



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 to fourth reports of Chile*

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

1. Please provide information on the measures taken to implement the recommendations issued by the Committee in its previous concluding observations (CRPD/C/CHL/CO/1)¹ and particularly on the steps taken to:

(a) Comprehensively review and harmonize laws and policies, including the Constitution, the Civil Code and other legislation, with a view to bringing them into line with the human rights model of disability and abolishing pejorative terminology;

(b) Review the criteria for the classification and certification of disabilities, in order to ensure that they reflect a rights-based approach, and indicate measures taken to involve organizations of persons with disabilities in this process;

2. Please provide information on mechanisms established to:

(a) Closely consult with and actively involve organizations of persons with disabilities in public decision-making processes concerning issues relating to persons with disabilities;

(b) Facilitate the establishment and work of organizations of persons with disabilities, particularly of women and girls with disabilities and indigenous peoples with disabilities.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please provide information on whether the denial of reasonable accommodation in all spheres of life is already recognized in the legislation as a prohibited form of discrimination on the basis of disability. Please also provide information on whether Law No. 20.609 was amended to establish sanctions for non-compliance, as well as remedies for persons with disabilities who are victims of discrimination. Please indicate whether intersectional and multiple discrimination is included in the State party's anti-discrimination legislation.

* Adopted by the pre-sessional working group at its fourteenth session (7–18 September 2020).

¹ Unless otherwise indicated, paragraph numbers refer to the concluding observations on the initial report of the State party.



Women with disabilities (art. 6)

4. Please provide information on measures taken to:

(a) Incorporate girls and women with disabilities in both gender and disability policies, and include accessible emergency information in Braille, Easy Read or other means and modes of communication for women who are deaf and deafblind, in close consultation with their representative organizations;

(b) Coordinate actions between the Ministry of Women and Gender Equality and the National Disability Service to address gender-based violence against women with disabilities, including indigenous women and girls with disabilities. In this regard, please provide an update on progress in the adoption of the draft law on the right of women to a life free from violence (Bill No. 11077-07) and indicate whether the law takes cognizance of the intersecting nature of violence and discrimination, in particular with regard to women with disabilities, including indigenous women and girls with disabilities.

Children with disabilities (art. 7)

5. Please provide information on the incorporation of the principle of non-discrimination and rights and fundamental freedoms of children with disabilities on an equal basis with other children in the Law on the system of guarantees of the rights of the child, which was under discussion in the National Congress (para. 16).

Awareness-raising (art. 8)

6. Please provide information on:

(a) Measures taken to combat stigma, stereotypes and prejudices towards persons with disabilities, including indigenous persons with disabilities;

(b) Promotion of public and private campaigns that promote the rights of persons with disabilities, in accordance with the Convention;

(c) Measures taken to involve organizations of persons with disabilities in the design and execution of awareness-raising strategies.

Accessibility (art. 9)

7. Please provide information on:

(a) Progress achieved in the implementation of Law 20.422 and the adoption, in coordination with organizations of persons with disabilities, of an accessibility plan in urban and rural areas, in accordance with the Convention and the Committee's general comment No. 2 (2014), as well as on measures to establish mechanisms for complaints of non-compliance, on the number of complaints received and on the sanctions applied;

(b) Measures taken to adopt specific legislation and public policies aimed at ensuring accessibility of information and communication.

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on the measures taken to:

(a) Provide training on the rights of persons with disabilities for civil protection personnel, develop specific protocols for situations of risk and humanitarian emergencies, disseminate manuals and guides, and ensure accessibility of shelters and of communication and information;

(b) Provide early warning systems in all formats, including in sign language and electronic formats, and ensure that persons with disabilities can prepare and respond to emergencies;

(c) Establish a targeted, sustainable humanitarian emergency framework to ensure the protection of the rights of persons with disabilities on an equal basis with others and specifically in the context of the public health emergency resulting from the coronavirus disease (COVID-19) pandemic, in particular, on measures taken to provide

persons with disabilities with accessible information concerning the scope of the pandemic and the prevention of the spread of the virus; ensure continuous access to support and mainstream community services, including in-home care and personal assistance; provide equal access to health care, including life-saving measures; provide material and psychological support for persons with disabilities and their families during the pandemic; and ensure that disability pensions and social benefits are guaranteed at all times.

Equal recognition before the law (art. 12)

9. With regard to the Committee's previous concluding observations (paras. 2 and 26), please provide information on measures taken to:

(a) Repeal legal provisions that totally or partially limit the legal capacity of persons with disabilities, in particular the provisions of the Civil Code of 1857 and to adopt measures to establish a supported decision-making model, in line with the Committee's general comment No. 1 (2014);

(b) Repeal the provisions that restrict the free and informed consent of persons with disabilities, including those whose legal capacity has been revoked and who are under guardianship, and those living in institutions.

Access to justice (art. 13)

10. Please provide information on:

(a) Measures to eliminate all restrictions that prevent persons with disabilities from taking part in any proceedings, including persons who are deaf and persons with psychosocial or intellectual disabilities (para. 28);

(b) Measures taken to promote and provide training on the rights of persons with disabilities for those working in the field of the administration of justice, including police and prison staff;

(c) The implementation of procedural and age-appropriate accommodations such as personal assistance and accessible communications, including Braille, sign language interpretation and Easy Read.

Liberty and security of the person (art. 14)

11. With regard to the Committee's previous concluding observations (paras. 30 and 31), please provide information on progress made in:

(a) Eliminating the criterion of "dangerousness", which determines forced confinement in psychiatric centres;

(b) Amending the Criminal Code in order to ensure due process guarantees for persons with disabilities, particularly those with psychosocial or intellectual disabilities, that take into account gender and age, as well as in prohibiting forced institutionalization on the grounds of disability.

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

12. Please provide information on:

(a) Measures adopted for the explicit prohibition of practices such as psychosurgery, electroconvulsive therapy, extended isolation in cells and the use of physical restraints in public and private institutions;

(b) Measures to establish a mechanism for lodging complaints, the outcome of investigations carried out into reported cases, the sanctions applied and the measures of redress provided;

(c) Progress in the rescindment of the Ministry of Health Exempt Resolution No. 656 of 2002 and the revision of the mandate of the National Commission for the Protection

of Rights of Persons with Mental Illness to ensure its preventive and protective role, in line with the Convention;

- (d) Progress in the adoption of specific protocols that guarantee full respect for the rights of persons with disabilities by Carabineros and members of other security forces, as well as the results of the investigations into the cases of physical abuse reported by these security forces against persons with disabilities, including indigenous persons with disabilities, during the 2019 social uprising;
- (e) Progress in the establishment of the national mechanism for the prevention of torture.

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

13. Please provide information on:

- (a) Measures taken to combat all forms of violence, including sexual violence against women and girls with disabilities in particular indigenous women with disabilities, women with intellectual or psychosocial disabilities in the family environment or in institutions (para. 40);
- (b) Measures taken to prevent sexual and domestic violence against women and girls with disabilities, including Mapuche women, during confinement related to the COVID-19 pandemic; and on the number of complaints received, the measures taken to guarantee access to accessible shelters with trained personnel for persons with disabilities victims of violence and abuse, and reparations for and the rehabilitation of victims;
- (c) Incorporation of the explicit prohibition of corporal punishment of children in all settings, thus complying with target 16.2 of the Sustainable Development Goals and the recommendations contained in the 2019 universal periodic review;
- (d) Measures for the elimination of and protection from ill-treatment and sexual abuse of children with disabilities still in institutions.

Protecting the integrity of the person (art. 17)

14. Please provide information on:

- (a) Amendments to Act No. 20.584 and Decree No. 570 to end the involuntary sterilization of persons with disabilities, in particular women and girls with intellectual or psychosocial disabilities, and surgeries on intersex children;
- (b) Disaggregated data on persons with disabilities currently still in institutions, and information on the number of any such facilities, which are not regulated by the State;
- (c) The number and proportion of persons with disabilities who contracted COVID-19 while in institutions and information on measures for the prevention and treatment of COVID-19 in persons with disabilities still living in institutions.

Liberty of movement and nationality (art. 18)

15. Please provide information on measures to ensure that all children with disabilities in indigenous communities are registered at birth.

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

16. Please provide information on:

- (a) Measures taken to implement Act No. 20.422, so that persons with disabilities can live independently with support systems in the community, in urban and rural areas;
- (b) Progress achieved with regard to the launching of a deinstitutionalization plan, with provisions for transition into independent living and community support, and information on support systems for independent living for persons with disabilities, which are currently being provided by the State party;

(c) Measures taken to end the institutionalization of children on the basis of disability and prevent any prolonged stays in residential institutions.

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

17. Please provide information on:

(a) Amendments to article 26 of Act No. 20.422 and to the Civil Code for the official recognition of Chilean sign language and the Braille system, as well as accessibility to public information in the media and on the websites of the ministries;

(b) Measures taken to professionalize sign language interpreters and to guarantee their availability in public services;

(c) Any information that has been made available to persons with disabilities during the pandemic regarding the prevention of COVID-19, access to health services and shelters in case of violence, including access to Chilean sign language interpreters, and information in accessible modes and formats, including Braille and Easy Read, in urban and rural areas.

Respect for home and the family (art. 23)

18. Please provide information on measures taken to:

(a) Repeal discriminatory provisions in the Civil Code that restrict adoption by and marriage of persons with intellectual or psychosocial disabilities, as well as persons who are deaf or deafblind;

(b) Restore custody of children for women with disabilities who were deprived of it on the basis of disability, and to grant them support in their parental responsibilities;

(c) Provide adequate information on sexual and reproductive health to persons with disabilities.

Education (art. 24)

19. Please provide information on measures taken to:

(a) Ensure the provision of support and resources necessary for inclusive education under Decree No. 83/2015, including for persons who are deaf or deafblind, indigenous peoples with disabilities, and persons with disabilities living in remote or rural areas;

(b) Build a culture of diversity in the field of education;

(c) Ensure accessible and inclusive distance education for children with disabilities during the COVID-19 pandemic.

Health (art. 25)

20. Please provide information on measures taken to:

(a) Provide training to health personnel on the rights of persons with disabilities;

(b) Ensure accessibility of information and communications, and of facilities and adapted equipment in the area of sexual and reproductive health for persons with disabilities;

(c) Adopt a rights-based policy on mental health with the participation of persons with psychosocial or intellectual disabilities through their organizations;

(d) Adopt specific action protocols with preventive and treatment measures for persons with disabilities during the COVID-19 pandemic and on measures to ensure their access to mechanical ventilation, when needed, as well as statistics and relevant data on cases of COVID-19 among persons with disabilities.

Habilitation and rehabilitation (art. 26)

21. Please provide information on the allocation of the necessary resources to expand the coverage of habilitation and rehabilitation services and programmes in the community, including in remote and rural areas.

Work and employment (art. 27)

22. Please provide information on:

(a) Progress in the implementation of Act No. 21.015 promoting non-discrimination and inclusion of persons with disabilities in the labour market, including young people and women with disabilities, in public institutions and private companies, in compliance with the Convention and target 8.5 of the Sustainable Development Goals;

(b) Measures to make companies with more than 100 employees comply with their obligation to hire persons with disabilities, and on sanctions for non-compliance.

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

23. Please provide information on measures taken to:

(a) Improve the standard of living of persons with disabilities, including by ensuring persons with disabilities have access to social protection programmes on an equal basis with others, especially older persons with disabilities and women and girls with disabilities, and raise awareness about and expedite the implementation of the transition to independent living programme;

(b) Ensure access by persons with disabilities and their families living in situations of poverty to assistance from the State with disability-related expenses, including adequate training, counselling, financial assistance and respite care;

(c) Ensure equal access to social protection programmes by persons with disabilities and their families during the COVID-19 pandemic in urban and rural areas.

Participation in political and public life (art. 29)

24. Please provide information on:

(a) Amendments to the Electoral Register, guaranteeing that all persons with disabilities have the right to vote;

(b) Measures taken to ensure the accessible and effective participation of all persons with disabilities, especially persons with intellectual or psychosocial disabilities, in the constitutional process, particularly that to be held in October 2020.

Participation in cultural life, recreation, leisure and sport (art. 30)

25. Please provide information on whether persons with disabilities have access to sports, cultural and recreational activities on an equal basis with others. Please also indicate whether films produced with State funds are accessible.

26. Please explain the strategies adopted to respect the right of indigenous children who are deaf to their culture and language.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

27. Please provide information on:

(a) Measures taken, in coordination with organizations of persons with disabilities, to regularly collect quantitative and qualitative data on the situation of persons with disabilities, disaggregated by age, sex, barriers encountered, employability, ethnicity and geographical location, with a view to developing policies and programmes in

compliance with the Convention and with target 17.18 of the Sustainable Development Goals;

(b) The number of persons with disabilities injured during the social crisis that occurred in the period October 2019 to March 2020;

(c) Persons with disabilities who contracted and died from COVID-19;

(d) Concrete measures taken to make data relevant to persons with disabilities available and accessible to them.

International cooperation (art. 32)

28. Please provide information about measures to effectively involve organizations of persons with disabilities in the elaboration and design of programmes supported by international cooperation, as well as to mainstream the 2030 Agenda on Sustainable Development.

National implementation and monitoring (art. 33)

29. Please provide information on steps taken to designate an independent monitoring mechanism in conformity with the Convention that complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and involves the participation of persons with disabilities and their representative organizations.
