Report of the Chair of the CRPD Committee for the 19 session (14th February until 9 March 2018)

Between the 18 session which ended 1st September 2017 and the beginning of this 19th session on 14th February 2018, the Committee has been very active.

In October 2017 the Chair of the Committee participated in the GQUAL conference " Changing the Picture of International Justice " in the Hague, the NL.. GQUAL is a global campaign of state representatives, international scholars, lawyers, activist and members of international bodies with the purpose to achieve gender parity and international tribunals and monitoring bodies where women are still underrepresented.

In October 2017 the Chair reported to the 3rd Committee of the Gen. Assembly at its 72nd Sess. in New York. During the interactive dialogue with State representatives, the Committee received a great deal of appreciation for its General Comment No 5on article 19 which is about the right to live independently in the community. With great delight I can also report that during its 72nd Sess., the Gen. Assembly adopted a resolution promulgating the 23rd September as the International Day of Sign Languages starting 2018. The CRPD Committee has supported the process of adopting this resolution.

Immediately after the reporting to the 3rd Committee, the Chair of the Committee participated in an Expert meeting on Supporting Autonomy and Independence of older Persons with Disabilities which was hosted by the UN Special Rapporteur on the rights of persons with disabilities, Mrs. Catalina Devandas and UN Independent Expert on the enjoyment of all human rights by older persons, Mrs. Rosa Kornfeld- Matt at the UN headquarters in New York. The objective of this expert group meeting was to discuss the intersectionality between disability and aging in the exercise of autonomy and independence, in light of the CRPD but also in light of the ongoing discussion on a draft international instrument to promote and protect the rights of older persons.

At the same time, the vice chairs, Mr. Damjan Tatic and Mr. Danlami Basharu represented the Committee at a conference in October 2017 on follow-up of treaty body recommendations organized by the Geneva Academy and OHCHR in collaboration with other organizations.

Via video the chair also participated in the event “Promoting quality, independence and diversity of treaty body membership: importance of transparent and participatory nominations in the election processes “organized by TBNet, an NGO network working on UN treaty bodies in November 2017 at the UN Office in Geneva in Palais des Nations.

The Chair and several other committee members attended further conferences, trainings and other events relating to the CRPD intersessionally.

Regarding accessibility of the UN and the CRPD Committee in particular, I am delighted to report that our endeavors to convince UNOG to utilize Plain English for at least core documentation has been successful. A first set of core documents of the CRPD Committee is in the process of being translated into Plain English. Further research on Plain English and Easy Read Formats is being undertaken by UNOG Editing section. I wish to thank the Secretariat, in particularly Mr. Jorge Araya, and Ms Harumi Fuentes and Committee member Robert Martin as well as UNOG staff for the time and energy they have devoted to this cause.

With regard to the elaboration of a normative Human Rights standard in line with the CRPD the Human Rights Council resolution on mental health and human rights led by Brazil and Portugal and adopted on 28 September 2017 is a major step forward. It recognizes the need for a for paradigm shift in the field of mental health and is or clear step towards the Human Rights model of disability as enshrined in our Gen. comment number 5 on article 19 CRPD. While it does not include a clear prohibition of forced treatment and confinement in line with our jurisprudence the language calling for community-based, people centered services and human rights based supports can be seen as a major step away from the medical model of disability.

Similarly, the CRPD committee welcomes the launching of the WHO Quality Rights Initiative in December 2017 which aims to improve the quality and human rights condition in inpatient and outpatient mental health and social care facilities and empower organizations to advocate for the rights of people with mental and psychosocial disabilities. Several former and current members of our committee have been involved as advisors in this initiative.

The CRPD committee has established a strong network with the 3 special mandate holders in the area of disability and human rights, the special rapporteur on the rights of persons with disabilities, Ms Catalina Devandas and the Independent expert on the enjoyment of Human Rights of persons with albinism, Ms Iponwosa Ero and the Special Envoy on Disability and accessibility Ms Maria Soledad Cisternas. In this regard, the CRPD committee particularly welcomes the latest reports. Both reports, the Special rapporteur's report on equal recognition before the law and the Independent expert's report on the right to health of persons with albinism, make extensive reference to the jurisprudence of this committee and provide useful normative guidance for our future recommendations to State parties. The C'ttee is looking forward to the dialogue with the Special Envoy which will take place later during the session.

The CRPD committee also welcomes the report of the Sec. general prepared by DESA on the Situation of women and girls with disabilities and the status of the CRPD presented at the 72nd Sess of the GA..

Intersessionally, the Chair of the Committee undertook two interventions on substance matters relating to normative standards being developed within international and regional Human Rights systems.

In preparation of the upcoming elections of nine members of the Committee at the forthcoming 11th Conference of State Parties the Chair wrote a formal letter to the bureau of the Conference of State Parties attaching the Committee's statement on gender and geo-balance adopted in April 2017.

In September 2017, in collaboration with the Special Rapporteur on the Rights of Persons with Disabilities, the chair of the CRPD Committee submitted a letter to the Council of Europe relating to the additional protocol to the Oviedo Convention, a legally binding instrument in the field of bioethics. The Committee on Bioethics of the Council of Europe (DH-BIO) is in the process of elaborating a legally binding instrument on the use of involuntary placement and involuntary treatment of persons with psychosocial disabilities which is incompatible with the Convention on the Rights of Persons with Disabilities. Within and outside the Council of Europe several mandate holders, civil society and experts have expressed opposition to this Additional protocol. In the letter, the Special rapporteur and the Chair of the committee outlined the normative standard of the CRPD and emphasized that the reductionist biomedical model

of psychiatry is under increased scientific critique and overruled by current documents of the World Health Organization. The Council of Europe was encouraged to take into consideration these recent developments as well as the normative standard of the CRPD. In December 2017 the Director General on Human Rights and Rule of Law of the Council of Europe responded with a letter to several mandate holders expressing the view of the CoE and referencing the jurisprudence of the Human Rights Committee.

As a follow up to the 18th session of the CRPD Committee, the Working Group on art. 5 CRPD prepared a 2nd draft General Comment on article 5 based on the Day of General Discussion held on 25 August 2017 and more than 70 submissions received by the Secretariat. I would like to express my gratitude to the Chair of the working group, Mr. Jonas Ruskus and all members of the working group and the Secretariat, notably Ms. Harumi Fuentes for their hard work. The working group has been supported by the Disability Human Rights Law Clinic of the University of Melbourne and the Disability Human Rights Law Clinic of the University of Maastricht with excellent background research, which I wish to acknowledge and thank for.

Members of the bureau also finalized a draft statement on the promotion of inclusive urban development. I wish to thank the Vice Chairs Mr. Danlami Basharu and Mr. Damjan Tatic and the Secretariat, notably Mr. Orest Nowasad in this regard.

Taking into account that the CEDAW Committee and the CRPD for the first time meet in overlapping sessions, members will meet to discuss their jurisprudence on abortion. A concept note has been prepared. I thank the Secretariat, notably Ms Celine Georgi for their support.

Finally, as a follow up of the 18th session the Secretariat was asked to prepare an assessment on time management during dialogue with State Parties. A draft has been prepared and will be discussed during the current session.

I thank the Secretariat, notably Mr. Jorge Araya and his team for excellent support.
