



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### List of issues in relation to the initial report of Honduras\*

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

1. Please provide information on the measures that have been taken to bring Honduran legislation, including Decree No. 160-2005, the Act on Equity and Comprehensive Development for Persons with Disabilities, into line with the Convention and to eliminate the pejorative terms, such as “*minusválidos*” (handicapped people), “*locos*” (crazy people), “*imbéciles*” (imbeciles) and “*dementes*” (lunatics), which appear in the Constitution and elsewhere. Please provide information on processes for certifying disability that are in accordance with the Convention.

2. Please provide up-to-date information on the implementation of the Public Policy for the Exercise of the Rights of Persons with Disabilities and their Social Inclusion in Honduras (2013) and on the participation of representative organizations of persons with disabilities in the implementation, monitoring and assessment of the Policy.

3. Please explain the existing mechanisms for consulting the representative organizations of persons with disabilities, including women’s organizations and those representing children with disabilities, on the adoption of policies, legislation and other issues affecting them.

##### B. Specific rights (arts. 5-30)

###### Equality and non-discrimination (art. 5)

4. Please provide information on measures taken to prevent, combat, punish and provide redress for acts of discrimination based on disability in practice and to recognize the structural, multiple and intersectional dimensions of discrimination and denial of reasonable accommodation as a form of discrimination on grounds of disability, in all spheres of activity.

###### Women with disabilities (art. 6)

5. Please elaborate on the inclusion of women with disabilities in policies for equality between men and women, and on the incorporation of a gender perspective in legislation

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\* Adopted by the pre-sessional working group at its sixth session (5-9 September 2016).



and policies on disability. Please also indicate the measures that have been taken to ensure the full development, advancement and empowerment of women with disabilities.

**Children with disabilities (art. 7)**

6. Please provide information on measures to protect children with disabilities from physical ill-treatment and corporal punishment, abuse and exploitation, as well as to provide support and resources to families with children with disabilities, to keep them from being concealed or abandoned.

**Accessibility (art. 9)**

7. Please provide information on the implementation of national accessibility plans for facilities open to the public, transportation, information and communications for which there are time frames and penalties for non-compliance, both in urban and in rural areas. Please also elaborate on the participation of representative organizations of persons with disabilities in that process. Please indicate how actions taken to ensure accessibility are coordinated.

**Situations of risk and humanitarian emergencies (art. 11)**

8. Please provide information on the use of protocols and procedures for the reduction and management of disaster risk as it relates to persons with disabilities, in urban, rural and remote areas, as well as on the participation of representative organizations of persons with disabilities.

**Equal recognition before the law (art. 12)**

9. Please indicate the legislative measures put forward to repeal the articles of the Civil Code and other laws that impose restrictions on the legal capacity of persons with disabilities and to set up support systems to ensure autonomy and respect for the will and preferences of the person in decision-making.

**Access to justice (art. 13)**

10. Please provide information on measures to provide procedural accommodations and full accessibility that will facilitate the effective participation of persons with disabilities, throughout the State party, in various capacities and at different stages of legal proceedings.

**Liberty and security of the person (art. 14)**

11. Please provide information on legislative measures to repeal the declaration of exemption from criminal responsibility and the subsequent use of security measures in cases in which persons with disabilities are involved in criminal acts.

**Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

12. Please provide information on the status of persons — abandoned children with disabilities in particular — who have been placed for long periods, on grounds of disability, in institutions, shelters and homes. Please also provide information on the independent mechanisms in place to oversee these institutions and protect their residents from torture and cruel, inhuman or degrading treatment.

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

13. Please provide information on measures to protect persons with disabilities, particularly women and children, from trafficking for begging purposes, as well as on rescue and physical and psychosocial rehabilitation programmes.

14. Please provide information on measures taken to ensure that women, children and older persons with disabilities who are experiencing abuse, physical and/or psychological ill-treatment, sexual violence and/or exploitation are protected and have access to justice. Please include information on accessible temporary shelters, psychosocial recovery and rehabilitation programmes and legal redress. Please also include information on records of such cases and the establishment and/or strengthening of an independent mechanism for monitoring the observance of this right.

**Protecting the integrity of the person (art. 17)**

15. Please explain the measures envisaged to criminalize, prohibit and punish the sterilization of persons with disabilities, especially women and girls, with the consent of a third party rather than with their own free and informed consent. Please indicate how women with disabilities are protected from forced abortions.

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

16. Please indicate what measures have been taken to provide community support services, including personal assistance, so that persons with disabilities may live independently in the place of their choosing.

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

17. Please provide information on the implementation of the Honduran Sign Language Act of 22 May 2014. Please also provide information on measures to step up the vocational training and certification of interpreters in accordance with the Act, and indicate how many of these interpreters are available to provide services in the State party, including in public agencies and for official procedures.

**Education (art. 24)**

18. Please elaborate on the measures taken to increase the school enrolment rate of children with disabilities and implement a plan, with timelines, indicators and the allocation and transfer of sufficient human and material resources, for the transitioning to inclusive and quality education of all persons with disabilities, particularly women and indigenous people in rural and remote areas. Please indicate how inclusive education has been incorporated into the curriculum for the training of teachers at all levels of education and at the national level.

**Health (art. 25)**

19. Please provide information on the existence of legal guarantees and protocols to govern the free and informed consent of persons with disabilities in respect of medical treatment and surgical and/or psychiatric and/or invasive procedures, and to protect them from such forced procedures and avoid substituted decision-making in such situations.

20. Please elaborate on measures to ensure the accessibility of health care, including physical facilities, furnishings and equipment, as well as information and communications connected with the provision of health services, to persons with disabilities. Please explain how free access to the medicines and supplies required by persons as a result of their impairment is guaranteed. Please also provide information on what measures have been

taken to provide training for health-care personnel in both urban and remote rural areas, including personnel working in sexual and reproductive health care, on the rights and needs of persons with disabilities.

**Habilitation and rehabilitation (art. 26)**

21. Please provide information on measures taken to ensure that Miskito divers, as well as all workers in Honduras, including migrant workers who acquire a disability, receive the necessary rehabilitation services close to their communities, with a view to their inclusion and participation in all aspects of life.

**Work and employment (art. 27)**

22. Please provide information on measures to ensure that reasonable accommodation is provided in the workplace with a view to promoting the employment of persons with disabilities, including the implementation of affirmative action measures, in both the public and the private sectors, with sanctions for non-compliance. Please also indicate the steps that have been taken to protect their labour rights and conditions of hiring and employment on an equal basis with others.

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

23. Please provide information on measures envisaged to implement social assistance programmes for persons with disabilities, in particular women, children, older persons, indigenous people and those living in rural and remote areas, to help them defray the additional expenses they incur as a result of their disability. In addition, please explain how persons with disabilities have been included in general social welfare programmes such as “Better Living” and in poverty reduction strategies. Please indicate how accessibility is incorporated into social housing programmes.

**C. Special obligations (arts. 31-33)**

**Statistics and data collection (art. 31)**

24. Please provide up-to-date information on the development of systems of data collection and statistics based on the human rights model of disability and up-to-date statistics on persons with disabilities and the enjoyment of their human rights.

**International cooperation (art. 32)**

25. Please provide information on national plans developed, with the express inclusion of the rights of persons with disabilities, for the implementation of the 2030 Agenda for Sustainable Development.

**National implementation and monitoring (art. 33)**

26. Please explain the measures taken to strengthen the Directorate-General for the Development of Persons with Disabilities as the entity responsible for following up on the implementation of the Convention. In addition, please report on progress in designating the independent mechanism to monitor the implementation of the Convention and ensuring the participation of the representative organizations of persons with disabilities in both bodies.