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## Convention on the Rights of Persons with Disabilities

### Committee on the Rights of Persons with Disabilities

#### List of issues to be taken up in connection with the consideration of the initial report of El Salvador, adopted by the Committee at its ninth session (15–19 April 2013)

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

1. Please indicate whether the State party intends to withdraw the reservation to the Convention made on 28 January 2010.
2. Please indicate whether the State party has taken any practical steps to harmonize its legislation, including the Equal Opportunities for Persons with Disabilities Act (2000), with the Convention and to align its legal framework with the standards established therein (paragraphs 4 and 17 of the State party report).
3. Please indicate what stage has been reached in designing a comprehensive national policy for persons with disabilities (paragraphs 22–28 of the State party report).
4. Please indicate what the current national policy on equal opportunities for persons with disabilities comprises (paragraph 28 of the State party report).
5. Please indicate how persons with disabilities have been involved in the development of other public policies, in addition to the comprehensive policy.
6. Please provide information on the method used by the State party to certify disability.

##### B. Specific rights (arts. 5–30)

###### Article 5

7. Please indicate whether the State party intends to include disability in its definition of non-discrimination, in conformity with article 5 of the Convention. The report refers to affirmative action measures. Please indicate what their impact has been on the lives of persons with disabilities. Please also indicate whether the State party's legislation provides that refusal to make reasonable adjustments is a forbidden ground for discrimination.

###### Article 8

8. Please indicate whether there is any oversight, with a view to conformity with the Convention, of the way in which private entities conduct awareness-raising campaigns to promote positive perceptions of persons with disabilities.
9. Please indicate whether there is a plan or programme for training judicial officers and raising their awareness of the rights of persons with disabilities and legislation pertaining to them.

###### Article 9

10. Please describe the results of the implementation of the First National Accessibility Plan. Please explain the reasons why steps have been taken to ensure that construction is in conformity with accessibility standards only in the San Salvador Metropolitan Area and not other areas of the country. Please indicate what the State party intends to do to close this gap.

11. Please describe the measures taken by the Vice-Ministry of Transport to guarantee the right of movement of persons with disabilities wishing to use public transport.

###### Article 11

12. Please provide information on the measures taken by the State party to include persons with disabilities in action plans for natural disasters and on how consultation with organizations representing such persons is organized.

###### Article 12

13. Please describe the measures taken by the State to review or repeal the civil law which establishes that deaf mutes, persons of

unsound mind and children under 14 years of age lack legal capacity. Please explain what steps the State party has taken to replace the substitute decision-making model with supported decision-making.

### **Article 13**

14. Please describe the progress made in bringing Salvadoran sign language into use in the proceedings of the General Secretariat of the Supreme Court (paragraph 92 of the State party report).

### **Article 14**

15. Please indicate whether any legal remedies are available to enable persons with disabilities to challenge involuntary institutionalization orders.

### **Article 15**

16. Please state whether there is any protection mechanism for cases of cruel, inhuman or degrading treatment.

### **Article 16**

17. Please explain what indicators are used in connection with the prevention, reduction and/or eradication of abuse of children with disabilities, what procedures are used for coordination and supervision by the Salvadoran Institute for Child and Adolescent Development and the Salvadoran Institute for the Advancement of Women in conformity with article 16 of the Convention and whether these institutions have Salvadoran sign-language interpreters to meet the needs of deaf persons.

18. Please indicate whether there are programmes and/or policies for prevention and protection for persons with disabilities against sexual violence, trafficking and sexual exploitation, and how the quality, effectiveness and coverage of care programmes in this area have been measured.

### **Article 17**

19. Please furnish information on any specific legislation for protecting persons with disabilities from undergoing experiments or medical treatment without their free and informed consent, as well as any measures taken to avoid substitute decision-making in those situations. Please specify whether there are accessible systems for reporting cases of experimentation or treatment without consent. Please also furnish information on the regulations that govern the use of equipment for immobilization or physical or pharmacological restraint and of the forcible treatment of persons in psychiatric care units.

20. Please describe any actions taken by the State party regarding the criminalization, prohibition and punishment of forced sterilization so as to protect persons with disabilities and ensure that no such persons, especially women and girls, are sterilized without their free and informed consent. Please explain how persons with disabilities are protected from forced abortion. Are these acts identified as crimes in the State party's Criminal Code?

### **Article 18**

21. Please describe the State's plans to revise the 1982 Passport Issuance and Validation and Entry Permission Act in order to bring it into conformity with the Convention and to ensure equitable treatment of persons with disabilities in connection with the formalities and procedures pertaining to the issuance of passports and entry permits.

### **Article 19**

22. Please indicate what strategies the State party has to enable persons with disabilities to live independently.

### **Article 20**

23. Please furnish information on how access to technical mobility assistance services is ensured for persons with disabilities who are not affiliated with the institutions mentioned in paragraph 128 of the State party's report. Also please indicate what budgetary resources are allocated for promoting mobility and furnishing mobility aids to persons with disabilities and whether there is nationwide coverage for the latter.

### **Article 21**

24. Please indicate what specific steps the State party has taken to make its Internet sites accessible to persons with disabilities. Please also furnish information on what plans are in place and what financial resources are available to ensure access in augmentative, alternative and all other formats for all persons with disabilities to public information and communication networks, including those in the private sector, newspapers, web pages and radio and television broadcasts.

25. Please state whether the State party has taken steps to recognize Salvadoran sign language as an official language.

### **Article 23**

26. Please explain what the State party has done to repeal legislation that restricts the right of persons with disabilities to marry, and to bring the Family Code into line with the Convention. Please also state what measures have been adopted to prevent children with

disabilities from being separated from their parents and vice versa.

#### **Article 24**

27. Please furnish information on the steps currently being taken to provide full guarantees of the right to education, including for children and adolescents with disabilities, and on measures to ensure the full inclusion of deaf, blind and deaf-blind students and students with intellectual disabilities at the various levels of education in the State party.

#### **Article 25**

28. Please indicate what practical and immediate steps the State party plans to take to ensure that persons with disabilities have access to health, including sexual and reproductive health, and that their rights are upheld, including those rights infringed upon by the physical and communications barriers and shortages of medicines. Please also indicate what funding is allocated for these purposes in urban and rural areas alike.

#### **Article 26**

29. Please indicate whether the State party intends to take steps to overcome these shortcomings and to extend access to rehabilitative and assistive devices throughout the national territory.

#### **Article 27**

30. Please state what specific measures are to be adopted to meet the target required of employers in both the private and public sectors to recruit at least 1 person with a disability for every 25 persons employed in the company or work unit, and describe what is being done to include persons with disabilities in the open labour market.

31. Please provide information on any policies, plans or programmes that are in place to improve the skills and job qualifications of persons with disabilities and enhance their employability.

#### **Article 28**

32. Please provide information on what is being done to protect persons with disabilities from impoverishment and whether anti-poverty policies include specific measures for persons with disabilities. Please describe what the State is doing to carry out the national policy for the comprehensive development of persons with disabilities.

#### **Article 29**

33. Please furnish information on steps taken by the State party to improve access to polling booths for persons with disabilities.

34. Please indicate what has been done to repeal the provisions of the Electoral Code which prevent persons with disabilities from standing for elective office.

35. Please provide information on measures adopted by the State party to guarantee fully the right to vote of all persons with disabilities, including measures adopted to eliminate restrictions on the right to vote of persons with disabilities who have been certified to lack legal capacity.

### **C. Women and children with disabilities (arts. 6 and 7)**

#### **Article 6**

36. Please explain whether the preliminary bill on equality, fairness and the elimination of discrimination against women in El Salvador (see CRPD/C/SLV/1, para. 39) covers women and children with disabilities and whether it provides for specific actions on their behalf.

#### **Article 7**

37. Please indicate whether the national plan of action for children drafted by the Salvadoran Institute for Child and Adolescent Development includes specific measures for children with disabilities.

### **D. Specific obligations of the State party (arts. 31–33)**

#### **Article 31**

38. Please inform the Committee what steps are to be taken to develop a national system for collecting updated, disaggregated statistics on persons with disabilities, among others.

#### **Article 32**

39. Please provide information on the use made of resources obtained by the State party through international cooperation for the implementation of the Convention, and in what way persons with disabilities and their representative organizations participate in the design, development and evaluation of the projects funded.

### **Article 33**

40. Please indicate whether the State party has designated one or more independent mechanisms to monitor implementation of the Convention in accordance with article 33, paragraph 2, and if so, please identify them.

41. Please indicate how the State party covers consultation with the organizations of persons with disabilities both as a follow-up and an independent mechanism. Please also indicate what form of support is enjoyed by such organizations for discharging those functions.