sixteenth session and country rapporteurs, the Committee decided to consider the Plurinational State of Bolivia (Silvia Quan), Colombia (Silvia Quan), Ethiopia (Martin Babu Mwesigwa), Guatemala (Ana Peláez Narváez), Italy (Diane Kingston), United Arab Emirates (Mohammed Al-Tarawneh) and Uruguay (Carlos Parra). It also decided to adopt lists of issues in relation to Armenia, Bosnia and Herzegovina, Canada, Cyprus, Honduras, the Islamic Republic of Iran, and Jordan.
  6. The Committee adopted draft guidelines on the establishment of independent monitoring frameworks and their participation in the work of the Committee, and decided to open a consultation process on the draft guidelines with a broad range of stakeholders.
  7. The Committee adopted draft guidelines on periodic reporting (simplified reporting procedure) and decided to open a consultation process on the draft guidelines with a broad range of stakeholders.
  8. The Committee adopted the present report on its fifteenth session.
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