



Convention on the Rights of Persons with Disabilities

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Third session

New York, 1-3 September 2010

Summary record of the 5th meeting

Held at Headquarters, New York, on Friday, 3 September 2010, at 10 a.m.

President: Mr. Heller (Mexico)

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The meeting was called to order at 10.10 a.m.

Matters related to the implementation of the Convention (*continued*)

(c) Interactive dialogue on the implementation of the Convention by the United Nations system

1. **Ms. Osaki-Tomita** (Chief, Demographic and Social Statistics Branch, United Nations Statistics Division) said that in the area of disability statistics, the Division focused on collecting data on disability through its 2010 World Population and Housing Census Programme, providing guidance on the development of disability statistics and mainstreaming disability issues in its activities concerning the Millennium Development Goals.

2. Disability statistics posed particular challenges in terms of availability, reliability and comparability, and those problems hampered the development of disability-inclusive policies and programmes. The Division promoted the collection of disability data through censuses, the most large-scale statistical activity systematically conducted by individual countries. The Division's publication *Principles and Recommendations for Population and Housing Censuses* included disability status as one of 25 highly recommended core topics on which census data should be collected. That publication recommended that walking, seeing, hearing and cognition should be considered in determining disability status, in accordance with the World Health Organization's International Classification of Functioning, Disability and Health (ICF). In addition, she acknowledged the important work done by the Washington Group on Disability Statistics, which promoted international cooperation on disability measures and had developed a set of census questions on disability.

3. As of August 2010, 100 countries had completed the current census round, and by the end of 2014 all but eight countries would have completed their censuses. Of the 75 census questionnaires received by the Statistics Division, 52 included questions on disability. It was encouraging that the questionnaires in the latter group came from countries all over the world, including 17 in Africa.

4. The Division had also produced the publication *Guidelines and Principles for the Development of Disability Statistics*, which provided an international framework and conceptual basis for the definition and

classification of disabilities, outlined the data-collection process and presented methodologies for disability data collection by source of information.

5. Although persons with disabilities were often denied their rights to education, decent work, health care and accessible sanitation facilities, all of which were related to the Millennium Development Goals, disability was not mentioned in the Millennium Declaration. As the entity responsible for monitoring global and regional progress towards the Goals, the Statistics Division had made efforts to mainstream disability in its reporting; for example, it sought to identify appropriate sources of disability data. A task team on persons with disabilities had been created within the Inter-Agency and Expert Group on Millennium Development Goal Indicators and would convene its first meeting in the coming weeks.

6. The Division's future actions in the area of disability would include monitoring of census results and assistance to countries in tabulating and disseminating disability data. The Division would continue its work on identifying suitable disability data for inclusion in its 2011 report on progress towards the Millennium Development Goals.

7. **Ms. Nicholson** (Deputy Director, New York Office of the Office of the United Nations High Commissioner for Human Rights (OHCHR)) said that OHCHR, at the request of the Human Rights Council, had conducted a thematic study on the structure and role of national mechanisms for the implementation and monitoring of the Convention (A/HRC/13/29). The study, based on over 100 submissions from States and other stakeholders, analysed the scope and content of article 33 of the Convention, which required States parties to establish or designate a mechanism to implement and monitor the Convention at the national level. Such a provision was unprecedented in human rights treaties.

8. It was important to distinguish between implementation, on the one hand, and protection, promotion and monitoring, on the other. Implementation was the process whereby States parties took action to ensure the realization of all rights set out in a treaty. Protection, promotion and monitoring required the leadership of national entities established in line with the Paris Principles and the active participation of persons with disabilities. According to the Convention, the two functions should not be

assigned to a single entity. The monitoring framework must include an independent entity functioning on the basis of the Paris Principles. The study provided examples of how various States parties had implemented article 33 and offered recommendations for strengthening compliance with the Convention.

9. The Human Rights Council attached great importance to the Convention, as shown by its efforts to promote awareness and understanding of the Convention and its annual debates on critical issues related to that instrument. Disability issues were increasingly mainstreamed in other thematic or country-based debates and reports. The subject of the Council's next debate and of the next OHCHR study would be the role of international cooperation in support of the Convention. States parties were encouraged to contribute to the study and participate in the debate.

10. Although the Committee on the Rights of Persons with Disabilities was the United Nations system's focal point for the rights of persons with disabilities, it should not be viewed in isolation. Mainstreaming of the Convention in the work of other human rights mechanisms was also necessary. Other treaty bodies had demonstrated openness to that process by referring to persons with disabilities in their most recent concluding observations and recommendations. Civil society, organizations of persons with disabilities and Governments should work intensively to promote that approach. OHCHR was also making efforts in that direction: recently it had briefed the Committee against Torture and the Subcommittee on Prevention of Torture on how the legal framework on torture could apply to certain forms of violence experienced by persons with disabilities. Opportunities for mainstreaming were also available in connection with the work of the Human Rights Council's special procedures, both thematic and country-based.

11. Translating global discussions into national initiatives was an ongoing challenge. OHCHR worked in concert with other United Nations agencies to support ratification and implementation of the Convention through monitoring, technical cooperation and capacity-building at the country level. Cooperation with national stakeholders and adherence to national priorities was essential in that work, and she encouraged States parties to seek cooperation from country-level OHCHR offices, where available.

12. The Convention's framing of disability in human rights terms provided States parties with a significant entry point for cooperation with the United Nations system as a whole. The attention paid to disability issues in the review of the Millennium Development Goals was evidence that the Convention was a powerful tool for placing persons with disabilities on the development agenda at the national and global levels. The United Nations system, through the Inter-Agency Support Group for the Convention, was developing guidance tools on the subject for country-level United Nations offices.

13. Much remained to be done within the Organization itself. For example, the accessibility of United Nations facilities and information still fell short of what was required, given the Organization's leading role in ensuring respect for the rights of persons with disabilities. The High Commissioner for Human Rights had recently proposed the establishment of a task force to develop system-wide accessibility standards.

14. **Ms. Posarac** (World Bank), after outlining the structure and mandate of the World Bank as a source of financial and technical assistance to developing countries and noting that it followed a country-led business model, said that the Bank focused on disability as a development issue and, accordingly, approached the Convention as a development instrument, while taking its human rights aspects into account. The Bank contributed to the Convention's implementation by addressing development issues such as education, labour-market participation, social security and health, all of which were included in the Convention as critical to ensuring the rights of persons with disabilities.

15. In fulfilment of its role in generating knowledge and promoting good practices, the Bank identified evidence-based disability-inclusive policies for implementation in developing countries. At the request of countries in several regions, it would produce studies and toolkits on disability insurance as part of integrated social insurance schemes, including a study on how to extend social insurance coverage to workers in the informal sector and an analysis of disability assessment systems. Other studies in which the Bank had been or would be involved covered topics such as disability and international cooperation and development; the mental health of girls and women in post-conflict countries; disability and disaster; good practices in disability-inclusive transport in China and

Viet Nam; poverty in Afghanistan; tertiary education; and long-term care and disability in old age.

16. In terms of knowledge-sharing, the Bank had organized a number of events, including a conference on inclusive education in the South Asia region and an expert group meeting on accessibility, organized jointly with the Department of Economic and Social Affairs.

17. Many of the Bank's projects included disability-related activities in the areas of education, social protection, transport and communication, among others, reflecting the cross-cutting nature of disability issues. For example, a project in Jordan included a component to develop community-based resource centres for persons with disabilities, while a project in Azerbaijan included a component on disability benefits and disability assessment systems. A project in Tunisia concerned the use of information and communication technology (ICT) to support primary education for children with disabilities. The Bank's general approach was to integrate disability into its analytical work and lending products.

18. The Bank fully supported accessibility and the application of the universal design principle in its projects. Nearly all of its offices around the world met accessibility standards, and the Bank continued to monitor accessibility conditions at its facilities. A Disability Accommodation Fund had been set up to provide resources for necessary accommodations for staff members with disabilities.

19. The Bank's many partners included the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), with which it was preparing the forthcoming *World Report on Disability and Rehabilitation*. It also worked with a number of partner countries in the Global Partnership for Disability and Development, which brought together Governments, organizations of persons with disabilities, universities and the private sector to exchange and create knowledge for the implementation of the Convention. She invited all States parties to join the Partnership.

20. The key challenge in promoting the inclusion of disability in development was the Bank's own business model, in which its assistance was country-driven. While the Bank had been advocating the inclusion of disability in its products, it was important to raise awareness and generate demand at the country level for assistance that took disability into account.

21. **Mr. Janz** (Director, New York Office of the Office of the United Nations High Commissioner for Refugees (UNHCR)), accompanying his statement with a computerized slide presentation, said that refugees and internally displaced persons had a higher rate of disability than the general population because they were more likely to have suffered injuries caused by conflict-related violence or natural disasters. Refugees and internally displaced persons with disabilities were doubly vulnerable and their protection risk was heightened. Loss of or separation from family members affected their access to basic necessities, and their needs were difficult to identify. The additional hardships and risks they faced included difficulties in obtaining asylum and protection; neglect and abuse, including gender-based violence; and exclusion from mainstream services. Another problem was limited awareness among UNHCR staff and partners on how to identify and include persons with disabilities in their programmes.

22. UNHCR strove to address the needs of refugees with disabilities at several different levels. Through policy directives and accountability mechanisms, guidance was provided to field operations on how to work with and track the progress of persons with disabilities. There were also projects that specifically focused on improving the situation of persons with disabilities. UNHCR staff and partners were provided with capacity-building and awareness-raising, and they identified and registered persons with disabilities with a view to understanding and addressing their particular needs. Lastly, UNHCR promoted access for refugees to national systems for persons with disabilities, from which they were often excluded.

23. Persons with disabilities were taken into account in the Office's age, gender and diversity mainstreaming process and were included in the annual participatory assessments that formed the basis for the Office's programme planning. An accountability framework for senior managers also ensured that persons with special needs were duly protected. In addition, a policy directive on the employment of persons with disabilities included provisions for improved accessibility of UNHCR premises.

24. In October 2010 the UNHCR Executive Committee would consider for adoption a Conclusion on the protection of persons with disabilities, which would provide the framework for the Office's work in that regard and would take note of the Convention.

25. UNHCR was implementing targeted assistance programmes for persons with disabilities in a number of countries. A programme in the Syrian Arab Republic targeted the 84,000 Iraqi refugees considered to have special needs. About 30,000 of them had mental health and psychosocial problems, often as a result of torture or gender-based violence. UNHCR had taken the novel approach of providing monthly cash assistance to more than 5,000 people, including most of those identified as having disabilities, through automatic teller machine (ATM) cards, thus increasing their independence and self-determination. Refugees with disabilities also received food, medical services and psychological support. Community outreach volunteers conducted home visits to hundreds of persons with special needs, providing moral, material and social support to prevent their further impoverishment and isolation.

26. In Yemen, a network of specialized partners and local organizations supported persons with disabilities among the country's 140,000 refugees, most of whom were of Somali origin. A UNHCR partner provided medical services, assistive devices and education to refugees with disabilities, as well as capacity-building for UNHCR staff and partners. Displaced persons with disabilities were supported through community-based rehabilitation, partial social assistance and medical attention. Mental health services had been mainstreamed in primary health care.

27. In the Central African Republic, where there were some 200,000 internally displaced persons and 30,000 refugees, primarily from the Democratic Republic of the Congo, UNHCR had conducted participatory assessments with hundreds of displaced persons with disabilities. In response to their particular needs, including a need for assistance in reuniting with family members and caregivers and for livelihood support, UNHCR had identified and supported self-help groups and organizations of persons with disabilities.

28. UNHCR had also been working on capacity-building and attitudinal change among its own staff. Its Global Learning Centre was developing a global online learning programme for field staff, which would include modules on persons with disabilities. Country operations also conducted sensitization programmes for staff and partners.

29. Identification, registration and case management of persons with disabilities enhanced their protection

and assistance by UNHCR programmes. UNHCR systematically assessed whether such persons were in a situation of heightened risk and whether follow-up was required. Individual case management systems were used to provide referrals to specialized partners in fields such as education, psychosocial support and health care.

30. UNHCR encouraged and facilitated access to national support systems, given that refugees were often excluded from public and private support services. States parties to the Convention had agreed to provide support to persons with disabilities in emergencies and to promote international cooperation, as set out in articles 11 and 32. Persons with disabilities who had fled their places of origin had demonstrated great strength and resilience. Much remained to be done to assist them, and he accordingly called for universal ratification of the Convention and its Optional Protocol; the adoption of national legislation, policies and practices to give effect to the Convention; and the full involvement of persons with disabilities in those processes.

31. **Ms. Sharafi** (United Nations Population Fund (UNFPA)) said that UNFPA was committed to implementing the Convention, as reflected in its plans and strategies. The Fund's strategic plan for 2008-2011, which outlined the support to be provided in the three focus areas of population and development, reproductive health and gender equality, placed special emphasis on marginalized groups and referred specifically to women with disabilities. At the country level, UNFPA provided technical assistance for the integration of disability issues into health and development policies and programmes and advocated for the participation of persons with disabilities in decision-making processes. Guidance had been provided to country offices and partners on including persons with disabilities in policies and programmes on a range of sexual and reproductive health issues.

32. Obstetric fistula, a condition resulting from prolonged labour without adequate medical intervention, was one of the most severe disabilities affecting women. In addition to suffering significant physical consequences, women with fistula were often limited in their ability to work and stigmatized by their communities, resulting in economic hardship and depression. In 2003 UNFPA had launched its Campaign to End Fistula to promote and support action on the issue at the country level; as of 2010 more than

47 countries in Africa, Asia and the Middle East had joined the Campaign.

33. Concrete examples of the Fund's contributions to the implementation of the Convention at the country level included support for sexual and reproductive health education programmes for persons with disabilities in Belize; advocacy campaigns on disability in El Salvador; establishment of a database on disability in Tajikistan; development of an employment and social protection strategy in Armenia; production of HIV/AIDS education materials for young people with mental disabilities in the Republic of Moldova; better access to sexual and reproductive health information and services for young people with disabilities in Mongolia; awareness-raising programmes on gender-based violence in Sri Lanka; and development of survey instruments to improve the collection of disability data in Viet Nam and India.

34. **Mr. Bastos** (Brazil) said that the World Intellectual Property Organization (WIPO) was considering an important proposal regarding the implementation of the Convention: a treaty for improved access for blind, visually impaired and other reading-disabled persons, sponsored by Brazil, Ecuador, Mexico and Paraguay. Accordingly, he regretted that WIPO was not represented at the current meeting and hoped that it would participate in future sessions of the Conference.

35. As part of the United Nations system, WIPO should further enhance its contribution to the Convention's implementation. Article 30, paragraph 3, of the Convention clearly stated that intellectual property laws must not constitute a barrier to access by persons with disabilities to cultural materials. WIPO and its members should guarantee the full implementation of that article. The negotiations under way in that organization would have a direct impact on fulfilment of the rights to education, culture and information of persons with reading disabilities.

36. **Mr. Bunton** (Thailand) said that his delegation agreed with the representative of Brazil that WIPO should be more involved in the Convention's implementation. Reading out a text in Braille, he said that disability-inclusive policies and programmes in the United Nations system should be more cohesive. The United Nations website should be made accessible as soon as possible, and accessibility features should be taken into consideration in the construction of new

buildings for United Nations entities. The General Assembly and the Security Council should also be more disability-friendly. The United Nations should lead by example with respect to accessibility issues.

37. **Ms. Bersanelli** (Argentina) said that cooperation with the Department of Economic and Social Affairs and the World Bank had allowed her country to make progress towards the Millennium Development Goals with regard to persons with disabilities. All the countries of the Southern Common Market (MERCOSUR) attached particular importance to inclusive development. Cooperation mechanisms should be established to promote the development of inclusive education.

38. **Ms. Pimenta** (Portugal) said that the census questions developed by the Washington Group on Disability Statistics would be included in her country's 2011 census. The studies that Portugal was conducting on the application of the ICF in the health-care and social security systems and on the collection of register-based disability data had been inspired by the Convention. Information should be shared so that successful national initiatives could be replicated in different countries.

39. **Mr. Aichele** (International Committee of National Human Rights Institutions) said that national human rights institutions whose practices corresponded to the Paris Principles had a vital role to play in promoting and protecting the rights of persons with disabilities, given their research, advocacy, consultation, reporting, complaint response and monitoring functions. They also dealt with a broad range of human rights issues, such as gender, that often intersected with disability. National human rights institutions served as bridges between States and civil society and were engaged with organizations that represented persons with disabilities.

40. Article 33, paragraph 2, of the Convention recognized the important role of independent human rights institutions and required States parties to establish a framework to promote, protect and monitor implementation of the Convention. Regrettably, most countries which had ratified the Convention had yet to designate an independent monitoring mechanism.

41. The OHCHR thematic study on the structure and role of national mechanisms for the implementation and monitoring of the Convention (A/HRC/13/29) was to be commended. National human rights institutions had an important role to play in monitoring

implementation of the Convention and were natural partners of the Committee on the Rights of Persons with Disabilities. The Committee should recognize that role and develop working methods that facilitated the contributions of national human rights institutions to its work. Governments should take steps to build and support the capacity of organizations of persons with disabilities to participate fully in the implementation and monitoring of the Convention.

42. **Ms. Vam Gool** (Belgium) said that the Convention and its Optional Protocol had been negotiated with remarkable speed, openness and transparency. Six additional members had been elected to the Committee just over two years after the entry into force of the Convention. Clearly, there was enormous public and political goodwill surrounding the Convention, which should be directed towards the realization of the Convention's objectives.

43. Belgium's Federal Parliament and its six regional and community parliaments had completed the process of ratifying the Convention and the Optional Protocol within two years, indicating a prevailing consensus across the political spectrum regarding the importance of realizing the full and equal enjoyment of human rights by persons with disabilities. Regarding article 33 of the Convention, Belgium already had a structure which brought together the federal Government and regional authorities to address disability issues. The first national report, due in 2011, was being prepared. An independent mechanism, which would play a crucial role in monitoring implementation, was being established. As current President of the Council of the European Union, Belgium would organize a forum on implementation of the Convention, to be held in November 2010, which would involve both Government and civil-society participants. The Convention would be at the heart of the new European strategic approach to disability.

44. **Ms. Rivas** (Chile) said that her delegation agreed with the representative of Brazil that organizations such as WIPO should be invited to participate in meetings of the Conference. Efforts to guarantee access to information should target the deaf community as well as the reading-disabled.

45. A protocol or manual should be developed for States to provide guidelines on the protection of and cooperation with persons with disabilities in emergency situations.

Report on the work of the Committee on the Rights of Persons with Disabilities

46. **Mr. McCallum** (Chairperson of the Committee on the Rights of Persons with Disabilities) said that the States parties were to be congratulated on having put forward 23 candidates for election to the Committee. The increase in the number of Committee members to 18 would better enable that body to do its work.

47. At its second session, held in October 2009, the Committee had finalized the reporting guidelines for States parties and had held a general discussion on article 12 of the Convention, which concerned legal capacity. That was a key provision, as many persons with disabilities were still denied legal capacity. The Committee intended to draft a comment on article 12, taking care to ensure that it was accurate and clear.

48. At its third session, held in February 2010, the Committee had finalized its rules of procedure and working methods. Due to concerns about the situation of persons with disabilities in Haiti and the 4,000 persons who had become disabled as a result of the earthquake, the Committee had issued a statement on Haiti; it had subsequently issued statements on Chile and the People's Republic of China.

49. At its fourth session, to be held in October 2010, the Committee would hold its first dialogue with a reporting State party, Tunisia. There would also be a general discussion on access, particularly in relation to articles 9 and 21.

50. The UNHCR Executive Committee was drafting a Conclusion on refugees and asylum-seekers with disabilities. However, the most recent draft of that document was not in line with the Convention, as it seemed to be based on an outdated medical or charitable model. Accordingly, he had sent a letter to the Executive Committee stating that the Conclusion should reflect the principle that persons with disabilities had inherent rights and should be treated with inherent dignity, in accordance with the preamble and all the articles of the Convention. Many United Nations and other agencies still did not realize that the Convention represented a paradigm shift to a rights-based social model of disability. All United Nations documents should reflect that understanding.

51. Most of the Committee's members were persons with disabilities who could not do their work without

special materials and technology. States parties were therefore requested to provide funding for such items. Moreover, States parties' reports should not exceed the page counts indicated in the guidelines; for example, a 250-page country report accompanied by a 200-page shadow report could run to some 2,000 pages in Braille, which was beyond the capacity of OHCHR to produce.

52. Of the 20 States parties whose reports had been due on 3 May 2010, only Spain had met the deadline. Reports had also been received from China, Peru and Tunisia. He looked forward to receiving the remaining reports by early 2011 at the latest.

Report on the informal meeting on article 11 of the Convention

53. **Mr. McLay** (New Zealand) said that he and the Vice-Chair of the International Disability Alliance had chaired an informal meeting the previous evening to discuss the Convention's article 11, Situations of risk and humanitarian emergencies.

54. **Ms. Richler** (Chair of the International Disability Alliance) said that the Alliance was a network of global and regional organizations of persons with disabilities. It comprised nine global and four regional organizations, in addition to two regional organizations with observer status. The meeting on article 11 had included presentations by representatives of the United Nations Office for the Coordination of Humanitarian Affairs, the International Disability and Development Consortium, the Global Partnership for Disability and Development, OHCHR and the Committee on the Rights of Persons with Disabilities. The presentations had provided an overview of the challenges facing persons with disabilities in situations of risk and humanitarian emergencies and of how implementation of the Convention could help to mitigate those challenges. There had been an increase in natural disasters in recent years, and persons with disabilities were at increased risk because of their difficulties in escaping from threatening situations and because of discrimination that placed them last in line to receive assistance.

55. While disaster management increasingly took persons with disabilities into account, persons who had become disabled in the emergency were often given priority over those who had already been disabled. Under the Convention, persons with disabilities must

be taken into account in disaster preparedness, relief and reconstruction strategies. Reconstruction provided opportunities for making communities more inclusive, such as by ensuring that new buildings were fully accessible to persons with disabilities. The views of organizations of persons with disabilities should be taken into account before, during and after emergencies.

56. The OHCHR representative had provided guidelines on how to ensure that respect for all the human rights of all persons with disabilities was not suspended during emergencies. The fact that international cooperation was addressed in a specific article of the Convention, rather than being embedded in other articles, placed a higher obligation on donor and recipient States to respect the rights guaranteed under the Convention in emergency situations.

57. "Situations of risk" included risks to survival based on discrimination in non-crisis contexts. Examples of such situations included the killing of people with albinism in parts of Africa, the killing of people with psychosocial disabilities as "witches" and the denial of care to people with HIV/AIDS.

58. She welcomed the decision of the UNHCR Executive Committee to adopt a Conclusion on persons with disabilities. That document should live up to the high standard established in the Convention.

59. She hoped that the outcome document of the General Assembly's upcoming High-level Plenary Meeting on the Millennium Development Goals would include references to persons with disabilities, signalling to all States and United Nations agencies that persons with disabilities would no longer be invisible in relation to the Goals. Given the high proportion of persons with disabilities among the world's poor, the Goals would never be achieved if persons with disabilities were ignored.

60. The current economic downturn posed a major threat to persons with disabilities. An investment tool such as a multi-donor trust fund should be established to promote the mainstreaming of the rights of persons with disabilities so as to assist United Nations agencies, country partners and organizations of persons with disabilities in implementing the Convention. Lastly, she reiterated her organization's call for the establishment of a United Nations body to significantly increase the efforts of Member States to implement the Convention.

61. **Mr. McLay** (New Zealand) said that the informal meeting had highlighted the need for disability to be completely mainstreamed in the United Nations response to situations of risk and humanitarian emergencies. The representative of the Office for the Coordination of Humanitarian Affairs had said that gender and the rights of children and others had been mainstreamed in the work of that Office, but that there was still a need to focus on the rights of persons with disabilities. He hoped that the Office would make that a matter of the highest priority, particularly in light of the current emergency in Pakistan, and that it would report on the progress made at the next session of the Conference.

62. In situations of risk and humanitarian emergencies, persons with disabilities were often the first to be forgotten and the last to be remembered. States should proactively adopt guidelines and policies to ensure that persons with disabilities were not overlooked in such situations.

Other matters

63. **The President** suggested that the fourth session of the Conference should be held from 7 to 9 September 2011.

64. *It was so decided.*

65. **The President** said that the two-year terms of the current officers of the Conference would expire on 30 October 2010 and that consultations were under way with the regional groups regarding the candidates to be nominated for the next two-year term.

Closure of the session

66. **The President**, after summing up the work accomplished at the current session, including the election of 12 new members of the Committee and the discussion of matters related to the Convention's implementation, declared closed the third session of the Conference of States Parties to the Convention on the Rights of Persons with Disabilities.

The meeting rose at 12.15 p.m.