



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Tenth session

Summary record of the 110th meeting

Held at the Palais Wilson, Geneva, on Friday, 6 September 2013, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

later: Mr. McCallum (Vice-Chairperson)

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The meeting was called to order at 10.05 a.m.

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

Initial report of El Salvador (continued) (CRPD/C/SLV/1; CRPD/C/SLV/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of El Salvador took places at the Committee table.*

Articles 11–20

2. **Ms. Peláez Narváez** said that she would appreciate further information on the prevention and rehabilitation programmes in El Salvador for women with disabilities who had been victims of violence. She also wished to know what strategies had been devised to combat the phenomenon of women and girls being sexually exploited or forced to beg. She asked what steps had been taken to amend article 147 of the Criminal Code, which allowed the involuntary sterilization of women with disabilities, some of whom were sterilized, often without their knowledge, when they sought abortions after being raped. What was being done to prevent sexual violence and prosecute the perpetrators?

3. **Mr. Buntan** asked whether the State party had made its disaster relief programme disability inclusive.

4. **The Chairperson**, speaking in her personal capacity, asked what specific steps had been taken to implement the Brasilia Regulations Regarding Access to Justice for Vulnerable People. She also wished to know what had been done to prevent persons with disabilities from being forced to live on the streets.

5. **Ms. Azucena Mejía** (El Salvador), replying also to questions posed at the previous meeting, said that police officers in El Salvador had to contend with gang violence and insecurity and that, although there had been some reports of police violence against members of the deaf community, such isolated cases were not indicative of a systematic culture of abuse. Nevertheless, the Government had taken a number of measures to prevent such incidents from occurring in future, including the provision of ongoing training for all police officers to raise their awareness of the rights of persons with disabilities.

6. The official status of sign language remained a contentious issue as many deaf persons in El Salvador used the American, as opposed to the Salvadoran, sign-language system. The National Council for Persons with Disabilities would continue to debate the matter and would consult with disabled persons' organizations to ensure that the resulting decision responded as fully as possible to the deaf community's needs.

7. Recent tropical storms had led the Government to put some of its early disaster warning systems for persons with disabilities into practice. Further improvements to the disaster response plans would be made in consultation with disabled persons' organizations, and the Government intended to work closely with the Civil Defence Unit to establish a more comprehensive set of prevention and assistance measures.

8. **Ms. Velásquez de Avilés** (El Salvador) said that women with disabilities continued to be subjected to forced sterilization and involuntary confinement in residential institutions. A few perpetrators of sexual violence had been prosecuted, but more action needed to be taken in order to address the matter fully. Efforts had been made to harmonize article 147 of the Criminal Code with article 12 of the Convention, and disabled persons' organizations would be involved as far as possible in consultations on the transition from a substitute to a supported decision-making model for persons with disabilities.

9. **Ms. Valle de Cárcamo** (El Salvador) said that hostels in El Salvador had very recently been given guidance manuals on how to support persons with disabilities during natural disasters. A national committee had also been established and a national emergency register designed to ensure persons with disabilities received appropriate assistance during situations of risk.

10. Pursuant to the Convention against Torture, to which El Salvador was a party, legislative, administrative and judicial measures had been adopted and protection mechanisms put in place to prevent cases of cruel, inhuman or degrading treatment of persons with disabilities. Articles 37 and 38 of the Criminal Code expressly prohibited torture and other cruel, inhuman or degrading treatment or punishment, and any public official who inflicted torture on another person, including a person with a disability, would receive a sentence of 6 to 12 years' imprisonment.

11. Regarding the prevention of abuse or ill-treatment of children and adolescents with disabilities, article 39 of the Criminal Code contained provisions prohibiting the unauthorized use of pharmacological restraints on girls, boys and adolescents, and article 204 provided for a 1- to 3-year prison sentence for persons who abused a minor with disabilities in their care and 15 to 30 days' community service for persons who forced a minor to beg. Since its institution in 2012, the National Council for Children and Adolescents had received a total of 45 complaints of breaches of the rights of children with disabilities, the majority of which related to violations of the right to physical integrity and the right to protection against sexual exploitation, as well as the right to education. The Salvadoran Institute for Child and Adolescent Development had assisted around 78 children and adolescents with disabilities since 2012 under its specialized social inclusion programmes. In addition, the Government had organized a training scheme for professionals responsible for teaching and caring for children with disabilities and had set up regional hostels for girls with disabilities who had been victims of trafficking. A national television campaign to raise awareness of the problem of violence against children with disabilities had been broadcast.

12. The Salvadoran Institute for the Advancement of Women had devised a programme to assist women victims of violence, including women with disabilities, and specialized shelters and rehabilitation programmes with fully qualified staff had been established. Victims of violence also had access to legal advice, psychological therapy and support groups, and the Government had developed technical victim support guidelines.

13. As to accommodation for persons with disabilities, 52 children and adolescents currently received public institutional care and 231 adults with disabilities resided in the Salvadoran Institute for Comprehensive Rehabilitation. Many more persons with disabilities lived in private homes. Every public institution in El Salvador had to carry out a needs-based assessment and design specific activity and treatment plans tailored to each individual resident. Every care worker was also required to meet specific professional standards and a zero-tolerance policy on violence or ill-treatment was in place.

14. **Ms. Azucena Mejía** (El Salvador) said that there were few examples of persons with disabilities living independently in El Salvador and that societal attitudes towards disability would need to change before any real improvements would be seen. Nevertheless, the Government was committed to providing the necessary support to persons with disabilities and their families in order to ensure that all individuals could freely choose and manage their own lives.

15. **Ms. Valle de Cárcamo** (El Salvador) said it was clear that the Government must improve access to justice for persons with disabilities. Steps had already been taken to train judicial staff on the promotion and protection of the rights of persons with disabilities, and

conferences had been held on the issues faced by women with disabilities and on labour rights for persons with disabilities.

16. **Mr. García** (El Salvador) reiterated that there had been only isolated instances of deaf persons being mistaken for gang members by police officials owing to their use of sign language closely resembling hand gestures made by the *maras* (gangs). The Government had taken several steps to ensure that such confusion would not occur in future, but it would welcome any further information or assistance from the Committee on how to proceed.

Articles 21–33

17. **Ms. Quan-Chang** asked whether there were plans to establish focal points within the Government and an independent monitoring mechanism to promote the implementation of the Convention pursuant to article 33. She also wished to know how the Government would involve disabled persons' organizations in the monitoring process.

18. El Salvador was a country of origin of migrants, many of whom used dangerous means of transport to reach their end destination. How did the Government ensure that Salvadorans returning to El Salvador with disabilities and injuries suffered while attempting to leave the country were successfully reintegrated into society and received essential rehabilitation services?

19. **Mr. Langvad** asked what initiatives had been introduced to provide persons with disabilities living in remote and rural areas with access to clean drinking water and sanitation facilities. Noting the preferential treatment given to war veterans with disabilities, he asked what steps the Government had taken to ensure that all persons with disabilities, including children with disabilities, had equal access to social protection.

20. Stressing that open employment offered persons with disabilities an important opportunity for inclusion in society, he enquired what specific action had been taken to reduce barriers to mobility so that persons with disabilities could easily travel to their workplaces. He also wished to know why some persons with disabilities had been declared ineligible to vote in El Salvador and how many persons to date had been deprived of their right to vote. Lastly, he sought clarification as to why focal points and an independent monitoring mechanism pursuant to article 33 of the Convention had yet to be established.

21. **Mr. Ríos Espinosa** said that the new law on violence against women made no mention of women with disabilities, yet violence affected them more severely than other women; safe houses and refuges, for example, were not accessible to women with disabilities. The issue related to article 19 and the right to inclusion in the community. He considered it important to establish a body to monitor implementation of the new law.

22. He would like to know whether there had been questions on persons with disabilities in the State party's latest census. If so, had the methodology used been in line with the recommendations of the Washington Group on Disability Statistics? He also wished to know whether account was taken of the rights of persons with disabilities in international cooperation programmes carried out in El Salvador.

23. **Mr. McCallum** asked what percentage of persons with disabilities were employed as compared with the percentage of other Salvadorans and, if sheltered workshops were in operation, how many persons with disabilities worked there. Was it correct to say that in rural areas there was no employment for persons with disabilities? Lastly, he would appreciate more information about government programmes to boost the employment of persons with disabilities, particularly in view of what appeared to be a significant gap in the employment of men and women with disabilities.

24. **Mr. Lovászy** said that the State party was to be congratulated on having a Department of Inclusive Education, which was more than many European countries had.

There did appear to be problems, however, in providing accessible facilities and buildings in a country with such difficult natural terrain. In addition, with more than 1.5 million students, the 400 teachers receiving training in inclusive education, as mentioned in the State party report (CRPD/C/SLV/1), would probably not be sufficient. Were there any programmes to give full training, and not merely a one-day course, to more teachers?

25. He found it strange that any link should be made between sign language and gang membership. Sign language was not only the natural language of deaf persons, and therefore not criminal, but could also be used in numerous situations even by hearing persons. El Salvador was on the right track in promoting the use of sign language. He wondered what subjects were taught by the deaf teachers referred to in the State party's report.

26. **Mr. Buntan**, referring to training for those responsible for website accessibility, asked whether the State party had any mechanism to monitor whether websites actually became accessible after the training. Concerning inclusive education, he wondered whether the School for the Blind had a specific role to play in the Government's policy initiative in that area or whether it was being reformed to provide different services.

27. He would appreciate clarification of whether the civil society representatives on the National Council for Persons with Disabilities were from national disabled persons' organizations or from organizations providing services to disabled persons. As far as he could gather, half the members of the Council were persons with disabilities. Were they individuals or were they representatives of disabled persons' organizations? It was important for such organizations to be able to act on behalf of persons with disabilities in a more systematic way.

28. **Mr. Babu** said that he would appreciate statistics on the employment of persons with disabilities disaggregated by disability and by sector, public and private. The State party's report mentioned restrictions on the right of persons with disabilities to stand for election. What steps had been taken to correct that situation?

29. **Ms. Peláez Narváez** said that she would like to know what steps had been taken to remove the ban on deaf people marrying from Salvadoran legislation. In the context of the United Nations Educational, Scientific and Cultural Organization (UNESCO) education for all initiative, she wondered what percentage of children with disabilities would be enrolled in school by 2015, bearing in mind the substantial economic assistance being provided to El Salvador in order to achieve that goal.

30. She asked whether there was an advisory council on policies on women and if so, whether women with disabilities were represented on it? In general, how did the State party ensure that women with disabilities were properly represented in consultations on equality policies? Lastly, she wondered whether El Salvador had any plans to accede to the new Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.

31. **Mr. Kim Hyung Shik** said that he would appreciate more specific responses to the questions put at the previous meeting on articles 12, 18 and 19, with regard to the exploitation of persons with disabilities and the number of persons in institutions.

32. Regarding article 26, centralization appeared to be a major problem in terms of access to habilitation and rehabilitation services. Community-based rehabilitation had figured extensively in the delegation's introductory statement at the previous meeting, yet there was no mention of it in the State party's report, and he wondered what other plans there were to decentralize such services. Could the delegation also elaborate further on the question of social and vocational rehabilitation?

33. The report mentioned that most people with disabilities were in a precarious financial situation and also recognized that, owing to limited educational opportunities, they could not be guaranteed an adequate standard of living. He wondered how the State party intended to deal with those two problems.

34. *Mr. McCallum, Vice-Chairperson, took the Chair.*

35. **Mr. Ben Lallahom** asked what measures the State party was taking to bring the Family Code into line with the Convention. What medium- and long-term measures were being taken to adopt the principle of inclusive schooling? Lastly, what was the situation of autistic children in El Salvador?

36. **Mr. Tatić**, referring to the previous day's discussions, said that it was still not clear what legal remedies were available to those whose rights under the Equal Opportunities for Persons with Disabilities Act were violated.

37. There was a link between articles 24 and 27 of the Convention: without quality education, persons with disabilities could not find employment. He would therefore like to hear more about the links between education and the demands of the open labour market in the State party, in particular whether persons with disabilities were able to get training and education for vacancies advertised by potential employers. Lastly, with regard to article 30, on participation in cultural life, and notably tourism, he wondered what facilities — public transport, hotels, and information in accessible formats, for example — were available for tourists with disabilities who might wish to visit El Salvador.

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

38. **Mr. García** (El Salvador) said that an observatory for persons with disabilities was to be set up under the new national policy being developed by the National Council for Persons with Disabilities. The observatory would monitor and evaluate the implementation of the Convention.

39. Persons who, as a result of misfortune of various kinds, became persons with disabilities while attempting to reach the United States were eligible for special assistance under a memorandum of understanding concluded with Mexico. The memorandum of understanding also covered access to health services for persons with disabilities in transit situations. Migrants who were repatriated to El Salvador were entitled to assistance under the Welcome Home programme referred to in the annex to the report.

40. There was more than 80 per cent coverage of water and sanitation services in El Salvador, and poorer families enjoyed subsidized tariffs. However, there were no specific programmes promoting access to those services for persons with disabilities. His delegation had taken note of the Committee's comments in that regard.

41. Concerning the restrictions in electoral law on the eligibility of persons with disabilities to run for office, the article in question had been repealed in 2011, except insofar as it referred to "*enajenados mentales*" (mentally disturbed persons). As to the accessibility of polling stations, although some initiatives had been taken to guarantee access for persons with disabilities, further progress was needed, particularly as schools were often used for elections and they were not always very accessible. Voters with visual impairments were provided with special kits and ballot papers. Special provision was already made for those with poor mobility, and in the February 2014 elections it would be possible for the first time to vote from home.

42. **Ms. Azucena Mejía** (El Salvador) said that the data provided on education were initial data, since it was only during the current Government's period of office that real discussion of educational reform had started. Many of the inclusive education programmes, for example Education for All Children with Visual Impairment (EFA-VI), were described

in the replies to the list of issues (CRPD/C/SLV/Q/1/Add.1). International cooperation was a very important component of such programmes. Special teaching kits were available to those with hearing or intellectual impairments and, to ensure that deaf persons themselves trained teachers in the use of sign language, agreements had been made with their representative associations.

43. The Ministries of Education and Health were working together to develop community-based rehabilitation, and members of the community with disabilities were helping to design and implement those programmes. Similarly, blind persons were involved in accessibility projects to ensure that their specific needs were truly met. Lastly, El Salvador would be signing the Marrakesh Treaty referred to by Ms. Peláez Narváez in around 10 days' time.

44. **Ms. Velásquez de Avilés** (El Salvador) said that the issue of unemployment affected all sectors of society. In El Salvador, the rate was 7.5 per cent, with another 34 per cent underemployed, and many of those people were fully qualified. In terms of equal opportunities, as well as the International Labour Organization (ILO) conventions referred to in the report, El Salvador had signed the Global Jobs Pact. An important part of dealing with the problem was making the population at large more aware of the issues relating to disability. The Ministry of Labour and Social Security was being very proactive in increasing the visibility of persons with disabilities. Even so, only a small percentage of the total population of persons with disabilities were in work, perhaps around 235,000 persons.

45. The judiciary had taken important steps to improve access to justice. Registers of those involved in legal proceedings, whether defendants or victims, had been introduced in 2010. Physical access had been improved in the courts, but there was still no body of professional sign-language interpreters working with the courts. In prisons, too, where there were real violations of human rights, the Government was trying to make changes. Its efforts in those contexts were often opposed by persons who espoused the common notion that anyone who broke the law forfeited all their rights and that the Government must therefore be on the side of the criminals.

46. **Mr. Martínez** (El Salvador) said that great efforts had been made in the area of rehabilitation by various State institutions. One of those was the Salvadoran Institute for the Rehabilitation of Invalids, which had changed its name to the Salvadoran Institute for Comprehensive Rehabilitation. The State was also working with civil society as well as persons with disabilities themselves, parents' and families' associations and, in particular, the families of children with disabilities. The aim was to institutionalize community-based rehabilitation using a rights-based or social model, in order to move towards inclusion rather than mere integration.

47. **Mr. García** (El Salvador) recalled that the 2007 census had been the first time information had been collected on persons with disabilities in El Salvador. The National Registry of Natural Persons also gathered such information and two programmes, one under international cooperation and the other run by the Government, were attempting to improve the quality of statistics. Work was already under way to ensure better coverage of persons with disabilities in the 2017 census. Lastly, he recalled that a Government working group had been set up to bring Salvadoran legislation into line with the Convention.

48. **Ms. Velásquez de Avilés** (El Salvador) said that the dialogue with the Committee had taught her that the question was not one of rehabilitating persons with disabilities but one of rehabilitating society, since it was society that prevented persons with disabilities from fully enjoying their rights. That involved in part changing civil servants' patterns of thinking. There was no need to create more rights, rather to uphold existing rights for all on an equal footing. She thanked the Committee for a fruitful exchange.

The meeting rose at 1.05 p.m.