



Convention on the Rights of Persons with Disabilities

Distr.: General
29 August 2016

Original: English

Committee on the Rights of Persons with Disabilities Sixteenth session

Summary record of the 275th meeting

Held at the Palais Wilson, Geneva, on Thursday, 18 August 2016, at 3 p.m.

Chair: Ms. Cisternas Reyes

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35

(continued)

Initial report of the United Arab Emirates (CRPD/C/ARE/1; CRPD/C/ARE/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of the United Arab Emirates took places at the Committee table.*

2. **Ms. Ali Hassan**, introducing her country's initial report (CRPD/C/ARE/1), said that the delegation, the intersectoral nature of which she wished to underscore, stood ready to engage in constructive dialogue with the Committee. The United Arab Emirates, as a mosaic of cultures and religions, aimed to build a peaceful society based on the interests of all citizens, providing economic opportunities for people from around the world. It was committed to the promotion and protection of human rights. The Constitution incorporated the core principles of the Charter of the United Nations and the Universal Declaration of Human Rights, while the rights of persons with disabilities were reflected in various laws, such as Federal Act No. 29 of 2006, the Rights of Persons with Disabilities Act. Following a study, a number of legislative amendments had been made to bring the country's laws into line with the Convention, and others were planned. Standard criteria on persons with disabilities had been adopted.

3. Through the Ministry of Community Development, various programmes had been introduced to promote the rights of persons with disabilities, focusing, inter alia, on inclusion in education; protection of social rights and integration into society; rehabilitation for persons with hearing impairments, with a view to their inclusion in the public education sector; early diagnosis, including for children; and access to electronic devices. Local government agencies were also incorporating disability rights into public development strategies. Steps were being taken to make buildings more accessible and to increase the number of disability-friendly services. Individual Emirates were also taking action on disability rights: for example, Dubai had introduced a strategy on inclusion, covering health care and rehabilitation, inclusive employment, full access to buildings, facilities and transport, social protection, and information.

4. Efforts were being made to include persons with disabilities in the decision-making process, with legislation being amended to that end. New legislation passed since the initial report had been submitted included a ministerial decision of 2015 on health care, preventive measures and diagnostic facilities for persons with disabilities, including non-citizens, and a ministerial decision of 2016 on sign language services, which also covered testing of sign language interpreters. The Central Bank had issued a circular on reprinting banknotes to make them easier for persons with visual impairments to use, and measures had been taken to facilitate access to telecommunications services for persons with disabilities. A draft policy on integrating persons with disabilities into the workplace had been finalized, in coordination with stakeholders, who had also been consulted on a proposed national strategy on disability, covering education, health care, culture, social protection and employment. The strategy was intended to serve as a point of reference for all those concerned with the rights of persons with disabilities. The aim was to provide persons with disabilities of all ages with services on the same footing as others. State funding had been allocated to support projects in the areas of housing, social security and health care.

5. Federal Act No. 25 of 2015 provided protection for women with disabilities, and an association to empower women with disabilities had been set up. A study was being conducted on the situation of women in the country. In order to raise awareness of the Convention, a campaign had been launched and a forum organized. The country was fully

aware of the importance of regional and international cooperation to exchange experience and information. A regional study on the situation of persons with disabilities in various Gulf States was planned. One of its aims was to identify appropriate terminology for use in discussing the subject. The United Arab Emirates was committed to implementing the 2030 Agenda for Sustainable Development, particularly Goals 4, 8, 10, 11 and 17, and to consolidating the achievements made so far in its short history with a view to building an inclusive society.

6. **Mr. Al-Tarawneh** (Country Rapporteur) said that he welcomed the timely submission of the State party's initial report. The United Arab Emirates was to be commended on the steps it had taken to translate its economic successes into resources and action to benefit persons with disabilities. Full implementation of the Convention was a continuous process, however, and a number of issues gave cause for concern.

7. The lack of information from organizations of persons with disabilities made it difficult to assess the extent to which the State party was implementing the Convention. Representative organizations of persons with disabilities that functioned independently of the State seemed few. Article 4 (3) of the Convention called for support for such organizations and their involvement in implementation of the Convention, including in the formulation of laws and policies. Their input was extremely valuable to the Committee in its work. The lack of consultation with civil society in the State party had been remarked on by other treaty bodies, and the absence of any representatives of organizations of persons with disabilities at the current meeting was regrettable.

8. The approach to the rights of persons with disabilities in the State party continued to be heavily embedded in the medical and charity models. The definition of "persons with disabilities" contained in Federal Act No. 14 of 2009 referred to "disorders" that might "reduce" ability to meet "normal" requirements, none of which was in line with the rights-based approach taken in the Convention, and there were numerous other examples of inappropriate and unacceptable language being used to refer to persons with disabilities. Such terms should be purged from the State party's legislation and policies. There was a need to eliminate negative stereotypes, raise awareness and embrace diversity, not only with respect to persons with disabilities but also women, young and older persons, and minorities such as non-nationals, migrants, domestic workers, lesbian, gay, bisexual and transgender persons, and persons living with HIV/AIDS. The autonomy and independence of individuals must be promoted, including by abolishing guardianship for persons with disabilities, women with disabilities and women in general. Practices that violated choice or physical integrity, such as forced sterilization and marital rape, should be prohibited. Restrictions on the right to vote on grounds of "imbecility" or "insanity" should be removed.

9. In building inclusive societies, specialized systems and solutions for persons with disabilities should be avoided, as they resulted in segregation. There appeared to be limited support within the State party for persons with disabilities to exercise choice and control over where and with whom they lived and the activities in which they engaged within the community, still less for their participation in decision-making. The Convention applied to both citizens and non-citizens of the State party present in its territory. In that connection, significant effort was needed to improve access to services such as education, health and social protection for all persons with disabilities and to ensure that their voices were heard in the development of policies and laws.

10. The State party's legislation must be amended to ensure that the prohibition of discrimination extended to all fields. Federal Act No. 14 of 2009 prohibited disability-based discrimination, but only with respect to the rights provided for in the legislation of the State party, thereby restricting the scope of the Convention. There was a need for an independent

monitoring mechanism and a national human rights institution to be established. The State party should give serious consideration to ratifying the Optional Protocol to the Convention.

Articles 1-10

11. **Ms. Quan-Chang** said that the absence of organizations of persons with disabilities at the meeting and the lack of any written contributions from such organizations did indeed give cause for concern. Why did the State party have so many restrictions on the participation of civil society in the work of the treaty bodies and other forums? In view of the disproportionately high number of men in the State party's population, she wondered what was being done to ensure equal opportunities, both in general and between men and women with disabilities, and whether measures were taken to protect women, particularly those with disabilities, from the risk of gender-based violence. The State party's legislation strongly reflected the medical and charity models of disability, and its programmes seemed to focus on that approach. Had any campaigns been run, either for the population as a whole or for target groups such as civil servants, to promote a more respectful view of the rights of persons with disabilities?

12. **Mr. Tatić** said that, while he acknowledged that a new definition of disability had been introduced in the Rights of Persons with Disabilities Act, it made no mention of the barriers faced by persons with disabilities and was therefore not fully in line with the Convention. Were there any plans to address the problem? He would also like to know how the Federal Government ensured that the Convention was implemented consistently by the governments of all seven Emirates, what legal mechanisms were in place to prevent discrimination on the basis of disability and what legal remedies were available to persons who had experienced such discrimination. The delegation should explain in greater detail how the implementation of accessibility standards was monitored, and what support services and accessibility features were provided to allow wheelchair users visiting the country to have access to public transport, hotels and government buildings.

13. **Ms. Kingston** said that she, too, would like more information on the measures in place to ensure that the implementation of the Convention was consistent across the seven Emirates. The delegation should also comment on the compliance with the Convention of the State party's new anti-discrimination legislation, which lacked any reference to gender or sexual orientation and seemed to limit the exercise of the rights to freedom of expression and freedom of association. She wondered how female domestic workers with disabilities could seek redress in the event of an act of discrimination. Lastly, she would appreciate information relevant to the rights of persons with disabilities on the implementation of Sustainable Development Goal 11, on making cities and human settlements inclusive, safe, resilient and sustainable.

14. **Ms. Degener** said it was regrettable that civil society organizations had neither submitted reports to the Committee nor been able to participate in the dialogue. It seemed unlikely that, as was indicated in paragraph 57 of the State party report, only 25,776 persons with disabilities lived in the country. Indeed, data provided by the World Health Organization would have the Committee expect that number to be 40 or 50 times greater. The delegation should comment on the disparity. While measures to prevent impairment, which included traffic accident prevention and genetic counselling, might be of benefit to the general public, they could not be cited as evidence of the implementation of the Convention. It would be helpful to know whether institutions and rehabilitation centres for persons with disabilities were residential or community-based. She also wished to be informed of any plans to incorporate denial of reasonable accommodation into the legal definition of discrimination. Lastly, more information on the league for women with disabilities mentioned in paragraph 95 of the report would be welcome.

15. **Mr. Lovászy** said the delegation should ensure that its responses to the Committee's questions addressed the situation in all seven Emirates. He would like to know how the Convention had been incorporated into the domestic legal order and whether the power of the Federal Supreme Court to examine challenges to legislative acts allowed it to examine challenges to disability-related legislation. With regard to accessibility standards, he wondered whether a national body responsible for their implementation had been established, one whose staff included experts in universal design, and whether guidance was offered to service providers on issues such as reasonable accommodation. He wished to know whether the use of assistive technologies was promoted at public facilities and in the provision of public services. The delegation should focus in its response on initiatives targeting persons with hearing disabilities, since the State party report focused largely on other physical disabilities. He would be grateful for information on the sanctions imposed for failure to meet accessibility standards and on the importance attached to those standards in the public procurement process.

16. **Mr. Langvad** asked how individuals associated with persons with disabilities were protected from discrimination within the existing legal framework. He would like more information on the work of organizations of persons with disabilities and on the percentage of their budgets that derived from public funding. He also wished to know what measures had been taken to ensure that children with disabilities were protected from corporal punishment.

17. **Mr. Basharu** said that some of the terminology in the State party report, such as the formulation in paragraphs 107 and 108, "children afflicted with disabilities or retarded development", should be reconsidered in the light of the Convention. He would like to know whether a system was in place to facilitate consultation with persons with disabilities and their representative organizations. He wished to be informed of any specific measures taken to increase the participation of children with disabilities in sport and other recreational activities. It would also be helpful for the delegation to comment on the effectiveness of its awareness-raising campaigns for the promotion of positive attitudes towards persons with disabilities. Lastly, more information on the accessibility of the media to deaf persons and in particular on the provision of sign language interpretation on television programmes would be welcome.

18. **Mr. Al-Tarawneh** said he was concerned that the State party lacked the necessary legal framework to ensure the accessibility to persons with disabilities of all public facilities and services. He would like to hear of any cases in which legal sanctions had been applied for failure to comply with accessibility standards. In that connection, he wished to draw attention to the Committee's general comment No. 2, in particular insofar as it related to the provision of public facilities and services.

19. **Mr. You Liang** said that he, too, was concerned about the limited role played by organizations of persons with disabilities in the State party and the possibility that children with disabilities could be subjected to corporal punishment. He would like more information on female members of parliament and any efforts taken to promote the economic empowerment of women with disabilities.

20. **The Chair** said that, although non-nationals made up the majority of the population, the United Arab Emirates had not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In that connection, she wished to know whether any progress had been made towards ratification of that and other international human rights instruments to which the United Arab Emirates was not yet a party, including the Optional Protocol to the Convention and the International Covenant on Economic, Social and Cultural Rights. She, too, would like to stress that primary prevention did not constitute a means of implementation of the Convention.

21. With regard to the situation of women with disabilities, Sustainable Development Goal 5, on achieving gender equality and empowering all women and girls, should be borne in mind alongside the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined second and third periodic reports of the United Arab Emirates (CEDAW/C/ARE/CO/2-3). She wished to know whether disaggregated data on children with disabilities was collected and whether a comprehensive strategy had been developed to increase the participation of children with disabilities in society, as had been recommended by the Committee on the Rights of the Child in its concluding observations on the second periodic report of the United Arab Emirates (CRC/C/ARE/CO/2, para. 54).

22. She wondered what measures had been taken to give effect to Sustainable Development Goal 10, on reducing inequality within and among countries. Lastly, she asked how the State party would ensure that its commitment to the 2030 Agenda for Sustainable Development would be met.

The meeting was suspended at 4.20 p.m. and resumed at 4.50 p.m.

23. **Ms. Ali Hassan** (United Arab Emirates) said that, under its 2021 Vision, the State party's goal was to become one of the best countries in the world, an objective that applied in all fields and would benefit all sectors of society, including persons with disabilities.

24. **Mr. Al Shaikh** (United Arab Emirates) said that the country's civil society organizations, including organizations of persons with disabilities, played an important role. Their activities were governed by a federal act. The Ministry of Community Development provided institutional and financial support to more than 150 organizations annually, with eligibility assessed on the basis of their activities and achievements to date. Many organizations of persons with disabilities had contributed to the preparation of the report, and a representative of one such organization had been a member of the drafting committee.

25. **Mr. Al Shafeii** (United Arab Emirates) said that the State party had made significant efforts to remove barriers and ensure full accessibility for persons with disabilities, including through the adoption of the Rights of Persons with Disabilities Act, articles 22 to 26 of which dealt with accessibility. A code on the accessibility of government buildings to persons with disabilities had been adopted in 2014 and was now being implemented across the country. In order for building permits to be issued, accessibility standards had to be met and the needs of persons with disabilities taken into account. Local communities were consulted on building plans and could make proposals to enhance accessibility. The country's seven airports were all fully accessible to persons with disabilities. According to international experts, the underground metro system met the highest accessibility standards, and other modes of transportation, such as buses and taxis, also complied with accessibility criteria. Experts from the Bill & Melinda Gates Foundation were currently involved in a 10-year cooperation project to assist the Government in ensuring that Dubai and other cities met the requirements of persons with disabilities. In 2013, a circular had been issued by the national telecommunications authority aimed at ensuring the full accessibility of all public websites to persons with disabilities; regular evaluations were carried out to ensure compliance. The United Arab Emirates had been among the first States to accede to the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired or otherwise Print Disabled. Sign language interpretation was provided on all television channels.

26. **Mr. Al Kamali** (United Arab Emirates) said that there were sports clubs and centres for persons with disabilities across the country. Blind persons had access to special printers to print books in Braille. Participants in the many sporting events for persons with disabilities hosted by the United Arab Emirates would attest to the accessibility of the country's airports and public transportation system. The Association of Deaf Persons, a

representative of which was attending the current meeting, was carrying out excellent work, and all but one of the members of its management team were persons with disabilities. The Association had requested sign language interpretation at certain lectures on civil rights and other events. The Ministry of Justice had issued a code in 2015 on testing for sign language interpreters. The Emirati authorities were liaising with the World Association of Sign Language Interpreters with a view to securing membership for Emirati interpreters. Sign language interpreters specialized in particular fields, such as education or religion, were available. A smartphone application had been launched to enable persons who were deaf or hard of hearing to access online sign language interpretation services to facilitate communication in hospitals, courts and other settings.

27. **Mr. Al Shaikh** (United Arab Emirates) said that the federal Constitution prevailed over all local laws. As federal legislation, the Rights of Persons with Disabilities Act was binding on all the Emirates and had to be implemented nationwide. New services or benefits for persons with disabilities introduced by individual Emirates were seen as positive additions, provided that they met federal requirements. The Ministry of Community Development had issued criteria for service providers to ensure consistency throughout the country.

28. **Ms. Ali Hassan** (United Arab Emirates) said that the federal and local systems of government were complementary and mutually reinforcing.

29. **Ms. Almentheri** (United Arab Emirates) said that equal opportunities were guaranteed for all and that there was no discrimination based on gender or disability. All categories of person, including persons with disabilities, were protected under Emirati laws and regulations. Public institutions and civil society organizations aimed to empower women across all sectors. The National Strategy for the Empowerment of Women 2015-2021 had been prepared with the participation of stakeholders in all seven Emirates, including women with disabilities. A forum would be held in October 2016 to discuss a study that had been conducted on conditions for women with disabilities in the United Arab Emirates. Women with disabilities participated in all fields of life, including politics, the economy, media and sports. Female candidates had stood in the most recent elections, including one woman with a disability. The Productive Families Project was designed to support the economic empowerment of women in the State party. Women with disabilities were employed in all of the ministries as well as other State authorities.

30. **Ms. Ali Hassan** (United Arab Emirates) said that the Emirati Government attached great importance to the empowerment of all women, as was reflected in the composition of the delegation.

31. **Mr. Al Shaikh** (United Arab Emirates) said that the ratification of international instruments was studied at ministerial level, after which the matter was referred to the Council of Ministers and finally the President. Two of the Optional Protocols to the Convention on the Rights of the Child had been ratified, and the possibility of ratifying the third was now being considered. Prior to approving the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities, it was necessary to ensure that all of the country's regulations and laws were in line with that instrument.

32. **Mr. Alhammadi** (United Arab Emirates) said it was also necessary to ensure that each of the Emirates was capable of implementing the commitments that would arise from an international instrument prior to ratification, as international conventions prevailed over local laws. The Government would make a concerted effort to achieve ratification of the outstanding international human rights instruments.

33. **Ms. Ali Hassan** (United Arab Emirates) said that improvements were currently being made to the system for monitoring implementation of the Convention with a view to enhancing the institutionalization of the process.

34. **Ms. Almheiri** (United Arab Emirates) said that, during the universal periodic review, the United Arab Emirates had accepted many recommendations calling for the establishment of a human rights institution that complied with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). The national committee responsible for following up on the universal periodic review was studying the matter, and it was hoped that the institution would be in place by the following universal periodic review cycle, in 2017.

35. **Mr. Alhammadi** (United Arab Emirates) said that the Criminal Code provided for prison sentences for individuals who abused persons with disabilities or others who were otherwise unable to defend themselves. There were also provisions to protect children against violence, whether or not they had a disability.

36. **Mr. Alhmoudi** (United Arab Emirates) said that the right of complaint was enshrined in article 41 of the Constitution. The Ministry of the Interior had set up various mechanisms, including workers' litigation units, to ensure that that right was upheld. In addition, in Dubai a unit for tackling violence against women, including domestic workers, had been established by the police. Hotlines and a website that enabled domestic workers to report acts of violence committed against them had also been launched. Some 880 reports of disputes between workers and employees had been received in 2013, and 351 such complaints in 2014.

37. **Ms. Ali Hassan** (United Arab Emirates) said that the Government was carrying out a range of structural changes that would make information more available and accessible. For instance, a merger had recently taken place between the National Bureau of Statistics and the competition authorities. That would improve the provision of statistics in the future.

38. **Mr. Al Shaikh** (United Arab Emirates), noting the concern expressed by the Committee over the reported number of persons with disabilities, which was lower than expected, said that attempts had been made to update the data held and to classify the various types of disability. The issuance of cards to persons with disabilities by the Ministry of Social Affairs had provided an opportunity to gather more up-to-date information on those persons and to include in the statistics disabilities that had not been recorded in earlier data sets. Variations in the statistics produced by different Emirates were partly caused by diverging definitions of disability. Efforts were therefore being made to harmonize the definition. The number of persons with disabilities was also lower than would be expected because the figures did not include migrant workers.

39. **Mr. Rashed** (United Arab Emirates) said that the Rights of Persons with Disabilities Act would ensure that all persons with disabilities, including children, had access to leisure infrastructure. Great efforts were being made to achieve the full implementation of the Act across the Emirates.

Articles 11-20

40. **Mr. Tatić** asked whether the process of harmonizing the definition of disability would involve the amendment of federal law to include a reference to the barriers faced by persons with various types of impairment. He also wished to know whether the different service providers who assisted persons caught up in natural disasters received training in working with persons with disabilities. For example, were firefighters trained to evacuate persons with physical impairments from buildings? Concerning access to justice, he would appreciate further information on the accessibility of court buildings and legal documents, and he would like to know more about legal cases initiated by persons with disabilities. With regard to independent living, he wondered whether persons who required a high level of physical support depended on family members or whether they could hire a professional assistant.

41. **Mr. Ruskus** said that the definition of disability set down in Federal Act No. 14 of 2009 was not consistent with the Convention or with the rights-based approach to disability, as it was reductive, discriminatory and failed to acknowledge the existence of social barriers that excluded persons with disabilities, while the Code of Civil Procedure employed derogatory language that negated the personhood of those with disabilities. It was still not clear whether the Government intended to address those issues. Turning to articles 14 and 19, he asked whether, in violation of the Convention, persons with disabilities were being confined in specialist centres and therefore separated from the community. Lastly, he requested quantitative information on the gender and types of disability of the persons who lived in such centres.

42. **Ms. Quan-Chang**, noting that the Civil Code and the Code of Criminal Procedure contained pejorative terms and restricted the exercise of legal capacity by persons with disabilities, asked whether the State party had taken any steps towards eliminating such language and ensuring that persons with disabilities enjoyed legal capacity on an equal basis with others. Noting also that, in the State party's legal system, forced sterilization and forced abortion were permitted if they were carried out with the authorization of a person's guardian or legal representative, she enquired what the State party was doing to prohibit those practices, including in cases where the legal capacity of the person concerned was restricted.

43. She asked whether persons with disabilities residing in specialized centres received some kind of rehabilitative treatment or whether they were permanently institutionalized and, if so, what steps the State party was taking to tackle the situation. She also wished to know how the State party protected women and girls with disabilities from sexual violence, including those forms of sexual violence that took place in the home and in schools. Lastly, noting the high proportion of non-nationals that lived in the State party, she asked whether refugees and asylum seekers with disabilities faced discrimination when applying to become nationals or whether they were given equal treatment with other non-nationals.

44. **Ms. Degener** noted that, according to the concluding observations of the Committee on the Elimination of Discrimination against Women on the combined second and third periodic reports of the United Arab Emirates, legal capacity in the State party could be denied or restricted on the basis of gender (CEDAW/C/ARE/CO/2-3, para. 15). She asked when full legal capacity would be granted to all women and to all persons with disabilities.

45. Paragraph 170 of the State party report mentioned the State's obligation to ensure that persons with disabilities were treated in a humane manner that showed due regard for their circumstances and needs in the event of their freedom being restricted for any reason. She wished to know for what reasons the freedom of persons with disabilities could be restricted and how many such persons were incarcerated. She was concerned to note that medical experiments could be carried out on human beings with the authorization of the relevant bodies, which constituted a violation of article 15 of the Convention.

46. Lastly, noting that the State party report cited the number of children with disabilities who were enrolled in school, she asked how many were in special schools or rehabilitation centres and how many were excluded from society because they were hidden away at home.

47. **Mr. Langvad** asked what steps were being taken to repeal the legislation that allowed medical experiments to be carried out on persons with disabilities with the consent of a third party; what legal measures were being taken to protect women and girls with disabilities from domestic violence, including marital rape; and what was being done to ensure that Bedouin children were registered at birth and enjoyed full rights.

48. **Ms. Kingston** asked whether female domestic workers were not only entitled to make complaints but also confident that their rights would be upheld by the system. Noting

that the Special Rapporteur on the independence of judges and lawyers had stated that the Government should appoint an independent committee of experts to investigate allegations of torture, including the torture of persons with disabilities, she asked whether such a committee had been appointed. She enquired whether the hotline set up in Dubai to receive reports of abuse, neglect and exploitation of persons with disabilities had been extended outside that city. Lastly, she requested more information on the number of people using the hotline and its general effectiveness.

49. **Mr. Babu** said that, when passing through Dubai International Airport, he had been subjected to inhuman and degrading treatment by immigration and security officers, who had made him remove his trousers so that they could check his prosthetic limb. No response had ever been made to the letter of complaint he had written. He wished to know whether the recent improvements to Dubai International Airport had included the installation of security equipment that would spare persons with disabilities from being subjected to similar treatment.

50. **Mr. Basharu** said that the delegation had not yet explained what steps were being taken to tackle derogatory language relating to children with disabilities. Turning to article 20, he asked whether any plans were in place to train blind persons in mobility skills whether blind persons would be provided with guide dogs to enhance their independent mobility and whether training would be given to teachers who worked with blind persons in the area of mobility.

51. **Mr. Al-Tarawneh**, noting that accessibility requirements were being considered in the design of new buildings, asked what steps were being taken to improve conditions of accessibility in existing buildings and facilities.

The meeting rose at 6.05 p.m.