



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities Twelfth session

#### Summary record of the 148th meeting

Held at the Palais Wilson, Geneva, on Thursday, 18 September 2014, at 10 a.m.

*Chairperson:* Ms. Cisternas Reyes

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*The meeting was called to order at 10 a.m.*

**Consideration of reports submitted by States parties under article 35 of the Convention** (*continued*)

*Initial report of the Republic of Korea* (continued) (CRPD/C/KOR/1; CRPD/C/KOR/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Republic of Korea took places at the Committee table.*

*Articles 11–20*

2. **Mr. Yun** Hyun-duck (Republic of Korea), replying to questions posed at the previous meeting, said that the decisions taken by the Policy Coordination Committee for Disabled Persons were reported in press releases. The Committee developed annual implementation plans for policies addressing persons with disabilities, evaluated their progress and monitored the implementation of the Convention. The staffing needs of the National Human Rights Commission would be reviewed.
3. The National Human Rights Commission collected statistics on complaints relating to disability rights, which were published each month. The courts did not collect separate data on cases relating to disability, but official statistics existed on the number of habeas corpus and adult guardianship cases, the appointment of public defenders for deaf persons and on cases involving persons with psychosocial disabilities, as well as on the number of cases brought under the act on the prevention of discrimination against persons with disabilities. Compensation had been granted in a number of cases in which the act and the Convention had been invoked.
4. **Ms. Kang** Mi-young (Republic of Korea) said the Government had found that many of the provisions of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled were already being implemented in the Republic of Korea. It would continue to review the treaty and make the necessary legislative reforms.
5. **Mr. Lee** Jung-kyu (Republic of Korea) said that bringing the bill to amend the Mental Health Act into line with article 14 of the Convention would require a total overhaul of the system. The Government believed that involuntary hospitalization was necessary when patients represented a danger to themselves or others; accordingly, that measure was still provided for in the bill. Efforts were being made to devise a mechanism allowing the authorities to intervene in cases of involuntary hospitalization, if necessary. The bill introduced a requirement for patients' informed consent to hospitalization, but a guardian could give consent if a patient lacked the necessary decision-making capacity.
6. Mental health institutions were required to install National Human Rights Commission petition boxes and public telephones. A mental health review board examined how to improve the treatment of persons with psychosocial disabilities in such institutions and staff received human rights training. Checks would be carried out at institutions by the Ministry of Justice following amendments to the legislation on habeas corpus.
7. There were approximately 200 mental health centres in the State party caring for persons with severe and chronic psychosocial disabilities in order to prevent their prolonged hospitalization and re-hospitalization. Furthermore, the bill to amend the Mental Health Act provided for accommodation and social adaptation training for patients after discharge.
8. Legislation that discriminated against persons with psychosocial disabilities would be analysed and amended. Regarding the prevention of suicide among girls with disabilities,

the bill to amend the Mental Health Act provided for mental health services at all stages of life cycle; the measures envisaged would reduce anxiety, stress, depression and other mental health issues.

9. **Mr. Yun** Hyun-duck (Republic of Korea) said that the Personal Assistant Service supported persons with severe disabilities so that they could live independently and participate in society. Recipients received an average of 120 hours' assistance per month, while those who lived alone received 391 hours. Persons recently discharged from institutions received an additional 20 hours' assistance during the first six months to aid their transition.

10. The independence of persons with disabilities was supported regardless of where they lived or their type of disability. The Government promoted deinstitutionalization and encouraged persons with disabilities to live in the community and had established independent living centres offering peer counselling, advocacy and independent living skills training. Information on employment, home renovations and activity assistance also facilitated independent life. Although redirecting resources intended for residential facilities to other services was difficult, the number of such facilities was being reduced and shared living facilities were being constructed.

11. The right to protection from forced labour applied to all and was enshrined in domestic legislation. The perpetrators of the exploitation of persons with disabilities on salt farms in Sinan County were facing civil and criminal charges, and the victims were being housed in facilities for homeless persons and persons with disabilities. They would be registered as disabled to ensure their access to public services. Various steps were being taken to strengthen human rights protection for persons with disabilities. For example, the scope of the provisions on mandatory reporting of abuse of persons with disabilities was being broadened and specific obligations were being established for heads of local governments regarding the protection of persons with disabilities.

12. Legislative reform had allowed foreigners to register as persons with disabilities and thus to receive services and benefits, including reductions in health insurance premiums and income tax. Concerning multiple discrimination, the anti-discrimination act applied if disability was the main ground for discrimination, but protection was also afforded by other laws and regulations.

13. The Government was endeavouring to improve Internet accessibility for all persons with disabilities, and the websites of public and private bodies were monitored for compliance with information accessibility standards. The main problem was content, rather than technical accessibility, and the Government would ensure that the content of websites used by persons with developmental disabilities was presented in a manner easily understood by them.

14. The forced sterilization of any woman in the State party was a criminal act; there were no exceptions and there had been no reported cases.

15. The Government had begun to implement disability-inclusive official development assistance projects and to examine how persons with disabilities could participate in planning and evaluating such assistance. The Republic of Korea had yet to implement a disability-inclusive disaster prevention system at the national level, but one would be implemented in the future. Building design standards at disability welfare centres had been examined and an evacuation simulation programme had been used to evaluate evacuation plans for six different types of disability. Subsequently, an evacuation manual had been developed for the first time for persons with physical disabilities at residential facilities. A manual for other types of disability was being drafted. Lastly, consultations and seminars had taken place to raise awareness of support for persons with disabilities in the justice system.

16. **Ms. Cha Yu-jin** (Republic of Korea) said that, under the new adult guardianship system, the right to exercise legal capacity was limited rather than entirely removed. Persons with certain developmental disabilities could thus file lawsuits without having a proxy, and the opinions of persons with developmental and psychosocial disabilities were heard during the adjudication processes. Other systems were in place for persons with no decision-making capacity. Under criminal law, persons who lacked decision-making capacity because of a physical or psychosocial disability were not subject to punishment, and punishment was reduced if that capacity was weak. The court appointed public counsel for such persons if required and they could be accompanied by a trusted person.

17. The definition of torture found in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was not incorporated in criminal legislation in the Republic of Korea, but all forms of torture were criminalized and punished. An act on implementation of the Rome Statute of the International Criminal Court had been promulgated in 2007. Cases of torture were investigated thoroughly, perpetrators punished and victims compensated. To prevent torture, law enforcement officials received intensive human rights education and the Government was reviewing domestic legislation to align it with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment with a view to ratification of that instrument.

18. Efforts were being made to tackle the difficult task of establishing a universal birth registration system. Fines were imposed if births were not registered within one month. Migrant children with disabilities could be registered at the embassy of their State of nationality, and arrangements were likewise in place for refugees and asylum seekers. The purpose of the Immigration Control Act was to ensure the safety of persons with psychosocial disabilities. The Act required them to be accompanied during their stay; they were not banned from entering the country and the measure did not constitute discrimination.

19. **Ms. Noh Seon-ok** (Republic of Korea) said that, under the Act on Special Education for Persons with Disabilities, education was tailored to the needs of students with disabilities, with the participation of parents and steering committees in each school. Individualized content, textbooks and curricula were made available, along with assistive services and technologies. In addition, teachers received training on the revised education curriculum and advice on teaching students with disabilities. More work in that regard would be done in future.

20. Violence against students with disabilities occurred because the perpetrators did not fully understand the importance of respecting their classmates' human rights. Accordingly, students with disabilities took part in programmes to enable them to defend their rights while their non-disabled peers received human rights education; textbooks on the subject were being developed. The problem was addressed in the current five-year plan for special education, which provided for human rights monitoring in schools and prompt responses in case of violations. Human rights monitors were employed in 190 special educational support centres and a survey on the human rights of students with disabilities was being conducted, the results of which would allow the Government to provide the necessary support.

#### *Articles 21–33*

21. **Ms. Degener**, noting the low number of projects promoting independent living and the fact that deinstitutionalization was hindered by the high cost to families and the opposition of institution owners, asked how the Government was addressing those obstacles. She wished to know how the Government supported women with disabilities in their role as mothers, how a positive image of mothers with disabilities was promoted, what training and

awareness-raising measures among health professionals were undertaken to eliminate negative stereotypes, and how the forced sterilization of women with disabilities, including with the consent of a third party, would be eradicated. Lastly, she enquired whether the legal provision restricting the right to vote of disabled people under guardianship would be amended to bring the relevant legislation into line with article 29 of the Convention.

22. **Mr. McCallum** noted that, despite the admirable initiatives taken to help persons with disabilities gain employment, only 36 per cent of such persons had entered the labour market in the Republic of Korea, as opposed to 60 per cent of the population at large. Quotas for the employment of persons with disabilities were in place, but it was not entirely clear whether those quotas were working in the private sector. In most of the countries he had visited, quotas had not seemed to be working or jobs had been created only on paper. For that reason, it was important to examine whether the quotas were succeeding and, at the same time, to establish other programmes to encourage the employment of persons with disabilities.

23. **Mr. Ríos Espinosa** said it struck him as slightly odd that, under the State party's criminal law, offenders with certain disabilities were not subject to punishment. He wished to know what measures were taken if indeed sentences were not imposed and what safeguards were in place to ensure that any such measures were not abusive.

24. **Ms. Mulligan** said it was her understanding that, under the Welfare of Disabled Persons Act, persons with psychosocial disabilities were not entitled to the social services ordinarily provided to persons with disabilities. She enquired what measures the Government intended to take to rectify that situation. Regarding statistics and data collection, she would welcome additional information on the methods that enabled persons with disabilities to take part in the disability-related surveys mentioned by the State party in its report (CRPD/C/KOR/1). Details on the range of formats in which data and statistics were available to persons with disabilities would also be appreciated, as would an update on the collection of data by individual ministries and public organizations. Lastly, while the State party was to be commended on its international cooperation efforts and its promotion of international aid for persons with disabilities, it must provide specifics on the implementation of the Millennium Development Goals and the post-2015 development framework.

25. **Ms. Quan-Chang**, reverting to the issue of birth registration, expressed concern that the 30-day period for registering births might allow parents to avoid registering a newborn or to mask its true identity. Such chicanery could account for the large percentage of adopted newborns with impairments. In that regard, she asked whether the State party was planning to change its birth registration system to make registration immediate. Concerning social protection, she noted that a medical assessment determined eligibility for the benefits granted to those persons with disabilities who were unable to work. A medical assessment, however, did not always reflect a person's ability to work, and as a result there was a discrepancy between the purpose of the benefit payments and the method of awarding them. Had the State party any plans to bring the arrangements more closely into line with articles 27 and 28 of the Convention?

26. **Ms. Peláez Narváez** said that the highly competitive education system of the Republic of Korea had a direct impact on children with disabilities. In general, it generated a good deal of stress, and it frequently led to mental illness. Suicide was not uncommon. She asked what measures the State party was taking in respect of students' mental health and what specific support services it offered to enable students subject to high levels of stress or with suicidal tendencies to deal with the adverse circumstances they were facing. She also wished to know what help was available to ensure that the demanding educational environment did not cause children with disabilities to drop out of school. As had already been mentioned, school attendance rates for girls with disabilities were lower than those for

boys. Was anything being done to ensure that girls with disabilities enjoyed the right to education on an equal basis with boys?

27. **Ms. Pavey** said she was pleased to note that the disability rating system would be revised to take social factors into account. Too often, medical scoring systems seemed designed to prevent people from enjoying their rights. In moving to a social model for assessing disabilities, the Republic of Korea was setting an example for many other countries, including her own. The country's efforts to cooperate internationally were also commendable. Nonetheless, she wondered why the State party's report made no mention of any contributions the country had made to improving the lot of people in post-conflict situations. In view of the tragic recent history of the Republic of Korea, it was a striking omission, and she wished to know whether the Government was doing anything for displaced persons with disabilities in post-conflict areas. Lastly, she urged the Government to proceed with the recognition of sign language as an official language.

28. **Mr. Langvad** said that for persons with disabilities in the Republic of Korea the future certainly looked rosy. It was very likely to be better than the past. That persons with psychosocial disabilities were not authorized to enter the country, regardless of the purpose of their visit, if they were not accompanied by an assistant was surprising, however; such a restriction could not be anything but discriminatory. It was important for persons with disabilities not to be considered financial burdens on their families, but it appeared that families in the Republic of Korea did not receive the support they needed to be able to care for children with disabilities at home. The resources provided to families seeking to adopt such children were much more generous. He therefore wished to know what initiatives were being taken to ensure that families, some of whose members were forced to leave the labour market, were sufficiently compensated for the extra costs of rearing children with disabilities at home. Equality for families was of primordial importance.

29. Since minimum wage laws did not apply to workers with disabilities, it was harder for them to be providers than it was for other members of their families. In that regard, he asked what steps were being taken to address wage inequalities experienced by persons with disabilities. He requested information concerning pay rates at sheltered workshops and enquired how many persons with disabilities had moved from sheltered employment to the open labour market in the past 5 to 10 years. Lastly, he asked what was being done to make sure that, either with income of their own or through other forms of compensation, all persons with disabilities were equal partners in the household enterprise.

30. **Ms. Maina** said that it was not entirely clear to her how the Government ensured that persons with disabilities enjoyed the right to inclusive education. Reports indicated that persons with disabilities were in mainstream education but that no reasonable accommodation had been provided in the classroom. In addition, teachers and other instructors did not have the skills to implement individualized education plans. If the problems were not addressed promptly, many children with disabilities would be compelled to forfeit their basic right to an education.

31. Access to health services was also critical. In at least one hospital, however, treatment practices had resulted in the deaths of several people with psychosocial disabilities. Moreover, it appeared that government officials had not visited institutions where other serious rights violations, including forced institutionalization, had taken place. She wished to know whether any visits had in fact been carried out and what measures had been taken to put an immediate stop to the inhumane treatment of persons with psychosocial disabilities. It was regrettable that the Government had not ratified the Optional Protocol to the Convention. Had it done so, the people of the Republic of Korea could have made use of the complaints mechanism that it provided for. She therefore urged the Government to make public its intentions. Did it plan to ratify the Optional Protocol, and if so, when?

32. Victims were often forgotten, and persons with disabilities were not victimized in institutions alone. Involuntary confinement took place in the home as well, and reports indicated that persons with disabilities had been pressed into slavery or otherwise exploited. In that connection, the delegation should explain further what action the Government had taken in the case of the labourers with intellectual disabilities who had been held in the country's salt pans, and what was being done to help others in similar plights.

33. **Mr. Babu** noted that the State party's report seemed to make no mention of HIV/AIDS; he wondered whether the omission was inadvertent. He asked what the prevalence and incidence of HIV/AIDS in the Republic of Korea was, to what extent persons with disabilities were beneficiaries of prevention, care and treatment services, and whether those services were accessible to people with disabilities.

34. According to the report, explicit measures to encourage the political participation of persons with disabilities had not been taken. As a result, their participation in the State's political processes was not significant and they were not well represented in elected bodies. Their ability to take part in decision-making was thus limited. Information on any action that was being taken to rectify the situation would be very welcome.

35. **Mr. Buntan** asked whether there were any plans to expedite recognition of Korean sign language as an official language or Braille as an official script. He noted the concerns expressed about the lack of a comprehensive plan to make public information available in accessible formats. Very few broadcasts were interpreted into sign language, for example, and very little information lent itself to use with a screen reader. Captioning was apparently available routinely, but he wondered whether that availability was the result of a policy that could be changed at any time or whether it was stipulated in law.

36. Despite efforts to increase support for inclusive education, many deaf and blind children were returning to special schools. He asked whether the Government had acknowledged that situation and was attempting to solve the problem. He also wished to know how the Government reconciled the principle of providing inclusive education and compliance with article 24, paragraph 3, of the Convention, according to which States parties must take measures to ensure that the education of blind, deaf or deafblind children was delivered in the most appropriate environment.

37. In connection with the Mental Health Promotion Act and the amendments to the Commercial Act, he asked who would determine a person's eligibility to buy insurance or even to exercise the right to vote in the event that he or she was deemed to have only limited decision-making capacity. Had any specific safeguards been developed to ensure that assessment of physical or mental capacity would not violate any fundamental human rights? Regarding work and employment, he enquired whether there were plans to introduce supplementary income for persons with disabilities who were paid less than the minimum wage and to reorganize the disability benefits system in such a way that both the type and the degree of disability, as well as an individual's income, were taken into account.

38. It seemed that persons with disabilities did not always have a voice, through their representative organizations, in the independent mechanism officially designated to monitor implementation of the Convention. He wished to know whether the Government was taking any legal measures to open official channels through which persons with disabilities could take part in the work of that mechanism. Lastly, he would like to lend his support to the call from the National Human Rights Commission for the resources that would enable it to work effectively.

39. **Mr. Al-Tarawneh** noted that public buses in the Republic of Korea were generally ill-equipped to transport persons with disabilities. It was reported that bus companies had successfully lobbied for the freedom to introduce new buses without wheelchair lifts or low floors. There seemed to be no act requiring that court documents should be presented in an

accessible format when a person with a visual impairment was involved in legal proceedings. Measures to ensure better sign language interpretation could be taken too. Lastly, he requested additional details on matters having to do with electronic filing.

40. **Mr. Tatić** expressed the hope that the bill on sign language would soon be adopted. He noted that, according to the State party's report, there were incentives, including wage subsidies, for employers to hire workers with disabilities. The percentage of persons with disabilities who were self-employed, however, was higher than that for the rest of the working population, and he therefore wondered whether subsidies were available to employers for workplace adaptation. He was persuaded that the authorities would put a prompt end to the forced labour that had been documented in parts of the country.

41. The Republic of Korea had a long and rich history. In that regard, he wished to know whether the country's many cultural monuments were accessible to persons with disabilities. Regarding international cooperation, he was from a country that had received a donation from the Republic of Korea. It had been used for the very worthwhile purpose of installing ramps to make buses in the city of Belgrade more accessible. Lastly, he, too, wished to urge the Government to ensure that the National Human Rights Commission had the resources it needed to continue to help the people of the Republic of Korea to realize their rights.

42. **The Chairperson**, speaking in her personal capacity, asked whether persons with disabilities who were homeless or living on the streets had access to the social security system. She also wished to know more about the efforts made to build an inclusive education system and enable persons with disabilities to complete their basic education.

*The meeting was suspended at 11.50 a.m. and resumed at 12.15 p.m.*

43. **Mr. Oh Ki-Hun** (Republic of Korea) said that approximately 73 per cent of public transport complied with the provisions of the Mobility Improvement for the Transportation Disadvantaged Act. The Government would continue to enforce the accessibility standards in relation to public transportation and would only introduce new buses that met those standards. There were, however, no immediate plans to install screen readers on means of public transport.

44. **Ms. Kang Mi-young** (Republic of Korea) said that the Government had taken a number of steps to garner political support for the sign language and Braille bills and would implement the provisions of both bills swiftly once they had been passed by the National Assembly.

45. **Ms. Noh Seon-ok** (Republic of Korea) said that special educational support centres had been introduced to help students with disabilities manage their stress levels and prevent suicide and depression. A gender-sensitive education policy had also been developed in response to the low enrolment rates among women and girls with disabilities. Schools had been equipped, where appropriate, with various assistive devices and technologies, and students with disabilities who wished to apply for university had access to extra tuition and alternative formats for test materials. A separate university admissions and quota system had been devised for persons with disabilities and successful university applicants could receive support from an assistant during their university studies, on request.

46. **Ms. Cha Yu-jin** (Republic of Korea) said that a series of measures had been implemented to improve access to justice for persons with disabilities, notably the introduction of legal aid and the provision of sign language interpreters, assistants and court-appointed counsel during questioning and court hearings. Persons with intellectual and psychosocial disabilities who had been declared legally incapable were indeed not held criminally responsible. Steps had been taken to amend article 732 of the Commercial Act, which prohibited the purchase of life insurance by persons with psychosocial disabilities, so



as to exempt those persons with minor psychosocial disabilities from its provisions. Mental capacity was assessed by a judge on the basis of an expert analysis.

47. As for the establishment of a births and adoptions registry for children with disabilities, consultations with disabled persons' organizations had begun in order to assess the benefits of automatic birth registration procedures and stricter adoption legislation.

48. **Mr. Lim** Byoung-Cheol (Republic of Korea) said that efforts had been made to improve the voting and electoral procedures for persons with disabilities, including the provision of Braille campaign materials and electronic voting technology.

49. **Mr. Lee** Jung-kyu (Republic of Korea) said that the Government had introduced a mental health screening programme to combat the high suicide rates among children with disabilities, in particular children with psychosocial disabilities.

50. **Mr. Lee** Sang-hee (Republic of Korea) said that action had been taken to raise the employment rate for persons with disabilities, particularly in the private sector. Private companies that failed to comply with the mandatory quotas for workers with disabilities were subject to fines and had their names published in an online register. The number of persons with disabilities working in the private sector currently stood at approximately 150,000. The Government would continue its efforts to increase that figure and improve the overall quality of employment offered to persons with disabilities.

51. **Mr. Yun** Hyun-duck (Republic of Korea) said that there were currently around 14,000 persons with disabilities working in sheltered workshops and that their monthly wages totalled 340,000 won. The Government intended to review whether persons with severe disabilities working in sheltered workshops should be paid the minimum wage in the near future. No data was currently collected on the number of persons with disabilities working in sheltered workshops who had transferred to the open labour market.

52. The anti-discrimination act prohibited the forced sterilization of women and girls with disabilities. The Government had launched an awareness-raising campaign for health-care workers to improve the care of pregnant women with disabilities, and financial support was provided to new mothers in the form of subsidies.

53. Families of children with disabilities could access a variety of childcare services and were entitled to up to 480 hours of assistance per year. Educational, cultural and social programmes had also been introduced to help families of children with disabilities to respond to their children's needs, and public disability awareness-raising programmes had been launched to combat discrimination and stigma. The legislation prohibiting adoptions by persons with disabilities had been amended in 2012; disability was thus no longer an obstacle to persons wishing to adopt.

54. A survey on the status of persons with disabilities was conducted every three years and its results were disaggregated by disability, age and gender. In addition, visits to households containing members with disabilities were organized in an effort to establish the individual needs of persons with disabilities. A series of procedures had been developed to incorporate the recommendations of disabled persons' organizations in disability policy.

55. The Government remained committed to supporting persons with disabilities with HIV/AIDS and had established a dedicated AIDS office that conducted regular HIV/AIDS status surveys of persons with disabilities. The total number of persons with disabilities with HIV/AIDS currently stood at 8,662.

56. A number of measures had been implemented to prevent and combat the abuse or involuntary confinement of persons with disabilities. An inquiry had been conducted into the cases of forced labour and slavery uncovered at the Sinan salt farms.

57. The Government intended to reform the disability pension scheme so that it took account of disability type rather than disability rating and family income. Efforts had been made to ensure that persons with disabilities in low-income families who failed to qualify for a disability pension and persons with minor disabilities received a disability allowance or some other form of financial support. Persons with disabilities, including persons with psychosocial disabilities, who had been assessed as falling within grades 1 to 3 of the disability rating scheme automatically qualified for a disability allowance. The Government had increased the amount of disability allowance paid to persons with disabilities leaving institutions to reflect the increased costs associated with living independently in the community.

58. Steps had been taken to provide support for soldiers who had suffered life-changing injuries during the Korean War, in the form of veteran allowances, vocational rehabilitation and medical treatment. The Government also intended to establish a registration system in the near future to enable war veterans to register as persons with disabilities.

59. Regarding the Millennium Development Goals, the Government would strive to ensure that development policies took account of the needs of persons with disabilities.

60. **Mr. Buntan** (Country Rapporteur) thanked the delegation for its detailed replies and urged the State party to continue its work to promote and protect the human rights of persons with disabilities.

*The meeting rose at 1.05 p.m.*