



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### List of issues prior to submission of the combined second and third periodic reports of Argentina\*\*

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

1. Please provide information on the State party's strategy at the federal and state level to ensure the enjoyment of the human rights model of the Convention in its legislation and public policies and on the budgets and programmes relating to disabilities.
2. Please provide information on whether all provinces have now complied with Act No. 24901 on basic services for the comprehensive habilitation and rehabilitation of persons with disabilities and indicate the criteria for receiving such services. Please provide details of the time frame for the issuance of the Single Disability Certificate and the acquisition of membership in the "Inclusion" federal health programme run by the Ministry of Health, and explain how persons with disabilities can access the health system before their membership is recognized.
3. Please report on procedures for consultation with organizations of persons with disabilities, including organizations of women and children with disabilities, in the development of the national disability plan and on the procedures in place at the federal and state levels for consultation and cooperation on laws and policies relating to disability. Please indicate the measures that have been taken to support the independent participation and work of organizations that represent persons with disabilities.

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

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

4. Please provide information on how reasonable accommodation is provided in order to facilitate the participation of persons with disabilities in all areas, including by public and private organizations, and explain whether the denial of such accommodation is recognized as a form of discrimination.
5. Please provide information on the measures taken to prevent and punish multiple and intersectional discrimination, and describe the sanctions imposed within the framework of Decree No. 1086/05, which punishes discrimination based on disability. Please indicate the measures taken to protect the rights of indigenous persons with disabilities, to facilitate their access to public services and to ensure their right to report discrimination against them.
6. Please provide information on past and current cases heard before the courts and other instances relating to complaints of discrimination based on disability.

\* Second reissue for technical reasons on 24 October 2017.

\*\* Adopted by the Committee at its eighteenth session (14 August-1 September 2017).



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

7. Please indicate how the State party has implemented a strategy for mainstreaming gender and disability issues into legislation and programmes focusing on women, including with regard to violence, access to justice, sexual and reproductive rights and access to the labour market. In addition, please provide information on the programmes run by the Council for Women and the National Advisory Commission on the Integration of Persons with Disabilities (CONADIS) for girls and women with disabilities.

8. Please provide information on measures to facilitate the empowerment, participation and social inclusion of women and girls with psychosocial and/or intellectual disabilities.

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

9. Please provide information on the action taken to ensure the community inclusion of children with disabilities on an equal basis with other children.

10. Please clarify the criteria for applying the principle of the best interests of the child and facilitate their free expression in all areas, including family life, education and administrative matters, through accessible and age-appropriate forms of communication.

### **Accessibility (art. 9)**

11. Please provide information on the establishment and functions of the Advisory and Monitoring Committee and on any mechanisms in place to oversee and evaluate compliance with accessibility legislation in all the areas covered by the Convention, for instance, the legislation on accessibility of information on web pages and audiovisual communication services. Please indicate whether materials and information exist in easy-read format and how they comply with universal-design criteria in practice. Please also indicate how accessibility is actually ensured, in social housing, schools, urban and interurban transport and establishments open to the public, especially business premises.

12. Please provide information on the action taken by the State party to follow up on the recommendations contained in the Committee's general comment No. 2 (2014) on accessibility.

### **Situation of risk and humanitarian emergencies (art. 11)**

13. Please provide information on the measures taken to include persons with disabilities in plans and policies aimed at disaster risk mitigation and existing early warning mechanisms in situations of risk and humanitarian emergencies.

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

14. Please indicate whether the judicial process to determine legal capacity, set forth in the Civil and Commercial Code, remains in effect and explain the role of the support guardian. Please provide information on the initiatives taken to ensure that persons with disabilities can exercise their legal capacity.

15. Please provide information on the age-appropriate systems in place in federal entities to facilitate supported decision-making and on the advisory and technical resources available to persons with disabilities so as to ensure their autonomous participation in decision-making.

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

16. Please provide information on any measures taken to ensure access to justice and eliminate all barriers preventing persons with disabilities from accessing justice. Please indicate the measures for providing legal advice to women with disabilities who report cases of gender-based violence and to ensure that special defence services are available for persons with disabilities in court proceedings.

17. Please also indicate whether judges and other personnel, including law enforcement officials, have been provided with training on the rights of persons with disabilities and describe the impact of that training.

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

18. Please provide information on the number of persons with disabilities who have been institutionalized on grounds of a real or perceived impairment and on the plans in place for their deinstitutionalization. Please indicate the financial and technical resources devoted to the closure of asylums under the National Mental Health Act (Act No. 26657) and provide disaggregated data on the progress made towards deinstitutionalization.

19. Please provide information on measures to repeal the criminal legislation that allows for the declaration of incapacity and the detention of persons on the grounds of psychosocial and/or intellectual disability.

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

20. Please provide information on the measures taken to prohibit the use of restraints, isolation, electroconvulsive therapy and involuntary and/or excessive use of medication in psychiatric hospitals, which may constitute torture or cruel, inhuman or degrading treatment or punishment. Please explain how the monitoring of the conditions of deprivation of liberty of persons with disabilities is incorporated into the national mechanisms for the prevention of torture and describe the mechanisms in place to ensure coordination between the national and local review bodies established by the National Mental Health Act (Act No. 26657).

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

21. Please provide information on existing measures to identify, investigate and punish all forms of violence against persons with disabilities, in particular women and children in institutions, and provide disaggregated data on investigations and court rulings in cases of gender-based discrimination against women and girls with disabilities.

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

22. Please provide information on the measures taken to prevent the authorization of third-party decision makers and the practice of administering contraceptives to and performing abortions and/or sterilization procedures on persons with disabilities without their consent. Please indicate whether the State party has repealed the regulations permitting the forced sterilization of persons with disabilities and amended article 86 of the Criminal Code and article 3 of Act No. 26130 governing surgical methods of contraception.

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

23. Please provide information on measures to repeal legislation allowing for medium- and long-term placement in psychiatric units and on strategies to deinstitutionalize persons with disabilities, including the financial and technical resources available at the state and federal level to facilitate the transition of persons with disabilities into community life.

24. Please provide information on the implementation of the Support Service for Independent Living and on strategies to ensure accessibility to goods and services in the community, such as transport, housing and banking. Please also provide information on any support systems for community life besides the invalidity benefits regime established under Decree No. 432 of 1997 and the criteria used for decisions on access to such support.

25. Please provide information on measures to prevent the abandonment and institutionalization of children with disabilities from low-income families, those living in rural areas and those with psychosocial and/or intellectual disabilities.

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

26. Please provide information on the number and distribution of accredited sign language interpreters in Argentina and describe how training institutions that provide accreditation for interpreters work in collaboration with organizations of deaf persons.

27. Please indicate whether persons with disabilities are guaranteed access to information in all areas of participation in private and public life, including accessible tickets.

#### **Respect for home and the family (art. 23)**

28. Please provide information on measures to protect the right of persons with disabilities to marry and form a family, especially those declared “insane” or “lacking legal capacity”, in accordance with the Civil and Commercial Code, and the financial support for families that include parents with disabilities and/or children with disabilities.

#### **Education (art. 24)**

29. Please provide data disaggregated by age, sex and disability showing what percentage of each group is enrolled in inclusive education at all levels and in all regions of the State party. Please indicate the number of persons with disabilities who are in segregated special education compared with the number of students with disabilities in inclusive education. Please also indicate the number of resource centres for inclusion and the geographical areas they cover. Please provide information on the existence of reasonable accommodation in education and on teacher training programmes on inclusive education. Please report on the resources allocated to following up on decision No. 311/2016 of the Federal Education Council on the promotion, accreditation and certification of students with disabilities and on programmes designed to prevent the rejection of students with disabilities in mainstream schools and to create an inclusive educational environment. Please indicate whether general comment No. 4 (2016) on the right to inclusive education has been recognized by the public authorities in Argentina.

#### **Health (art. 25)**

30. Please provide information on measures taken to ensure access to health system coverage for persons with disabilities, particularly those who are outside the labour market. Please indicate the plans and budgets in place to ensure the accessibility of equipment, processes and protocols in the health system.

31. Please provide information on how sexual and reproductive health policies and programmes include women and girls with disabilities and explain whether sexual and reproductive health information is made available in easy-to-read formats, Braille and sign language.

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

32. Please indicate whether the State party has prohibited discrimination in employment on the basis of disability.

33. Please specify, with indicators, whether the 4 per cent employment quota for persons with disabilities is being met in the public sector and in private entities providing public services (Act No. 25689) and which posts they hold, as well as the various employment programmes for persons with disabilities that have been developed within the public sector and in the open labour market.

34. Please provide information on complaints procedures and statistics on cases of discrimination on the grounds of disability, including the denial of reasonable accommodation in the workplace, and the remedies available.

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

35. Please explain how the social protection system includes persons with disabilities and describe the social benefits available to persons with disabilities, by age group, including the non-contributory pension. Please also explain how assistance is attributed and disbursed in order to cover disability-related costs. Please provide information, disaggregated by federal district, gender, age and urban or rural area, on access to such benefits.

36. Please provide information on the evaluation of the impact of the measures taken by presidential decree to limit the coverage of the social protection system in relation to disability pensions. Please clarify whether the impact on the various geographical regions has been evaluated and describe any measures to mitigate possible negative effects on the living conditions of persons with disabilities.

37. Please provide information on measures taken by the State party to give priority to persons with disabilities in policies and strategies relating to poverty reduction, housing and water and sanitation in urban and rural areas, taking into account the commitments of the State party in connection with the 2030 Agenda for Sustainable Development.

#### **Participation in political and public life (art. 29)**

38. Please indicate whether the Electoral Code has now been amended to include persons legally declared “unfit”.

### **C. Specific obligations (arts. 31-33)**

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

39. Please provide information on the methods of collecting information on the situation of persons with disabilities, including in national censuses. Please indicate the mechanisms for the involvement of organizations of persons with disabilities in the design of measurement tools, particularly in the register of institutionalized persons and the register of persons in psychiatric hospitals. Please indicate whether there are plans to include disability as a separate indicator of discrimination in registries and data collection and report on initiatives involving the use of the questionnaires and tools developed by the Washington Group on Disability Statistics.

#### **International cooperation (art. 32)**

40. Please outline the measures taken to ensure that the rights of persons with disabilities, as enshrined in the Convention, have been mainstreamed in national plans for the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals. Please also indicate what steps have been taken to ensure that organizations of persons with disabilities play a significant part in these processes.

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

41. Please provide information on the rank of CONADIS and the human, technical and financial resources allocated to it, as well as its medium- and long-term strategies to ensure the implementation of the Convention. Please also provide information on the establishment of the independent monitoring mechanism as per article 33 (2) of the Convention and the person from the Office of the Ombudsman tasked with handling disability issues.