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Summary record of the 15th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 21 February 2024, at 10 a.m.

Chair: Ms. Crăciunean-Tatu

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

Consideration of reports *(continued)*

(a) Reports submitted by States parties under articles 16 and 17 of the Covenant
(continued)

Second periodic report of Indonesia (continued) (E/C.12/IDN/2; E/C.12/IDN/Q/2; E/C.12/IDN/RQ/2)

1. *At the invitation of the Chair, the delegation of Indonesia joined the meeting.*
2. **The Chair** invited the delegation to continue replying to the questions raised by Committee members at the meeting the previous day.
3. **A representative of Indonesia** said that a national strategy to prevent child marriage was in place, and an action plan for improving children's welfare had been developed with a view to making the country more child-friendly by 2030. Efforts to prevent child marriage included education for parents, especially in areas with high rates of child marriage. Applications for dispensation for child marriage had fallen by 20 per cent between 2020 and 2022. Not all applications were granted, however, and Supreme Court guidance on that matter was oriented towards child protection. Assistance was provided to children who applied for dispensation for marriage.
4. Interfaith marriage was a complex issue in Indonesia. Under Law No. 1/1974 on Marriage, for a marriage to be legal it must be based on each person's religion and beliefs. The Supreme Court had provided judges with guidance on interfaith marriage, in order to avoid complications arising from such marriages and to protect women and children. Six official religions were recognized in Indonesia.
5. **A representative of Indonesia** said that efforts had been made to disseminate information on birth registration and the application procedures for birth certificates. The right to birth registration was a priority in Indonesia and was enshrined in the legislation. In 2010, a Constitutional Court decision had broadened the legal status of children born out of wedlock, who were recognized as being the offspring of their biological parents and were issued with a birth certificate. The Supreme Court had issued a circular in 2012 ordering all courts to enforce that decision. The proportion of the population with a birth certificate had increased significantly, to more than 90 per cent.
6. **A representative of Indonesia** said that it was important to take into account the context of his country, which had an exceptionally large territory and population. That gave rise to challenges in promoting economic, social and cultural rights. Rapid economic development and urbanization had led to changes in land use that had displaced some communities and disrupted natural resources. While development brought opportunities for employment and wealth generation, it could also exacerbate inequalities, especially in rural communities. Promoting economic growth while preserving cultural traditions, social cohesion and human rights necessitated complex policy decisions and a comprehensive approach.
7. To ensure the right to food, a wide-ranging food security strategy was being implemented by several ministries. It covered sustainable agricultural practices, the diversification of food sources, awareness of health issues and equitable access to nutritious food. Despite challenges posed by the coronavirus disease (COVID-19) pandemic, Indonesia had made progress in combating hunger and malnutrition, as measured by the indicators used in the Global Hunger Index. A robust budget had been allocated to food security measures, and a national action plan on food and nutrition had been developed for 2021–2024. Different government ministries were taking targeted action in that respect, and the government budget earmarked for food security for 2024 was the equivalent of \$8 billion, which represented an increase of \$940 million compared to 2023.
8. The definition of Indigenous peoples under the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169) was not entirely applicable in Indonesia. Indeed, there was no national consensus regarding the definition of Indigenous peoples and therefore no agreement on whether the ratification of Convention No. 169 was

necessary. Nevertheless, legal safeguards were in place for minority ethnic groups, including under the Constitution. Draft legislation on protections for customary law communities (*Masyarakat Hukum Adat*) was under consideration by the parliament.

9. Improving access to sexual and reproductive health services was a priority, and regulations and recommendations had been issued to that end. Abortions were carried out in accordance with the law, to ensure safety and the best interests of the person concerned. There were no international standards on abortion. Indonesian legislation provided that abortion could be carried out in cases of health emergency, rape or sexual violence, when the life of the mother was at risk, or when a genetic defect or incurable condition would affect the life of the fetus.

10. Law No. 17/2023 on health set out the comprehensive approach for supporting patients with mental health conditions. The approach included the provision of information, communication and education resources, training for health workers at the local level, the procurement of psychiatric medication, guidance for teachers and funding to conduct home visits. Community-based mental health services were being provided and mental health services had been broadened: in 2022, mental health services had been provided in 4,426 community health centres.

11. Legal frameworks, policies and initiatives were in place to protect the rights of children with psychosocial disabilities. Indonesia was a party to the Convention on the Rights of the Child, and the legislation on child protection enshrined the rights of all children, including those with disabilities, to education, health care and social welfare. There was a broad initiative to safeguard children's well-being, and programmes were being implemented to improve family life and help parents to protect children from violence, exploitation, abuse and neglect. The Ministry for the Empowerment of Women and Child Protection had engaged in raising awareness of the need to prevent violence against children and end stigma against children with disabilities and those in conflict with the law. Training sessions on child protection and handling trauma had been held for relevant stakeholders in various regions. Efforts had been made to improve children's access to mental health services, and health-care providers had been trained in identifying mental health conditions. Nonetheless, there were still challenges in ensuring the rights of children with mental health disorders: access to services was limited, there was a dearth of trained personnel, resources were lacking and discrimination persisted. Future efforts would focus on providing comprehensive mental health-care services.

12. **A representative of Indonesia** said that Government Regulation No. 21/2020 had been issued in an effort to resolve the agrarian conflict. The Ministry for Agrarian Affairs and Spatial Planning had received complaints regarding land conflicts from women in customary law communities. Any decisions on agrarian conflicts involved research into and review of the case at hand. By 2024, over 100 million plots of land, representing almost 88 per cent of the estimated number of non-forest land plots in the country, had been registered under the systematic land registration programme. Agrarian reform was implemented through asset legalization, registration, land distribution and social forestry. Some 26 million plots of land previously used for cultivation or abandoned plots, covering an area of approximately 1.43 million hectares, had been redistributed. Presidential Decree No. 62/2023 had been issued with a view to accelerating agrarian reform, to be realized through asset reform and access reform. The target for legalization of land assets was 4.5 million hectares. Assistance and training were being provided to empower communities in accessing land. Since 2021, the Ministry for Agrarian Affairs and Spatial Planning had established a large inventory of customary law communities' land spread across 16 provinces in Indonesia. The Ministry had started a pilot project to follow up on customary land data in West Sumatra and Papua, which had led to the issuance of land management rights certificates. Such certificates were an administrative tool to ensure better protection for communities' rights to customary lands. Regulations on land administration and registration of customary land had been revised, offering legal protection for communities inhabiting customary lands. Between 1961 and 2016, only 46 million fields had been registered. In 2017, a new land registration system had been introduced with the aim of registering all parcels of land in Indonesia by 2025.

13. **A representative of Indonesia** said that the policy on housing, drinking water and sanitation was set out in the 2020–2024 National Medium-Term Development Plan. The key targets were to expand homeownership and increase the number of families living in decent housing. Measures to achieve those targets included direct intervention programmes to expand access to decent and affordable housing for low-income people and those living in extreme poverty. Some \$62.5 million had been allocated to building special housing, including in the new capital city and for persons affected by disasters and social conflicts. In 2023, the Government had allocated \$9.25 million for housing through the housing financing liquidity facility. The microcredit scheme for housing had been expanded.

14. The 2020–2024 National Medium-Term Development Plan included a commitment to providing access to adequate and safe drinking water and sanitation. Strategies to fulfil that commitment included improving the drinking water supply and management system, implementing a drinking water security plan and monitoring the quality of drinking water. A community-based drinking water supply and sanitation programme implemented between 2019 and 2022 had given 24.5 million people access to safe drinking water. Efforts had been made to improve the water supply from lakes and rivers, and water pollution monitoring mechanisms had been implemented. Amid increasing threats from climate change, measures to ensure the right to water and sanitation had been strengthened across the Indonesian archipelago, particularly for remote and village communities.

15. **Mr. Nonthasoot** (Country Rapporteur) said that he would like to know why the dissemination of information on contraception was classified as an offence in the Criminal Code. Given that local hospitals or community health centres provided HIV testing and treatment, he wondered whether they also offered harm reduction measures such as clean needles and rehabilitation services. Did the State party’s legislation provide for voluntary rehabilitation for drug users?

16. **Mr. Windfuhr** (Country Task Force) said that he wished to know how the State party planned to address the issue of malnutrition and stunting among children and what its goals were in that respect. Given that many land conflicts were ongoing, he wondered how successful the State party considered its land registration efforts to be. He would like to learn whether the State party intended to overcome land conflicts by introducing legal safeguards for those who had land and those who did not yet have land. He would be interested to learn whether the State party had a national plan to adapt to climate change, which areas of the country would feel the greatest impact and how those areas were prepared.

17. **Mr. Abdel-Moneim** said that he would welcome further data concerning agrarian reform.

18. **Ms. Rossi** said that she would like to know whether the State party might consider removing any unnecessary legal barriers to safe abortion, including by reviewing restrictive regulations, in line with the abortion care guideline published by the World Health Organization in 2022.

19. She wondered what measures the State party had adopted to comply with the 2022 concluding observations of the Committee on the Rights of Persons with Disabilities (CRPD/C/IDN/CO/1) with respect to prohibiting the use of shackling, seclusion and all forms of restraints in all settings, including within family settings and in social care institutions, and developing and promoting non-coercive, community-based mental health supports and services.

20. She would be interested to learn how the State party assessed the impact of the Food Estate Programme on the right to food of rural and Indigenous communities; whether those communities had been consulted on the implementation of the programme; what measures had been taken to correct the negative impact of the programme; and whether the rights of rural women and children had specifically been taken into account.

21. **Mr. Fiorio Vaesken** (Country Task Force) said that he would like to know how food insecurity might affect children’s cognitive capacities and academic results and whether there were any school food programmes in place.

22. **A representative of Indonesia** said that Law No. 6/2023 on the Adoption of the Job Creation Law provided legal certainty by reducing potential obstacles to using land for

reasons of public interest, national development, equity, land consolidation and agrarian reform.

23. **A representative of Indonesia**, drawing the Committee's attention to the statement that he had made on contraception at the meeting the previous day, said that the legal conditions related to abortion differed from country to country and no one single legal standard was followed.

24. Efforts had been made to eliminate shackling in Indonesia. Under Law No. 36/2019, persons suffering from mental health disorders were guaranteed equal rights to treatment. Shackling of such patients was prohibited and punishable under legislation on mental health. The Ministry of Health had also issued regulations on the prevention of shackling. In 2021, there had been 4,772 recorded cases of shackling, and most victims had received mental health services. In East Java, an electronic system was in place to record data on shackling, and social care services were provided rapidly to victims; 2,814 victims had received such services since 2015. Shackling was often a result of a lack of knowledge or understanding, so it was important to continue to raise awareness in order to prevent stigma. Limited resources for treating people with severe mental disabilities posed a challenge to resolving the issue of *pasung* (the practice of shackling and secluding persons with mental health conditions).

25. **A representative of Indonesia** said that increasing agricultural production, maintaining food reserves, diversifying sources of food, stabilizing the food supply and improving food distribution were among the range of measures taken to prevent hunger and stunting. The prevalence of stunting had already decreased from 24.4 per cent of children in 2021 to 21.6 per cent in 2022, but the aim was to lower it still further. The desirable dietary pattern score had improved from 87.2 to 92.9 over the same period. Nevertheless, the long-term impact of the COVID-19 pandemic had led to a rise in the prevalence of undernourishment, from 8.5 per cent in 2021 to 10.2 per cent in 2022. The Food Insecurity Experience Scale had also gone up to 4.8 per cent in 2022.

26. **A representative of Indonesia** said that the Ministry of Agrarian Affairs and Spatial Planning, acting in collaboration with the police, the prosecutor's office and the community, had been able to settle 62 of 86 land dispute cases in 2023. One aim of agrarian reform was to register the title of 232,100 heads of families to 4.5 million hectares of redistributed land by 2024. Women in customary law communities had the right to own *ulayat* land.

27. **A representative of Indonesia** said that a secretariat to handle climate change issues had been set up in the National Development Planning Agency. A road map on how to increase food production had been formulated in order to tackle the crucial matter of food security. A draft law on decriminalizing the use of narcotic drugs was being debated by parliament, since it was deemed preferable to rehabilitate rather than to punish drug users.

28. **A representative of Indonesia** said that, under the Food Estate Programme, small-scale farmers had been provided with subsidized fertilizers, microfinancing, agricultural insurance and other forms of support. Suitable candidates for government assistance were identified through the farmer candidate/location candidate survey and encouraged to participate in the above-mentioned programme. In 2023, the Ministry of National Development Planning had published a food estate master plan, which adopted an inclusive approach and sought to improve the welfare of small-scale farmers by helping them to set up cooperatives. The goal of the programme was to fulfil the right to food for all Indonesians by expanding domestic food production capacity. By 2020, the programme had boosted the farmers' exchange rate to 116 per cent and had also resulted in a 17 or 18 per cent increase in rice production in two regencies.

29. **Mr. Fiorio Vaesken** said that he would be grateful for updated figures on measures to improve the digital infrastructure in educational areas. It would be useful to know the number of persons in receipt of digital talent scholarships and whether vulnerability was one of the criteria for granting them. He would like to hear the State party's plans for investment in faster Internet access in remote areas. He also wished to learn of any plans to arrest the decline in pupils' reading, mathematical and scientific skills. He asked whether there was any evidence that child or teenage labour was the reason for school dropout, or whether the latter was due to child or early marriage. Was preschool education free of charge and

universally accessible? He wondered whether the Government had considered the fact that the low quality of teaching at the preschool or primary level had a knock-on effect on pupils' performance in secondary schools. He would be grateful if the delegation could provide specific information on the causes of school dropout and on the impact of the Secondary Education Affirmative Action Programme mentioned in paragraph 56 of the State party's report (E/C.12/IDN/2). He would also appreciate more information about the amount of money allocated to renovating and rebuilding schools over the previous two years, and he wished to know whether investment in more remote areas, including in eastern Papua, had increased. He would like to know what measures were being taken to reduce the high level of absenteeism in schools and to reactivate schools in eastern Papua and other areas affected by conflict. It would be interesting to hear what steps had been taken to educate communities and families about the rights of persons with disabilities. In that context, he wished to know if the number of inclusive schools had risen since 2019, and whether the educational infrastructure currently met the demands of persons with disabilities.

30. He would appreciate a description of the measures taken to ensure that everyone, but especially women, persons with disabilities, the poor and members of ethnic minorities, had access without discrimination to the benefits of scientific progress and its applications. He would be grateful if the delegation could indicate what legal and procedural measures and consultation mechanisms existed to ensure that the free, prior and informed consent of Indigenous peoples was obtained to legislative or administrative measures affecting them. The Committee would also like to know what measures had been taken to guarantee Indigenous peoples' rights to reparation, to the preservation of their culture and identity, to equality and non-discrimination, and to land, territory, and ownership and traditional use of resources. Were those standards respected when licences to mine mineral resources were issued or when infrastructure, agricultural or industrial projects were approved? He was thinking in that context of the exploitation of the Wabu Block gold ore deposit or the Rempang Eco City Development. He was curious to know whether protection of the economic, social and cultural rights of Indigenous peoples would be embodied in the new law on Indigenous peoples, whether there was consensus on the definition of that term, and whether the new law would provide for monitoring of compliance with international standards of protection.

31. **A representative of Indonesia** said that, in 2022, Internet access had been available in almost 15,400 different locations across the country, including over 6,000 educational areas. In 2020, more than 58,000 people had participated in classes organized under the digital talent scholarship scheme. Training had also been focused on women and made accessible to persons with disabilities. The digital literacy index had risen to 3.54 in 2022.

32. **A representative of Indonesia** said that, in the 2023/24 academic year, some 4.7 million children were receiving early childhood education in either kindergartens, nurseries, day-care centres or other institutions. By 2023, over 9 million children, including children with disabilities, had received financial support under the Smart Indonesia Card programme. In the 2023/24 academic year, approximately 48 million children were enrolled in educational programmes from preschool to secondary school level, including those dispensed by community learning centres and schools for children with special needs. Over 22 million children were attending primary school, over 9 million were enrolled in lower secondary schools and just over 5 million were pupils of upper secondary schools. The number of children enrolled in schools had remained constant during the COVID-19 pandemic. Although the length of time children remained in school had steadily increased over the previous 10 years, in 2020 girls had still completed 0.6 fewer years on average than boys. Funding under the School Operational Assistance programme went directly to the school, and not the head teacher.

33. **A representative of Indonesia** said that developing the education sector in Papua and West Papua was a prime concern of the central Government. Over the previous five years, it had built 34 boarding schools at lower secondary level. Supplying schools with electricity and Internet access was a priority. The curriculum could be taught in local and regional languages, with instruction in different subjects for hunter/gatherer, rural and urban communities. The guidance and mentoring programme would continue to be strengthened. Teachers were being trained in the use of information and communication technology for

learning. The Ministry of Education and Culture had established the Secretariat for Acceleration of Educational Development in Papua, in recognition of the fact that an innovative approach was needed to improve education in Papua and West Papua and ensure that it was of an equal standard to the rest of the country, also in respect of access to school libraries and computer laboratories. Papuan children could be granted various scholarships at all levels of education, from primary school to university.

34. **A representative of Indonesia** said that policy on Indigenous peoples, or customary law communities, was consistent with the State party's commitment to the Declaration on the Rights of Indigenous Peoples. The definition it used was that of the International Labour Organization. The principle of free, prior and informed consent had been incorporated in Indonesian regulations. With regard to the Rempang Eco City Development, 300 of the 900 families in the local community had expressed their willingness to relocate to the Tanjung Banun area. The Government would endeavour to ensure that the relocation process was carried out in a smooth and respectful manner. As a gesture of appreciation, those who agreed to be relocated would be provided with 500 square metres of land and title to a two-bedroom house. Persons whose homes were valued at 100 million rupiah or more would receive compensation in the same amount. During the transition period, each member of the local community would receive 1.2 million rupiah in compensation, and each family would be granted 1.2 million rupiah to cover the cost of rent and relocation-related expenses. Out of the total 17,000 hectares of land on Rempang Island, only about 8,000 would be developed, and only 2,300 of that would be used for industrial purposes. The concerns and perspectives of the local people would be taken into consideration at all times.

35. **A representative of Indonesia** said that the Government had established a National Action Plan for the Elimination of the Worst Forms of Child Labour 2013–2022. From 2008 to 2020, thanks to the Child Labor Reduction Program, over 148,000 working children had returned to formal education, including vocational training. He firmly believed that the Government of Indonesia could minimize school dropout due to child labour by implementing the regulations and programmes described in paragraphs 94–96 of the replies of Indonesia to the list of issues in relation to its second periodic report ([E/C.12/IDN/RQ/2](#)).

36. **Mr. Fiorio Vaesken** said that he would like the delegation to provide information on the impacts and results of the Smart Indonesia Program and the 12-years Compulsory Education Movement, which aimed to reduce school dropout rates. Additionally, it would be useful to know how teachers' salaries compared with the national minimum and average salaries, and whether teachers benefited from a career plan. Did any teachers in the State party work without pay?

37. The Committee was aware of the requirement for identity documents in the State party to indicate their holder's affiliation with one of the six officially recognized religions. He would like to know what was the Government's rationale for that provision. He wondered whether persons could easily change religious denomination on their identity documents, and what options were available for individuals who were affiliated with religious groups other than the official religions or who were atheists or agnostics. Finally, since it appeared that the concept of blasphemy was criminalized in the State party, he wished to know what were the consequences of committing such an offence, and what standards were used to ensure fair application of the relevant legislation and avoid cases of State discrimination.

38. **Mr. Windfuhr** said that he would like the delegation to provide more information about national strategic infrastructure and development projects, specifically regarding the ability of developers to call upon the police or military to provide security for such projects, which could lead to conflict with local communities. He would like to know how the Government planned to regulate such disputes in the future in a manner that enabled the affected communities to have their say, because community consent and participation in the development process were essential. He wondered whether the Government would consider involving the national human rights institution or other organizations for that purpose. How would the Government ensure that the apparently numerous conflicts surrounding infrastructure and economic development projects were better managed in future?

39. **Mr. Abdel-Moneim** said that human rights should be promoted at all levels of education and should constitute an integral part of daily activity and participation in cultural life.

The meeting was suspended at 12.10 p.m. and resumed at 12.20 p.m.

40. **A representative of Indonesia** said that the Government's commitment to fulfilment of the right to quality education was demonstrated through various policies, including the allocation of at least 20 per cent of the State and regional budget to education. The Smart Indonesia Program and 12-years Compulsory Education Movement aimed to increase the school retention rate by assisting children from poor and vulnerable families to complete secondary education. As of August 2023, the Smart Indonesia Program had disbursed grants to over 9.3 million pupils since its launch, to cover personal expenses such as school materials and transportation. The Government had successfully maintained pupil enrolment during the COVID-19 pandemic. In 2022, the number of students in secondary education had been at its highest within the reporting period. There had been a steady increase in the average duration of schooling in the previous 10 years. In 2020, however, the average duration for girls was slightly lower than that for boys, at approximately 8.3 and just under 9 years, respectively.

41. **A representative of Indonesia** said that the Constitution guaranteed the fundamental right of freedom of religion or belief. Indonesia counted over 300 ethnic groups with 700 languages and different cultures and religions, and the Government promoted diversity, tolerance and peace in society. In addition to the six officially recognized religions, traditional beliefs were also recognized. A Constitutional Court decision allowing followers of traditional belief systems to register such beliefs on their identity cards and family cards had restored dignity and prevented discrimination against such groups. Citizens thus enjoyed equal rights, including equal access to public services such as education, civil registration for marriage, school services and health care.

42. **A representative of Indonesia** said that the Government was aware of the ongoing tensions related to religious beliefs. It had successfully resolved several such cases by utilizing a dispute resolution mechanism that involved the Centre for Religious Harmony, public figures, local government and grass-roots organizations. The Ministry of Religious Affairs was mainstreaming religious moderation, in order to promote peaceful coexistence and religious tolerance and to protect religious minorities. The programme of the Road Map for Strengthening Religious Moderation 2020–2024 had been incorporated into the 2020–2024 National Medium-Term Development Plan.

43. The revised Criminal Code had been prepared following a long series of public consultations involving all segments of society and had been carefully drafted to take social diversity into account. Regarding religious tolerance and blasphemy, it aimed to strike a balance between the interests of individuals and social groups. The code's provisions concerning religious practice were intended to prevent discrimination based on religion or belief. The scope of blasphemy was limited to the prohibition of expressions of hatred and hostile acts against a certain religious group, with the aims of preventing horizontal conflicts and discrimination and of maintaining public order.

44. **A representative of Indonesia** said that welfare, which was essential for protecting human rights, could not be achieved without development. Legislation and regulations stipulated that law enforcement officials had to observe strict procedures when maintaining public order surrounding infrastructure and development projects. Disputes between law enforcement agencies and local communities could be processed by the human rights communication service of the Ministry of Law and Human Rights. In future, regional business and human rights task forces would respond to such matters in all provinces in which they were established.

45. **Mr. Nonthasoot** said that he would like to know whether restrictions were in place concerning the wearing of the hijab. It would also be useful to know to what extent harm reduction programmes were available for drug users. Could the delegation provide information on the practice of involuntary rehabilitation of drug users?

46. **A representative of Indonesia** said that Law No. 35/2009 on drugs provided for publicly funded voluntary rehabilitation for drug users, subject to a thorough and comprehensive assessment of their situation by law enforcement officials. Drug users who also trafficked and sold drugs were processed by the criminal justice system.

47. **A representative of Indonesia** said that no national laws prohibited the wearing of the hijab in the national education system. In certain regions, some private and public schools had made it mandatory for girls to wear the hijab, based on national and local regulations. The crux of the matter was whether legislation and regulations permitted schools to enforce the wearing of uniforms. The Government was working with the Ministry of Education and Culture and the Ministry of Religious Affairs to clarify how to interpret the relevant legislation.

48. **Mr. Nonthasoot** said that it was important to strike a balance between wealth or welfare and development. He wished to underscore the mainstreaming of the human rights approach, marked by principles of transparency and participation, especially of those vulnerable groups who would be affected by development programmes. Furthermore, despite the challenges due to the complex geography of the State party, application of the principle of participation would ensure that the maximum available resources were managed in a transparent and participatory manner.

49. **A representative of Indonesia** said that dialogue was crucial for identifying areas for improvement and strengthening efforts to ensure the enjoyment of fundamental rights. The Government was committed to continuing its collaboration with all relevant stakeholders and looked forward to engaging constructively with United Nations human rights mechanisms, particularly treaty bodies, to enhance the protection of human rights in Indonesia.

The meeting rose at 12.45 p.m.