



Convention on the Rights of Persons with Disabilities

Distr.: General
27 November 2017
English
Original: Spanish
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

Concluding observations on the initial report of Ecuador

Addendum

Information received from Ecuador on follow-up to the concluding observations*

[Date received: 27 August 2014]

Report on measures taken in relation to the concluding observations on the initial report of Ecuador: paragraphs 29 (a) and 31 (a) and (b)

Paragraph 29. The Committee recommends that the State party:

(a) Draw up a comprehensive deinstitutionalization plan for persons currently in the Julio Endara Psychiatric Hospital that ensures their personal safety and provides them with the guarantees enabling them to exercise their right to be included in the community. The comprehensive plan must include actions to guarantee the accommodation, food and personal assistance services they require to ensure their full inclusion.

1. The Julio Endara Psychiatric Hospital, located in the city of Quito, specializes in tertiary-level care. It has been pursuing a deinstitutionalization policy since November 2013, when a family reintegration team composed of one psychiatrist, one clinical psychologist and one nurse was set up.

2. The hospital has 131 beds, 50 of which are being used by persons from the shelter, 37 by chronic patients, 22 by acute patients and 22 by patients who have been placed there by court order; 8 of the institutionalized patients have an accredited disability status and card. As of May 2015, the reintegration team had succeeded in transitioning eight patients back to their families and another five patients were in the process of being reintegrated into their families.

3. On 25 July 2014, by Ministerial Decision No. 4927,¹ The Ministry of Health of Ecuador approved the Strategic National Mental Health Plan 2014–2017 and the Mental Health Care Model. This document sets out five main courses of action for addressing mental health issues in the country, which include the deinstitutionalization of persons who have been placed in psychiatric hospitals for extended periods of time. Persons with mental health problems are to be integrated into their family environments and communities while efforts are made to promote their autonomy and their inclusion in society. At the same time,

* The present document is being issued without formal editing.

¹ Supplement to the *Registro Oficial* No. 320 of 27 August 2014.



the institutional model on which existing services are based is to give way to the use of out-patient treatment settings supplemented by temporary admission for serious cases.

4. In 2014, the Ministry of Health recruited 617 health-care professionals (mainly psychologists) to provide primary out-patient mental health care so that specialized tertiary-level treatment could be reserved for very serious cases. It is expected that 80 per cent of the demand for mental health services can be met by this means.

5. Since May 2015, the Mental Health Commission of the Ministry of Health and the Pan-American Health Organization (PAHO) have been working on the design of a deinstitutionalization plan in coordination with Julio Endara Hospital that will serve as a model for specialized hospital mental health care; it will include a day clinic offering art workshops, family reintegration services and intake units.

6. Finally, another aspect of the deinstitutionalization process involves transitioning patients at Julio Endara Hospital into residential support facilities provided by the Ministry for Economic and Social Inclusion. These are older adult patients who have no families and who are sufficiently independent to move into residential centres run by the Ministry of Economic and Social Inclusion and share in the activities of the other users of those centres. This process has begun with eight older adults who had been patients in Julio Endara Hospital and who have now moved into senior centres in three cities: Pedernales, Milagro and Babahoyo. The Ministry of Health trained the staff of these centres to deal with these cases; it also provides all the medication that these persons require and conducts health monitoring and follow-up visits every two months.

Paragraph 31. The Committee recommends that the State party:

(a) Launch a training programme on the sexual and reproductive rights of persons with disabilities, targeted specifically at women with intellectual disabilities, their families and the professionals who provide services in the various State institutions.

7. Based on information provided by the 2010 population census conducted by the National Statistics and Census Institute and a study prepared by the Ecuador Office of the United Nations Population Fund on the fertility rates of women with disabilities in Ecuador, the Ministry of Health determined that:

- 34 per cent of women with disabilities of childbearing age have two or more children
- 8 per cent of women with disabilities of childbearing age have five or more children
- 80 per cent of women with disabilities had their first child while they were adolescents or young adults, and 3 per cent of them had their first child when they were between 10 and 14 years of age.

8. One of the milestones in public policy on sexual and reproductive health services for persons with disabilities in Ecuador is Ministerial Decision No. 249012 of 2013,² whereby the Ministry of Health issued the Regulation on Access to Contraceptives and the Availability of Contraceptives in the National Health System. Article 5 of that regulation states:

All persons, regardless of their ethnicity, age, sex, cultural identity, marital status, language, religion, ideology, political affiliation, socio-economic status, economic migration status, gender identity, health status, HIV/AIDS status, disability, physical difference or other condition, who seek care in Health Care Units (Level of Care) have the right to freely take informed decisions on the contraceptive method or treatment that they will use, without being pressured or harassed into choosing any particular one; to that end, health-care personnel shall offer all the various contraceptive options after having provided proper guidance and advisory assistance.

² *Registro Oficial* No. 919 of 25 March 2013.

9. Ministerial Decision No. 5198³ of 28 November 2014 on the application of technical standards for comprehensive care in cases of gender violence provides for the use of active search and coordination mechanisms by the Ministry of Health and the Attorney General's Office in dealing with cases of violence involving persons belonging to priority groups, one of which is persons with disabilities.

10. The Technical Secretariat for Disabilities (SETEDIS) conducted a study in the province of Pichincha on the sexual and reproductive health of persons with disabilities. The findings of this study are to be announced in late October 2017.

11. The training provided to technical and health-care staff of both the Ministry of Health and the Ministry of Economic and Social Inclusion concerning inclusive case management for persons with disabilities cover the topic of sexual and reproductive health. The National Directorate for Disability of the Ministry of Health and the Office of the Under-Secretary for Disability and the Office of the Under-Secretary for Inter-generational Affairs of the Ministry of Economic and Social Inclusion organized national events on "Care for caregivers of persons with disabilities" and "Care for caregivers of older adults". Training is targeted at technical personnel, service providers and health staff of those Ministries and includes a special module on sexual and reproductive health for persons with disabilities and older adults. As of August 2015, training had been provided to 201 health professionals of the Ministry of Health, 213 service providers of the Ministry of Economic and Social Inclusion and 4,321 caregivers for persons with disabilities participating in the Joaquín Gallegos Lara voucher system. It is hoped that all 30,000 of the caregivers participating in the Joaquín Gallegos Lara voucher system can receive this training by November 2015.

(b) Carry out institutional reforms and training programmes for professionals in the police and justice sectors so that they are able to detect situations of abuse and violence against persons with disabilities and to conduct investigations with the necessary procedural accommodations to ensure that criminal behaviour is punished.

12. The duties of the Ministry of the Interior are to develop, apply and evaluate public policies that will ensure the internal security and governance of the State within a framework of respect for human rights, democracy and citizen participation. Within this context, the following activities have been undertaken in the police force on behalf of police officers with disabilities:

- Founding of a centre for differently abled children and adolescents who are dependents of members of the police force under a commodatum agreement reached between Fabricamos Ecuador (FABREC) and the Police Development and Welfare Foundation (FUNDEBIP), which was provisionally inaugurated on 23 September 2014. This initiative was launched under the cooperation agreement between the Ministry of the Interior and FUNDEBIP entered into on 1 March 2013.
- A project for the improvement of medical care for police officers with disabilities was approved by Ministerial Decision No. 455-CSG-PN of the National Police General Council and promulgated by General Order No. 114 of 15 June 2006. Work carried out under this project has included:
 - The establishment of two units that dispense medical care to police officers with disabilities, one in Quito Hospital No. 1 and the other in Guayaquil Hospital No. 2, in conjunction with the implementation of various comprehensive care service programmes.
 - Inclusion in the computerized registration system of the National Personnel Directorate of the National Police Force of personnel records that include specific information on police officers' disabilities.
- A project to introduce reforms and include disability issues in the work of the legal agencies of the National Police Force.

³ Supplement to *Registro Oficial* No. 321 of 20 May 2015.

- Inclusion of a provision for annual physical evaluations of police officers with disabilities in the Physical Testing Regulations.
- An adaptive recreational sports programme.
- Dissemination of research on the incidence of disabilities.
- A procurement plan for the acquisition of technical assistance and technology aids for police officers with disabilities was prepared in 2013.
- Training, awareness-raising and information programmes.
- Catastrophic Illnesses Programme.

13. The National Police Social Welfare Directorate has carried out the following activities:

- A nationwide campaign to raise awareness of the Disabilities Act among senior officials, police units and governmental organizations
- A nationwide campaign to raise awareness of the Disabilities Act among social workers, psychologists and personnel of the National Police Social Welfare Directorate.

14. On 27 June 2013, the National Council for the Equality of Persons with Disabilities, the Ministry for Economic and Social Inclusion and the Council of the Judiciary signed an inter-agency cooperation agreement under which they pledged to coordinate their efforts to eliminate obstacles to access to legal and judicial services for persons with disabilities. The agreement also covers training for civil servants aimed at improving standards of service.

15. The road map for this initiative plotted out five lines of action to be pursued over a two-year period. The first focused on the preparation of a legal analysis from the perspective of justice officials and federations of persons with disabilities for use in teaching staff of the justice system about the obstacles and critical bottlenecks that make it difficult for persons with disabilities to gain access to justice.

16. The second line of action dealt with a systematized examination of the records on the inspections conducted to determine compliance with the Ecuadorian Standards Institute (INEN) physical accessibility standards for Council of the Judiciary buildings around the country. This information served as the basis for the preparation of a technical report for use in prioritizing construction or other works in buildings of the Council. That report will, in turn, serve as the basis for a future infrastructure project.

17. The third line of action was to raise awareness about disability issues among justice officials and administrative staff of the judicial branch. As part of this effort, descriptions of specific issues were developed, along with targeted recommendations for addressing them through the use of positive language and effective communication skills. Universal accessibility was one of the topics that was covered.

18. Disability awareness campaigns targeting personnel involved in the administration of justice which have been launched on the virtual platform of the National Council on Disabilities (CONADIS). The focus is on promoting positive attitude change and a genuine and progressively greater integration of persons with disability into society.

19. Awareness-raising activities for notaries and candidates for notary positions were held on site in the cities of Quito (on 30 September 2013 with nearly 300 persons in attendance), Guayaquil (on 23 September 2013 with 200 persons in attendance) and Cuenca (on 16 September 2013 with 192 persons in attendance). Each of these four-hour training activities covered the national and international regulatory frameworks for disability issues, statistics and general concepts.

20. The second part of the programme focused on human talent development in the judicial branch for personnel in the justice system and was held for seven groups of 2,000 staff members each. Each group participated in the opening phase of the awareness course via the virtual platform.

21. The outcome statistics for the awareness campaigns are as follows:
- **Participants: Number and percentage**
 - Total number of participants who did not sign in: 2,424 (20 per cent)
 - Total number of participants who successfully completed the course: 9,177 (77 per cent)
 - Total number of participants who failed the course: 369 (3 per cent)
 - **Total number of staff members: 11,970 (100 per cent)**
- Source:* Report on participants, CONADIS virtual platform, 2014.
22. An eighth phase of the awareness programme is scheduled for the staff members of the judicial branch who did not sign in or failed the course.
23. The Council of the Judiciary and CONADIS are working on the implementation of the fourth and fifth lines of action, which deal with the accreditation of sign-language interpreters for the judicial branch and advisory services dealing with web accessibility.
24. The public judicial institutions specializing in the realization of the rights of persons with disabilities and the participating federations of persons with disabilities are in agreement as to the need for the Handbook on the Rights of Persons with Disabilities to focus on two broad subject areas, given the difficulties encountered in day-to-day practice: awareness and training. One of the first steps taken in an effort to develop a comprehensive approach to these issues was to set up an inter-agency round table for the Ministry for Economic and Social Inclusion, the Office of the Attorney General, the Ombudsman's Office, the Public Defender Service, the Council of the Judiciary, CONADIS and the various federations of persons with disabilities in the country. The round-table discussions are intended to broaden the scope of the exchange of views and identify critical convergence points.
25. The participants in the inter-agency round-table discussions identified a need for specific guidelines for personnel in the justice system concerning approaches to be used in providing services to persons having different types of disabilities. With a view to providing this sort of systematic compilation of guidance for meeting specific needs within the justice system, a procurement process had to be developed in order to bring consultants on board to develop a handbook on the rights of persons with disabilities in the justice system.
26. The document is divided into sections and begins with an introduction on disabilities and the legal framework for ensuring that persons with disabilities have effective access to justice. This framework is composed of both international instruments, including, first and foremost, the Convention on the Rights of Persons with Disabilities, to which Ecuador is a party, and national instruments. The national framework, which is composed of legal and regulatory guarantees, public policies and judicial provisions, is explored from the standpoint of the guarantees enshrined in the Constitution of Ecuador. The normative analysis presented in the document is based on the constitutional foundations for the enforcement of the relevant provisions in Ecuadorian law.
27. Another section of the handbook provides a technical/legal analysis of legal capacity within the framework of the Convention on the Rights of Persons with Disabilities. This section provides personnel in the justice system with guidance to help them to ensure that evaluations of cases involving persons with disabilities are in keeping with the human rights paradigm.
28. Another section sets out general procedures to be followed by personnel in the justice system which are based on the Convention on the Rights of Persons with Disabilities and other international standards, such as the Brasilia Regulations Regarding Access to Justice for Vulnerable People. Recommendations concerning different types of disabilities are also included.
29. The following chapters deal with different types of cases (civil cases, legal safeguards, family matters, labour law and criminal law, in that order). The procedures that

are set out take into consideration the specific situations and difficulties encountered by persons with disabilities and are based on cases corresponding to each type of disability. Recommendations are then made as to how to go about overcoming these difficulties in order to ensure that persons with disabilities have access to justice.

30. The National Directorate for Access to Justice Services of the Council of the Judiciary, CONADIS and the Judicial Academy have coordinated the implementation of disability training modules for judges, notaries, prosecutors, public defenders and members of technical teams in each judicial unit around the country. These modules are intended for use in September 2017 and are based on the handbook. The modules are composed of 20 hours of training via the virtual platform of the Judicial Academy and 30 hours of awareness training via the CONADIS platform.
