



Convention on the Rights of Persons with Disabilities

Committee on the Rights of Persons with Disabilities

Ninth session

Summary record of the 95th meeting

Held at the Palais Wilson, Geneva, on Monday, 15 April 2013, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

Contents

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

Initial report of Paraguay

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

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

Initial report of Paraguay (CRPD/C/PRY/1; CRPD/C/PRY/Q/1 and Add.1)

At the invitation of the Chairperson, the delegation of Paraguay took places at the Committee table.

Mr. Aguirre (Paraguay), introducing his country's initial report (CRPD/C/PRY/1), said that democracy in Paraguay had provided the basis for significant progress in the area of disability, with the active participation of civil society in decision-making. Furthermore, substantial achievements had been made since the submission of the report in 2010, including the establishment of the National Secretariat for the Human Rights of Persons with Disabilities (SENADIS) at the ministerial level. It had the authority to secure the effective implementation of public policies to guarantee the rights enshrined in the Convention. The National Council on the Rights of Persons with Disabilities (CONADIS) had been set up alongside the Secretariat and comprised representatives of Government and of organizations of persons with disabilities. Although Paraguay had not yet adopted a comprehensive law protecting persons with disabilities against all forms of discrimination, Act No. 4720 establishing the National Secretariat for the Human Rights of Persons with Disabilities provided for such protection. In addition, a general policy framework had been developed for equality and non-discrimination in the civil service, along with the first plan of action on equality and non-discrimination in public employment.

While recognizing the rights of persons with disabilities as fully-fledged members of society, his Government was aware of the many obstacles they faced in exercising those rights on a daily basis. It therefore endeavoured to develop inclusive public policies with a special emphasis on accessibility. The National Institute of Technology, Standardization and Metrology was responsible for establishing and harmonizing accessibility standards through its technical standardization committees. The Institute's accessibility committee, through its subcommittee on accessibility to the physical environment, had introduced a bill providing for the compulsory implementation of its standardization programme. Moreover, all public institutions with building or conversion plans must now comply with the established accessibility standards. The transport committee had developed standards to improve public transport facilities, which involved the replacement of all vehicles within a five-year period. The law requiring the provision of special areas for persons with physical or motor disabilities applied to theatres, cinemas and stadiums throughout the country. Lastly, the Ministry of Public Health and Social Welfare had adapted its infrastructure to meet the accessibility standards, and the judiciary and national police had also taken measures to that effect.

With regard to accessibility of information and communication, a law on the compulsory use of sign language in news broadcasts in the audiovisual media had been adopted. In addition to improving accessibility in that area, the law sought to place sign language on an equal footing with other forms of expression and communication. Other measures included the implementation of the Languages Act and the adoption of a resolution by the Ministry of Education and Culture on the implementation of sign language in the public, subsidized and private institutions of the national education system. A resolution had also been adopted on the performance of the national anthem in sign language, and a Paraguayan sign language dictionary had been approved. Another achievement was the creation of a relay centre for accessible communication for deaf persons.

Policies to promote access to justice for persons with disabilities had been strengthened. Sign language interpreting was provided for deaf persons, and services were in place for children with disabilities. A commission had been established to draw up guidelines on and monitor the implementation of the Brasilia Regulations Regarding Access to Justice for Vulnerable People. Amendments to the Civil Code were required to guarantee the rights of persons with intellectual or psychosocial disabilities with regard to ownership, inheritance, control of financial affairs and access to financial services, thereby ensuring that they were not subjected to restrictions that were contrary to article 12 of the Convention.

Awareness-raising campaigns on the issue of disability were conducted by the Ombudsman's Office, SENADIS, the Electoral Court and the Directorate-General of Statistics, Surveys and Censuses. With regard to liberty and security of person, a protocol for monitoring the living conditions and guaranteeing the rights of persons deprived of their liberty by court order had been implemented pursuant to the act approving and ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Regrettably, there was no mechanism for systematic collection of data on the number of complaints and decisions relating to violence against persons with disabilities. However, the Supreme Court was committed to pursuing a judicial policy based on human rights with the support of the Office of the United Nations High Commissioner for Human Rights. A shelter for women victims of violence, established in November 2012, currently provided refuge for four women and one child with disabilities. While there were no reports to date of persons with disabilities who had been victims of trafficking, the Government was developing a national policy to prevent and combat trafficking in persons in Paraguay.

A large proportion of people with disabilities faced obstacles to the enjoyment of their basic rights to health and education. Accordingly, the Ministry of Public Health and Social Welfare had established free access to health services, taking into account the different types of disability, and the Ministry of Education and Culture, through the Directorate of Education for Persons with Special Educational Needs, provided programmes and services for educational institutions. Lastly, a law on inclusive education was currently before the National Congress.

Ms. Quan-Chang (Country Rapporteur) urged the State party to adopt, without delay, legislation prohibiting and punishing discrimination against persons with disabilities and referring explicitly to denial of reasonable accommodation as a form of discrimination. Commending the adoption of Act No. 3585/08 on integration of persons with disabilities in the labour market, she requested further information on its impact and on the measures taken to combat discrimination in the private sector. As noted by the Government itself, under the Civil Code persons with certain types of disability were declared legally incapable, in contravention of article 12 of the Convention; that must be addressed. She asked what measures had been adopted, in the run-up to the country's general elections, to guarantee the right to vote of persons with disabilities, in particular intellectual and psychosocial disabilities, to ensure equal access to information and communication in that context, and to promote an inclusive electoral process. She also wished to know whether all persons with disabilities were provided with an identity document from birth and were placed on the electoral roll when they reached the age of majority, notably persons with intellectual and psychosocial disabilities.

Insufficient information was available on the situation of women and children with disabilities in the State party. The Committee was particularly concerned at reports that women with disabilities were exposed to trafficking, domestic violence, abuse and exploitation, and that women and girls with disabilities, particularly in institutions, might be subjected to forced sterilization, and it would like to know whether the State party had implemented legislation to protect children with disabilities from corporal punishment.

The Committee was also concerned at information that children, women and men with disabilities were accommodated together at the Albino Luis and Pequeño Cottolengo homes and that, although residents were admitted to the homes by order of a judge, no appropriate monitoring mechanism existed for those facilities at State level. She requested more information on the living conditions of persons with intellectual and psychosocial disabilities in Tacumbú prison, in the light of the allegations of torture and cruel treatment. In particular, she wished to know whether resources were allocated to the care and rehabilitation of such persons, who should be held separately from non-disabled inmates. Information on the situation of children, women and men with disabilities in shelters and hospitals where they were deprived of their liberty would also be appreciated.

She asked what initiatives had been taken to develop tailored early childhood education programmes for children with disabilities and to strengthen inclusive education at all levels and throughout the country. The Committee was concerned that, notwithstanding the status of Paraguay as a country with medium human development, the majority of persons with disabilities in the State party lived in poverty, including extreme poverty. It wished to know what measures had been introduced to ensure that they enjoyed a decent standard of living, without having to resort to begging. The Government should share its preliminary findings from the 2012 population census, which had included questions on disability, and provide further information on the situation of indigenous persons with disabilities.

She welcomed the establishment of SENADIS but was concerned that it had been tasked with both implementing measures and ensuring independent monitoring in that area. The institution thus did not comply with the Paris Principles. Lastly, she enquired whether Paraguay effectively integrated organizations of persons with disabilities in developing policies on disability, in accordance with the Convention, and, if so, what mechanisms were involved in the consultation process.

Articles 1–10

Mr. McCallum said he understood that a bill prohibiting discrimination had been before the National Congress in Paraguay for a long time. He asked whether a time frame could be provided for its enactment and whether it would contain provisions to ensure reasonable accommodation in the employment of persons with disabilities, pursuant to article 5 of the Convention.

Ms. Degener said she welcomed the news that a shelter had recently been opened to provide refuge for women and children with disabilities who were victims of violence. She had been surprised to note that the report of Paraguay included no references to article 6 of the Convention. Moreover, it had emerged from the report that the State party had not implemented any action programme to combat multiple discrimination against women and girls with disabilities, and that the issue of the sexual and reproductive health of women with disabilities was still considered taboo. Did the State party have any plans to remedy that situation?

Mr. Langvad asked what specific measures had been taken to actively involve persons with disabilities, including children with disabilities, through their representative organizations, in decision-making, pursuant to article 4, paragraph 3, of the Convention. He also wished to know how the State party ensured that children with disabilities had the right to express their views freely on all matters affecting them, in accordance with article 7, paragraph 3. He enquired what initiatives had been carried out under article 9 to involve organizations of persons with disabilities in developing accessibility standards that took into account the various forms of

disability. Lastly, he wished to know what was being done to promote positive perceptions of persons with disabilities, as required under article 8, including through the use of appropriate language.

Ms. Peláez Narváez asked in what ways the Secretariat for Women defended the rights of women and girls with disabilities, whether women and girls with disabilities were aware of their rights, to what extent SENADIS involved women with disabilities in drafting policy, and how women and girls with disabilities were protected in Paraguay against sexual abuse and trafficking.

Mr. Ben Lallahom observed that no expert from the Ministry of Labour had been involved in drafting the report, that the definition of disability excluded psychological impairment, and that article 23 of Act No. 1626/2000 on the Civil Service seemed to cover only physical, and not other, disability as an impediment to entry to public employment. In his view, the issue of accessibility had not been accorded the importance it deserved in Paraguay. Few statistics on accessibility were available, hindering the development of future strategies, even though measures were urgently required. He wondered whether persons with disabilities were granted a card entitling them to certain privileges.

Mr. Tati asked what legal remedies were currently available to a person facing disability-based discrimination. He also wished to know how compliance with legal obligations on accessibility would be monitored and whether there would be penalties for non-compliance.

Mr. Ríos Espinosa asked how many indigenous persons had disabilities and whether there were policies protecting their rights. The “Use your head, use a helmet” campaign appeared to confuse accident prevention with the promotion of rights: surely the campaign reinforced stereotypes against disabled persons rather than preventing them?

Mr. Buntan asked what steps Paraguay had taken to develop regulations governing accessibility of information and communication that complied fully with internationally recognized standards.

The Chairperson, speaking in her personal capacity, asked what specific steps had been taken to address the difficulties of persons with disabilities in the provinces, what strategies and plans had been initiated by the National Institute for the Protection of Exceptional Persons and SENADIS in respect of the country’s indigenous population, and whether equality plans or any other initiatives included campaigns to prevent violence against women and children with disabilities. She would welcome the delegation’s reaction to reports of infanticide of children with disabilities in some sectors of society, notably indigenous groups, and wished to know what measures the State party had taken to stamp out the practice.

The meeting was suspended at 4.10 p.m. and resumed at 4.35 p.m.

Mr. Aguirre (Paraguay) said that he recognized the lack of specific statistical data as a serious problem that impeded the allocation of budgetary resources for persons with disabilities. The 2012 population census had resulted in considerable improvements to the statistics available and indicated that 12.6 per cent of Paraguayans had disabilities, which was significantly higher than previously estimated.

Ms. Ferreira Servín (Paraguay) said that some standards on physical accessibility, drawn up by the National Institute of Technology, Standardization and Metrology, were already in force. Those standards were used as the basis for a bill on accessibility, shortly to be promulgated, which would also provide for monitoring of compliance with standards and penalties for non-compliance. Several State bodies were drawing up standards on transport accessibility and, within five years, transport should be fully accessible to persons with disabilities. Little progress, however, had been made on communication standards. Lastly, some municipalities had issued individual provisions related to issues such as disabled parking and pavement ramps.

Mr. Castillo Pérez (Paraguay) said that all of the proposals made by civil society had been incorporated in the law establishing CONADIS, a body with considerable capacity to shape policies for improving the quality of life of people with disabilities. The Civil Code indeed had certain gaps in respect of legal capacity, and there were also problems with the application of the Code’s provisions in that area. Cooperation between SENADIS and the National Secretariat for Children and Adolescents typified the cross-cutting efforts being made to adopt new standards and regulations on all issues concerning children with disabilities.

Ms. Yaluk (Paraguay) said that consultations had been held with civil society to allow for further amendments to the bill outlawing discrimination. While no comprehensive national law currently existed in that area, article 46 of the Constitution prohibited all forms of discrimination.

Ms. Da Silva Boschert (Paraguay) said that the women’s shelter opened by the Ministry for Women in 2010 boasted a reinsertion programme and a multidisciplinary team. The national policy against trafficking in persons required State bodies to develop programmes to eradicate violence against women. A technical committee, comprising several government agencies and the national police, had been set up to compile a unified register of services for victims of violence, especially gender-based violence. It was planned to extend the powers of the police and magistrates’ courts, with a view to improving the assistance offered still further. Efforts were also being made to ensure that offences in the Criminal Code were classified in a manner consistent with the provisions of legislation such as Act No. 1600 on the prevention of domestic violence.

In preparation for the forthcoming general elections, the Election Coordination Commission had established a programme to ensure the participation of persons with disabilities. The Electoral Court had prepared a manual providing clear instructions for persons in polling stations to ensure inclusive and accessible voting. For reasons of infrastructure availability, the programme would initially be launched in the capital alone. Increased efforts had also been made to introduce voting by Braille for visually impaired persons and to provide sign language interpretation of television broadcasts related to the elections.

Mr. Candia (Paraguay), referring to the issue of inclusive education, said that the national plan on comprehensive early childhood development provided for the strengthening of existing comprehensive care services in educational centres and special schools, as

well as early intervention and inclusive strategies. In addition, it involved the extension of classrooms and centres to support inclusion and participation in the first cycle of basic education for children who faced barriers to learning. There were sports and cultural activities, family subsidies and follow-up, support services in rural and urban areas, and pedagogical and administrative procedures to promote socio-educational inclusion of such children. The plan also focused on improving the standard of teaching through the provision of training and refresher courses, with a focus on inclusion. A bill on inclusive education was currently under consideration.

Ms. Ferreira Servín (Paraguay) said that SENADIS had a directorate tasked with certifying persons with disabilities and issuing them with identity cards. While certification had been under way for five years already, the issuing of identity cards was just about to begin. Certification provided advantages in the areas of housing and public employment.

Ms. Da Silva Boschert (Paraguay) said that, according to statistics from March 2013, there were 1,277 persons with disabilities employed in the civil service.

Ms. Ferreira Servín (Paraguay) said that the law on entry to the civil service did not refer to specific disabilities but applied to all persons with disabilities. It had been drafted in consultation with representatives of State bodies and organizations of persons with disabilities. The law established the procedure for the entry of persons with disabilities to the civil service through public competitive examinations and transparent mechanisms, and provided for necessary accommodations to be made. An inter-agency committee consisting of representatives of civil society and State bodies monitored the process.

Over the past few years, the National Institute for the Protection of Exceptional Persons had been decentralizing habilitation and rehabilitation services, and had signed an agreement with the Ministry of Public Health and Social Welfare, with the involvement of organizations of persons with disabilities, to transfer such services to regional hospitals. Six departments were currently providing habilitation and rehabilitation services, and further agreements were under way to extend the services to the interior of the country. SENADIS provided the necessary equipment and professional staff. A tripartite project between Japan, Paraguay and Chile was also being implemented in various departments, with a focus on children with disabilities aged between 2 and 5 so that they could start inclusive education without difficulty. Various other projects were under way to promote social inclusion and ensure that persons with disabilities enjoyed their human rights, with the participation of the regional social welfare units, family health units and local councils.

Mr. Al-Tarawneh, noting that the target date for the Millennium Development Goals was fast approaching, asked whether the State party had incorporated disability issues in its general activities to achieve the Goals. He also wished to know whether any initiatives had been taken to ensure that persons with disabilities were able not only to vote, but also to run for public office. Had a national action plan been developed to tackle accessibility issues, including information and communication technologies?

Articles 11–20

Mr. Torres Correa asked whether there was any process for the allocation of State funds to associations working with persons with disabilities and, if so, what follow-up or assessment of such funding was carried out.

Mr. Ríos Espinosa asked whether the Civil Code and the Code of Criminal Procedure included any provisions on procedural accommodations that were required under the Convention. He wished to know whether persons who were declared exempt from criminal responsibility enjoyed due process guarantees and were allowed to defend themselves. If so, what penalties were applied to them? He would be interested to know whether Paraguayan legislation provided for the possibility of detaining a person on the grounds of disability. He also wished to know whether the delegation had any information on allegations regarding criminal organizations that exploited persons with disabilities through begging.

Ms. Degener asked whether any measures had been taken to realize the right to physical and mental integrity, and whether persons with disabilities were protected against forced treatment. Was there any independent body that monitored that right specifically, did persons with disabilities have access to related information and were any awareness-raising activities conducted in that area?

She enquired how many children and adults were living in the country's homes for persons with disabilities and whether the State party intended to address the institutionalization of persons with disabilities.

Ms. Peláez Narváez requested information on mechanisms to ensure that women with disabilities who had been victims of violence had effective access to justice and could file complaints and provide testimony. She asked how the protection of children with disabilities had been incorporated in the national plan for the prevention and eradication of sexual exploitation of children, and whether any awareness-raising campaigns on trafficking were being targeted at persons with disabilities.

Mr. Langvad expressed regret that the State party appeared not to have taken even those measures that cost nothing to implement. It seemed strange that anyone could be deprived of their personal autonomy and legal capacity simply because of a disability, given that granting all citizens their right to personal autonomy did not constitute a heavy burden for any State party. It was particularly hard to believe, for example, that deaf persons could be deprived of their right to vote, which denied them the possibility of ensuring that those in political office did not violate the rights of deaf persons. He wished to know what measures were being taken to ensure that nobody was deprived of their personal autonomy and legal capacity regardless of disability.

He asked how many persons with disabilities were living in institutions, and what was being done to break down barriers and ensure that persons with disabilities were seen as members of their communities. He also wished to know what measures were being taken to improve access to various kinds of assistive devices.

Mr. McCallum said he hoped that the State party would enact a law preventing discrimination against persons with disabilities as soon as possible. He would be interested to hear when the amendments to the Civil Code and Code of Criminal Procedure that were required to ensure that persons with disabilities could exercise their legal capacity were likely to be made. With reference to

guardianship, he asked whether any consideration was being given to building a model for assisted, rather than substitute, decision-making.

Mr. Ben Lallahom requested information on the kinds of activity being carried out by NGOs in Paraguay for the benefit of persons with disabilities.

The Chairperson, speaking in her personal capacity, asked what initiatives were in place to harmonize Paraguayan legislation so as to ensure full implementation of article 12 of the Convention. Noting that Paraguay had adopted the Brasilia Regulations Regarding Access to Justice for Vulnerable People, she asked how the State party ensured access to justice for persons with various types of disability, and whether the Supreme Court had already adopted a policy on access to justice for persons in vulnerable situations. She wished to know what specific actions had been taken by the national mechanism for the prevention of torture with regard to persons with disabilities who had been forcibly detained in neuropsychiatric or criminal institutions, and what measures the Ombudsman's Office had conducted in relation to cruel, inhuman or degrading treatment. She also invited the delegation to comment on the issue of infanticide of children born with disabilities.

The meeting rose at 5.50 p.m.