



Convention on the Rights of Persons with Disabilities

Distr.: General
25 September 2017
English
Original: Spanish
English, Spanish and Russian only

Committee on the Rights of Persons with Disabilities

List of issues prior to submission of the combined second and third periodic reports of Ecuador*

A. Purpose and general obligations (arts. 1-4)

1. Please explain the measures taken to comprehensively review the legislative framework, including the Organic Act on Disabilities, and bring it into line with the Convention, in particular in the areas of non-discrimination and compliance with the human rights model of disability. Please provide information on relevant promulgated bills, such as the bill on the system for the promotion and protection of rights.
2. In the light of the dissolution of the Technical Secretariat for Disabilities (SETEDIS), please indicate the lead agency in the field of public policy on disability responsible for institutional coordination at national level.
3. Please explain the measures taken to promote the effective and independent participation of organizations representing persons with disabilities, particularly women and children, persons of African descent and persons belonging to Montubio and indigenous nations and peoples with disabilities, in decision-making processes that affect them, such as the adoption of legislation, policies and programmes to implement the Convention and the related monitoring processes. Please explain the measures taken to ensure the participation of the aforementioned organizations in the National Council on Disability.
4. Please indicate the measures taken to disseminate and promote in an accessible format the Convention, the Committee's last concluding observations and its general comments.

B. Specific rights (arts. 5-30)

Equality and non-discrimination (art. 5)

5. Please provide information on the measures taken to implement in practice the legislative framework regarding discrimination on grounds of disability and indicate whether it includes the definition of reasonable accommodation and the denial of such accommodation as a form of discrimination.
6. Please indicate the steps taken to establish independent institutional mechanisms with indicators to identify and punish acts of discrimination based on disability, including the denial of reasonable accommodation as a form of discrimination or multiple and intersecting forms of discrimination, and the measures in place to ensure the non-recurrence of acts of discrimination.

* Adopted during the eighteenth session of the Committee (14 August-31 August 2017).



Women with disabilities (art. 6)

7. Please indicate the measures in place, including measures of remediation and affirmative action, to prevent multiple and intersecting forms of discrimination against women and girls with disabilities and to ensure their social inclusion. Please provide statistics on discrimination against women and girls with disabilities.

8. Please indicate the measures taken to mainstream the needs of women and girls with disabilities in the National Council on Gender Equality and ensure their direct participation in the various institutionalized areas for citizen participation, including the five national equality councils and the sectoral citizens' councils.

Children with disabilities (art. 7)

9. Please provide information on measures to prevent the abandonment and institutionalization of children with disabilities and ensure their access, on an equal basis with others, to community-based programmes and services provided by the public and private sectors.

10. Please indicate any measures taken to ensure the participation of children with disabilities in the National Council for Intergenerational Equality and other formal structures, as well as frameworks and incentives to promote the establishment of organizations of children with disabilities.

Awareness-raising (art. 8)

11. Please provide information on efforts undertaken to promote a positive image of persons with disabilities in line with the Convention, with a focus on human rights, and indicate whether those efforts have been evaluated. Please also provide information on measures to create awareness of the fact that the prevention of disabilities is not a policy for the implementation of the Convention and whether Telethon fundraising campaigns are still being conducted.

Accessibility (art. 9)

12. Please explain whether an accessibility plan is to be adopted to eliminate existing barriers within a reasonable period, including the amendment of the Ecuadorian Technical Regulation, with a view to including specific accessibility requirements relating to information, communication and technology and simplified language tools.

13. Please provide information on the measures for the implementation of accessibility legislation in connection with the physical environment and public transport, including in rural areas and at the parish administrative level.

Situations of risk and humanitarian emergencies (art. 11)

14. Please provide information on the measures adopted to include persons with disabilities in legislative provisions, plans and policies aimed at disaster risk mitigation. Please explain how the early warning mechanisms in situations of risk and humanitarian emergencies take into account persons with disabilities, including those who require more intensive support. Please also indicate whether information on emergencies and humanitarian risks is disseminated in formats that are accessible to all persons with disabilities.

Equal recognition before the law (art. 12)

15. Please provide information on measures to repeal the laws and practices that directly or indirectly restrict the full legal capacity of persons with disabilities, including the Civil Code, the Code of Civil Procedure and the Handbook on the Rights of Persons with Disabilities within the judiciary (2015), and to incorporate the supported decision-making model.

Access to justice (art. 13)

16. Please provide information on the legal reforms introduced to implement the Committee's previous recommendations (see CRPD/C/ECU/CO/1, para. 27) and to eliminate all restrictions on persons with disabilities in accessing justice, in order to train judicial staff on the rights of persons with disabilities and to ensure accessibility to judicial facilities. Please indicate the measures taken to ensure that persons with disabilities who have been subjected to discrimination have access to administrative or judicial grievance mechanisms outside the provincial capitals.

Liberty and security of the person (art. 14)

17. Please provide information on the measures in place to develop a comprehensive plan, with timetable, for the deinstitutionalization of persons confined in psychiatric hospitals, which includes the monitoring and follow-up of support and care provided in the community, particularly for persons who have been abandoned or are living on the streets, and to:

(a) Refrain from declaring persons with disabilities accused of a criminal offence unfit to stand prosecution, which would entail security measures or other forms of deprivation of liberty;

(b) Eliminate the use of involuntary or forced medication or treatment in diversion programmes for persons with disabilities who have been in contact with the criminal justice system;

(c) Eliminate any form of procedure that allows the forced or involuntary institutionalization of persons with disabilities.

Freedom from exploitation, violence and abuse (art. 16)

18. Please indicate the measures taken to prevent and punish violence, negligence and abuse against persons with disabilities, especially women and children, in the private and public spheres, including in State-run shelters, and to mainstream the disability perspective in all legislation, policies and strategies in place to prevent and adequately address violence.

Protecting the integrity of the person (art. 17)

19. Please provide information on any plans to abolish the practice of forced sterilization of persons with disabilities, particularly girls and women still under the care of the State party.

Liberty of movement and nationality (art. 18)

20. Please provide information on measures to ensure the constitutional right to human mobility for persons with disabilities, including the amendment of legislation such as article 7 of the Naturalization Act.

Living independently and being included in the community (art. 19)

21. Please provide information on the provision of home, residential and other forms of available community support, including Joaquín Gallegos Lara vouchers, and on measures to ensure that the vouchers are controlled and managed by persons with disabilities themselves who need them and not by third parties.

Freedom of expression and opinion, and access to information (art. 21)

22. Please describe the legislative and other measures adopted to ensure in practice that persons with disabilities can exercise their right to freedom of expression and opinion on an equal basis with others, through all forms of communication of their own choosing.

Respect for home and the family (art. 23)

23. Please specify what measures have been adopted to protect the right of all persons with disabilities to marry and start a family on the basis of free and informed consent and

the principle of non-discrimination. Please explain the measures taken to provide information, services and support to children with disabilities and their families.

Education (art. 24)

24. Please indicate, by means of disaggregated information, any measures to reduce the number of children with disabilities who are not in school or who attend segregated or part-time schools, and efforts to increase the number of children with disabilities attending regular schools with the necessary support, at the different levels of education and in the different regions. Please provide updated statistics on the number of children with disabilities not enrolled in the education system and the number of students with disabilities in segregated education in comparison with those in regular education.

Health (art. 25)

25. Please explain the measures adopted to ensure that all persons with disabilities, particularly women and girls, have access to the full range of health and rehabilitation services, including sexual and reproductive health services, in their own communities, particularly in rural areas.

Work and employment (art. 27)

26. Please provide information on how the low employment rate among persons with disabilities is being addressed, including in relation to the implementation of the provisions of the Labour Code and the Organic Act on Public Service with regard to disability.

Adequate standard of living and social protection (art. 28)

27. Please provide information on:

(a) Investigations undertaken by the State party to assess the situation of respect for and protection of the rights of persons with disabilities, especially women, children and older persons, in order to develop appropriate strategies for poverty reduction and the provision of social protection and public housing;

(b) Whether such strategies include tenders that meet the criteria of accessibility and universal design;

(c) Whether the free care provided to persons with disabilities is welfare-based;

(d) Measures taken to enable persons with disabilities to meet the additional costs that arise from their disability.

Participation in public and political life (art. 29)

28. Please provide information on measures to eliminate, in law and in practice, the voting restrictions affecting persons with disabilities, particularly those suffering from an intellectual disability and those who have been disqualified on the basis of a psychosocial disability.

Participation in cultural life, recreation, leisure and sport (art. 30)

29. Please provide information on the measures taken to ensure access to cultural, leisure and sports facilities to persons with disabilities, on an equal basis with others, and to ensure that persons with disabilities, particularly children, are able to participate in cultural, recreational and sporting activities on an equal basis with others.

C. Specific obligations (arts. 31-33)

Statistics and data collection (art. 31)

30. Please indicate the measures taken to develop a unified data-collection system and generate disaggregated statistical data on the effective exercise of the human rights of persons with disabilities, including information on indigenous, Afro-Ecuadorian and

Montubio children. Please also clarify how the perspective of the rights and dignity of persons with disabilities is mainstreamed in public policies and the monitoring and evaluation thereof, and in the identification of groups and populations who are marginalized or vulnerable.

International cooperation (art. 32)

31. Please provide information on the inclusion of persons with disabilities in national plans to implement the 2030 Agenda for Sustainable Development, as well on the involvement of organizations for persons with disabilities in the planning, implementation and monitoring of those plans.

National implementation and monitoring (art. 33)

32. Please provide information on the measures taken to strengthen the mechanism to monitor the implementation of the Convention, guarantee compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and ensure the involvement of civil society organizations.
