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COMITTEE ON THE RIGHTS OF PERSONS WITH DISABILITIES (CRPD)

September 2012

CONSIDERATION OF COUNTRY REPORTS

PARAGUAY

8th session (17-28 September 2012)

(Initial State Party report (CRPD/C/PRY/1), 21 October 2010)

DisabCouncil's Independent Review

Submitted, August 2012

Geneva

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PARAGUAY

Initial State party report (CRPD/C/PRY/1)
21 OCTOBER 2010

BASIC COUNTRY INFORMATION¹

Government type: Republic
Independence (from Spain): 14 May 1811
Constitution: June 1992

Population: July 2011 estimate: 6,541,591
Age structure: 2011 estimate:
0-14 years: 28.5% (male 936,298/female 905,285)
15-64 years: 70.1% (male 2,121,632/female 2,100,740)
65 years and over: 6.1% (male 183,440/female 211,663)

Ethnicities: mestizo (mixed Spanish and Amerindian) 95%, other 5%
Religion: Roman Catholic 89.6%, Protestant 6.2%, other Christian 1.1%, other or unspecified 1.9%
Executive branch: Chief of State: President Luis Federico FRANCO Gomez (since 22 June 2012 until general elections April 2013), as a result of impeachment procedures against former President Fernando Armindo LUGO Mendez (who had been in power since 15 August 2008)
Cabinet: Council of Ministers appointed by the President

Parliament:
Bicameral National Congress or Congreso Nacional consists of:
a) The Chamber of Senators or Camara de Senadores (45 seats; members elected by popular vote to serve five-year terms) and
b) The Chamber of Deputies or Camara de Diputados (80 seats; members elected by popular vote to serve five-year terms)
Elections: President and vice-President elected on the same ticket by popular vote for a single five-year term; election last held on 20 April 2008 (next to be held in April 2013)

Suffrage:
18 years of age; universal and compulsory until the age of 75

GDP, 2011: \$36.21 billion
GDP, annual growth rate (2011): 6, 4%
GDP per capita, 2011: \$5,500
Major exporting products: soybeans (6th world largest producer), feed, cotton, meat, edible oils, electricity, wood, leather
Employment (2.65 million): 55% (2008 est.) services, 18.5% industry, 28.5% agriculture
Unemployment rate, 2011: 6.6%

Annual population growth rate, 2011: 1.256%
Infant mortality rate, 2011: 22.24 deaths per 1,000 live births

¹See Core Document forming part of the Reports of the States Parties (HRI/Core/PRY/2010, 30 April 2010); See also US Department of State, Human Rights Reports Paraguay, 2011, World Fact Book, Paraguay.

Life expectancy at birth (2011):	<i>male:</i> 73,78 years <i>female:</i> 79.14 years
Maternal mortality rate (2008):	95 deaths per 100,000 live births
Literacy rate (2003 estimate):	<i>male:</i> 94.3% <i>female:</i> 93%

A. STATUS OF PERSONS WITH DISABILITIES IN PARAGUAY IN LIGHT OF THE CONVENTION

I. Critical Issues

Article 1 (Definition of persons with disabilities)

Fails to match the Convention definition

The State party (SP) uses three different terminologies to define persons with disabilities (PWD): “exceptional persons”, “differently abled persons”, and “persons with impairments”, generally defined as persons ‘with impaired mental or physical capacity’ which ‘*affects their capacity to work and learn*’ (para. 4 SP report)). The definitions were adopted before the entry into force of the Convention and still incorporate the medical model definition.

They make emphasis on the impairments of the persons rather than *the environmental and attitudinal barriers* that prevent full integration of PWD in the society. They fail to match the Convention definition *embodying the social and human rights models* of disability and need to be supplemented by a general definition making emphasis on the need to remove man-made barriers in the way of the full emancipation of PWD.

Article 5 (Equality and Non-discrimination)

Prevalence of discrimination practices against PWDs (particularly children with disabilities)

In its most recent Concluding observations, the Committee on the Rights of the Child (CRC), noted with concern that the principle of non-discrimination declared in the national legislation, in practice did not find sufficient implementation with regard to certain categories of children, in particular, *children with disabilities*. It requested the SP to continue to prevent and eliminate the *de facto* discrimination against vulnerable groups including children with disabilities (CRC Concluding observations, UN Doc CRC/C/PRY/CO/3, 10 February 2010, para. 24).

The report notes that a Bill to prohibit all forms of discrimination was awaiting adoption by the national parliament (para. 125, footnote 41).

The SP is encouraged to provide updated information on the adoption of the anti-discrimination Bill and steps undertaken to implement it.

Article 12 (Legal capacity)

Restrictive concept of legal capacity in law and practice

The SP recognises that it continues to follow the practice of restricted legal capacity for PWD who can be declared “legally incompetent” or “legally incapable” under the existing Civil Code adopted before the CRPD Convention (paras. 36-38) on the sole ground of their impairments (affected are people with visual, hearing and mental forms of impairment). Therefore a

full guardianship, substitute decision-making system is applied and the SP provides no indication of any reform projects to replace the existing system with a support decision-making system. This system denies deaf people in particular the right to vote under the electoral code. This system also bars persons with disabilities from lending and borrowing money and undertake other acts of civic life without the authorization of the guardian (paras. 36,37, 38, 233,236).

These national law provisions of Paraguay need to be reviewed, modified or abolished to comply with the requirements of Article 12 of the Convention granting full legal capacity to everyone. The substitute decision-making system needs to be replaced by a support decision-making system in line with the Convention.

Article 14 (Deinstitutionalization)

Prevalence of the practice of institutionalization of PWD

The SP recognizes that while no one may be placed in institutions on the sole basis of their impairments, one exception is made under the current legislation of Paraguay: the institutionalization of persons with mental forms of disabilities against their will is still permitted (paras. 110, 111).

The Committee should encourage the SP to replace both the guardianship system with a support-decision making mechanism and to adopt achievable timeframes for the deinstitutionalization of PWD.

Article 19 (Independent living in the community)

Absence of social services enabling life in the community

A corollary of the obligation incumbent on the SP to deinstitutionalize PWD is the obligation to provide reasonable accommodations to enable their life in the community.

The SP has provided no information on the implementation of this provision of the Convention. It should be encouraged to provide updated information in this regard.

Article 20 (Respect for home and the family)

Closely linked to the right to legal capacity is the right to marry and establish a family for PWD. *The SP report provides no information in this regard.* It is important to ensure that the guardianship system which requires authorization for any act of civic life is replaced by a support decision making system allowing PWD to marry and establish family of their own free will and act.

The SP should be encouraged to provide updated information on the implementation of this Convention right.

Article 24 (Education)

The prevalence of special education system institutions

In its latest Concluding observations the CRC noted the different initiatives adopted to ensure the rights of children with disabilities in the SP, but regretted the lack of a comprehensive policy or national plan directed specifically at this sector of the population. The Committee also regretted that children continued to experience discrimination; that teachers were not properly trained to assist their needs and there was a lack of collection of data concerning children with disabilities (CRC Concluding observations, UN Doc CRC/C/PRY/CO/3, 10 February 2010, paras. 48).

The SP report confirms that there is still not enough done for the inclusion of children in the mainstream education system. The report states that plans are under way to determine the number of PWD in the SP and set up projects to facilitate their enrolment in schools (paras. 139-140), however, there are no time frames, nor information about the extent and impact of the projects.

The SP should be encouraged to provide updated information about the outcomes of the various projects, as well as their extent and impact.

Article 29 (Political and Public life)

No right to vote for persons with hearing forms of disabilities and those placed under guardianship

Persons with certain forms of disability (in particular deaf persons) are denied the right to vote in equal terms with others (para. 189).

The SP is encouraged to revise its national legislation to place it in conformity with the Convention Articles 12 and 29. The Committee should encourage the SP to reform its legislation to ensure that everyone has a right to vote irrespective of any forms of disabilities.

II. General issues to consider when preparing reports to the Committee

In its Reporting Guidelines, the CRPD Committee requests SP preparing their reports to meet a number of objectives including:

1. SP should use the opportunity of report drafting process to conduct a comprehensive review of the measures undertaken to harmonize national law and policy with the Convention

The report enumerates a number of measures that the SP has undertaken (most of which occurred before the adoption of the Convention), *but the report fails to provide, in a consistent way, the measures the SP has undertaken to harmonize the existing national law with the Convention including on such key issues codified in Article 12 (legal capacity), Article 14 (deinstitutionalization), Article 24 (right to education) and Article 29 (right to vote) of the Convention. In addition it should be noted that the SP has failed to provide any information to the Committee on a number of articles including Articles 19 (life in the community) 20 (personal mobility) 22 (right to privacy) and 23 (home and family).*

The SP should be encouraged to provide the missing information with regard to the measures undertaken to protect and promote the Convention rights under articles 17 (protection of the integrity of the persons), 19 (life in the community), 20 (personal mobility), 22 (respect for privacy), 23 (home and family).

The SP should be encouraged: (i) to harmonize its national legislation more fully with the Convention; (ii) to proceed with efforts to adopt specific plans of action for the implementation of each Convention right by confronting existing legislation, policies and plans with the requirements of the Convention; and (iii) to develop a strategy for implementation with clear benchmarks, timelines and appropriate funding.

2. SP should use the reporting process as an opportunity to monitor progress in achieving the goals of the Convention in the context of the promotion of human rights in general

The report contains neither a general evaluation of progress made in promoting the enjoyment of the rights nor an account of what still remains to be done. Rather, it gives an overview of what the SP has done for persons with disabilities mostly before the entry into force of the Convention without connecting those efforts with the Convention goals. In particular, it provides little comparative statistics about trends and needs in achieving the main goals set out in the Convention, which is the full enjoyment of the rights of PWD on equal footing with others.

The SP should be encouraged in future to submit reports containing detailed disaggregated statistics by gender, location (urban and rural areas), age and type of disabilities, with benchmarks and trends in achieving the goals of the Convention.

3. SP should use the reporting process as an opportunity to identify problems and shortcomings in their approach to the implementation of the Convention

The report identifies some of the problems (such as a lack of statistics on persons with disabilities (para. 144) or discrimination against immigrants seeking permanent or temporary settlement in the SP if they have the so-called 'physical or mental defects' (para. 133). Some other problems can be seen from national law provisions (for example the lack of a social or human rights model definition of disability; restriction of legal capacity of persons with certain forms of disability (such as the right to vote of deaf persons); practice of institutionalization of persons with mental forms of disabilities.

The SP is encouraged to review its national legislation and overcome the shortcomings and follow the Committee's recommended course of action in the implementation of the Convention obligations.

4. SP should plan and develop appropriate policies to achieve the goals of the Convention

The report indicates that the following plans were adopted/or being adopted:

- 1) A draft 2010 Operations Plan concerning hiring, retention and advancement of persons with disabilities in the Ministry of Public Health and Social Welfare under approval (para. 151)
- 2) The 2010-2020 Plan to fight extreme poverty (para. 181)
- 3) A Proposal for public policy for social development (2010-2020) (para. 192)
- 4) Operational Plan for the inclusion of Persons with Disabilities of the National Secretariat for Tourism (para. 194)
- 5) The Third National Plan for Equal Opportunity for Women and Men 2008-2017 (para. 198);
- 6) The National Programme of Comprehensive Care for Children and Adolescents with Disabilities (para. 204)

The SP is praised for designing these plans and is encouraged to provide updated information about implementation in particular about policies adopted to support their successful realization, with benchmarks, control and reporting mechanisms and sanctions for non-compliance.

5. SP should encourage and facilitate the involvement of NGOs including Disabled Peoples Organizations (DPOs) in the preparation of the report and explain the procedure used to consult with civil society organizations and the measures taken to ensure that this process is fully accessible.

The SP report states that the following organizations were consulted: the Saraki Foundation and the National Coordinating Office for the Promotion of the Rights of Persons with Disabilities (CONAPRODIS). In addition a number of unspecified civil society organizations took part in an internet based consultation (para. 3).

The SP is praised for this active engagement with the civil society. The SP is encouraged to provide further detailed information on how the NGOs did participate in the report preparation, and involve more civil society organizations

6. SP must recognize and respect the diversity of PWD and ensure that their report is not generalized but specific to different types of disability. The report should provide statistical data on the realization of each Convention right (disaggregated by sex, age, type of disability (physical, sensory, intellectual and mental), ethnic origin, urban/rural population and other relevant categories) on an annual comparative basis over the past four years.

Unfortunately the report fails to provide data with regard to all of the different types of disabilities [there is a generic reference to numbers of PWD by generic types of impairments (para. 5) which is largely insufficient to meet the requirements of the Reporting guidelines of the Committee]. Additionally, there is no consistent impact assessment of the measures taken (in general or for each of the single groups of PWD) by types of disabilities. Indeed, there is yet no comprehensive strategy for the realization of the rights of PWD or for the implementation of the CRPD in the SP. Reliable information about the numbers and situation of PWD is itself also still lacking as the SP recognises it (paras. 206-209).

For example, when the report talks about education, it does not refer to the impact of the integration measures for blind, deaf, mentally disabled children rather it only states that there are a number of measures for the beneficiaries. This diminishes the impact of the information provided and is detrimental to the SP.

The SP should be encouraged to provide disaggregated data and information with regard to the impact of the measures, plans, policies and programs for different groups of PWD, including children and women, both in the urban and rural areas.

7. The report should indicate whether the SP has adopted policies, strategies and a national legal framework for the implementation of each Convention right; identify the resources available for that purpose, and specify the most cost-effective ways of using such resources

The SP report does not provide a concerted roadmap of the measures planned to implement each of the Convention rights. In most cases, with few exceptions², it refers to legislation that was in existence prior to the entry into force of the Convention for the SP. There is no plan as such and/or indication of resources allocated for the implementation of the Convention or each of the Convention rights. There are only three Acts of reference in the process of being adopted at the time of submission of the report: the Bill prohibiting all forms of discrimination (para. 125, footnote 41); the Bill to end discrimination against immigrants who are persons with disabilities willing to settle in the country (para. 134), and the Bill on a national implementation and monitoring mechanism (para. 230). No specific intervention strategies, comprehensive plans and policies targeting specifically PWD were adopted (with the exception of three limited plans)³ to ensure to PWD the realization of their human rights: civil, social, economic and cultural rights, as recommended by the Committee. However, the SP itself has the merit of recognizing that it is still behind in the implementation of the Convention rights.

The SP should be praised for its work on the three draft Bills, and should be strongly encouraged to adopt these Bills and devise a comprehensive overall strategy and action plan to fully implement the Convention and each of its provisions. It should be noted that while exact numbers of PWD are unknown, an Institution (INPRO) vacationed to provide social protection to all PWD exists in the country. The SP should be encouraged to control the numbers of PWD and production of disaggregated data through the work of this Institution.

² The only exception are one Act of parliament, and a number of resolutions by government institutions and the Supreme court: See in the area of employment in the public sector: Act of Parliament No. 3585/08 adopted in 2008, amending Act No. 2479/04 on the integration of persons with disabilities in the labour market (paras.6); and the Secretariat of Civil Services Resolution No. 980/09 establishing “the general rules for the integration of persons with disabilities in the Civil Service”, in force since 1 January 2010 (para. 8), and Resolution No. 942/09, establishing “the basic framework for policies of non-discrimination and inclusion in the Civil Service” (para. 9); in the justice sector: Resolution 633 of 1 June 2010 through which the Supreme Court adopted “the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations “ (para. 79); in the education sector : Ministry of Education Resolution No. 43 of 13 July 2009, mandating that “sign language is implemented in the public, subsidized and private institutions of the national education system”, Resolution No. 1359 of 20 July 2009, mandating that “the performance of the national anthem in sign language is implemented in the public, subsidized and private institutions of the national education system”, and Resolution No. 31 through which “the Directorate-General for Inclusive Education recognizes the Standing Committee on Paraguayan Sign Language” (para. 148); in the healthcare sector: Resolution No. 2669/10 of the Steering Committee for the 2010 Operating Plan, concerning “the hiring, retention and advancement of persons with disabilities in the Ministry of Public Health and Social Welfare” (para. 151).

³ The report mentions three plans, which appear very limited by its extent: the Operational Plan for the inclusion of Persons with Disabilities in the tourism sector (paras. 194,195) (unfortunately nothing is said about the real impact, benchmarks or resources allocated to this program); a draft 2010 Operations Plan concerning “hiring, retention and advancement of persons with disabilities in the Ministry of Public Health and Social Welfare” (para. 151) (under approval in 2010 and limited to employment in the Ministry of public health); and the “National Programme of Comprehensive Care for Children and Adolescents with Disabilities” (para. 204) (The SP recognises the implementation of this plan was confined to few awareness-raising activities due to lack of resources. Unfortunately there is nothing more said about the real expected impact, benchmarks and expected allocated resources. It also still needs integration to (no existent) plans of building inclusive education).

The adoption of the necessary legislation on the rights and non-discrimination of PWD is the basic framework under which revised policies, plans, programs and mechanisms could be adopted by the SP and implemented for the promotion and protection of the rights of PWD.

The SP should be encouraged to give a short and long-term perspective and agenda for the implementation of each Convention right.

8. The report should not merely list or describe the legislation adopted by the SP. It should contain specific information relating to the implementation in law and in fact of Articles 1 to 33 of the Convention, taking into account analytical information on recent developments in law and practice affecting the full realization of the rights recognized in the Convention by all persons with all forms of disabilities within the territory or jurisdiction of the SP.

The report provides an enormous amount of quotations from existing legislation throughout the text of the report. Nevertheless, unfortunately, most of them are either outdated (paras. 233-236) or contradictory (compare for example paras. 166, 170, and para.234), a fact recognised by the SP. It is clear that a completely new legal framework is essential for the full realization of the rights of persons with disabilities.

The SP should be encouraged to adopt a comprehensive legal framework based on which specific plans with benchmarks, controlling and reporting lines, and a clear system of sanctions for non-implementation can be conceived.

9. The report should indicate whether the SP has adopted a comprehensive disability anti-discrimination legislation in accordance with the Convention

This comprehensive disability framework is still in the making, three draft Bills were under adoption at the time of submission of the report. *The SP should provide updated information about these drafts.*

The SP is encouraged to proceed with the adoption a comprehensive anti-discriminaton framework including legislative and other practical mesures to implement the Convention.

10. The report should indicate any mechanisms in place to monitor progress toward the full realization of the Convention rights, including recognition of indicators and related national benchmarks in relation to each of the Convention rights.

The report contains little information about State's mechanisms (such as indicators and national benchmarks) used to measure and monitor the progress of the realization of the Convention rights. This situation is detrimental to the best interests of the SP to provide a clear picture of progress trends in achieving the goals of the Convention.

The SP is encouraged to establish such mechanisms of measuring progress. This enables having a better picture of the real achievements of the SP in implementing its own agenda for the promotion of the rights of PWD. One reason may be the absence of this comprehensive legal and strategic framework for the implementation of the Convention.

11. The report should indicate the mechanisms in place to ensure that SP's obligations under the Convention are fully integrated in its actions as a member of international organizations

The report contains little information about mainstreaming disability issues in its technical cooperation with others partners (exception are two specific projects) (paras. 224-229).

The SP is encouraged to continue engaging in international cooperation efforts to implement the Convention.

12. The report should indicate the judicial and other appropriate remedies in place enabling victims to obtain redress in the case of violation of their Convention rights

There is little information in the report about the existence of such efficient system of remedies (paras.50;51;102;127, see also pag 17 below more on this).

The SP should be encouraged to establish such a mechanism, with clearly defined competences, and resources.

13. The report should indicate any structural or other significant obstacles arising from factors beyond the SP's control which impede the full realization of the Convention rights including details of the steps being taken to overcome them

The SP does not suggest the existence of factors beyond its control that could have prevented it from adopting the relevant legislative framework to implement the Convention.

The SP is encouraged to abide by the recommendations of the Committee and promote the full realization of the Convention rights.

14. The report should include information on the implementation of the disability elements of the Millennium Development Goals and on the outcomes of other relevant United Nations conferences, summits and reviews.

The report fails to provide information to assist the Committee in the proper evaluation of its implementation of the Convention concerning the Standard Rules of Equalization of Opportunities for PWD; the World Program of Action for PWD; the Durban Program of Action against Racism on double discrimination; and the Millennium Development Goals on the relationship between poverty and disability.

The SP should be encouraged to provide information concerning progress achieved in the implementation of these other programs including the Millennium Development Goals.

15. In the report, any reservation to or declaration relating to any Article of the Convention by the SP should be explained and its continued existence clarified.

Paraguay signed the Convention on 30 March 2007 and ratified it on 3 September 2008. The Convention entered into force for the SP on 3 October 2008. The SP is also a party to the Optional Protocol signed and ratified in the same dates as the Convention.

The SP has made no specific reservation or declaration to any of the provisions of the Convention.

16. If the SP is a participant to any of the International Labour Organization (ILO) Conventions listed in appendix 2 of the harmonized guidelines or to any other relevant Conventions of United Nations specialized agencies and has already submitted reports to the supervisory Committee(s) that are relevant to any of the rights recognized in the Convention, it should append the respective parts of those reports rather than repeat the information in the treaty-specific document.

The State party provides no information about its implementation of ILO relevant Conventions.

The SP should be encouraged to provide information with regard to its implementation of relevant ILO Conventions and, if necessary, append the relevant parts of its reports to ILO.

17. The report should indicate any provisions of legislation currently in force that the SP considers to be an obstacle to the implementation of the Optional Protocol and whether or not there are plans to review such provisions.

The report provides a list of acts whose provisions appear contrary to the Convention (paras. 233-236) however, it does not suggest the existence of any plans or policies to review them.

In light of the text of the Convention and considering that international treaties can be implemented immediately within the national legal order (para.15), citizens of Paraguay are entitled to address the Courts in cases of violation of their rights and if they are unsuccessful, they may further address the Committee as a mechanism of last resort with a petition. The SP should make mechanisms of redress in cases of violation of the Convention affordable to PWD.

III. Analysis of the report article by article

Articles 1 to 4 of the Convention

Under these Articles, the Committee has recommended the SP to provide information clarifying the following issues:

- a) The definition of “disability” and “long-term impairment” under national law
- b) The definition of “reasonable accommodation” and “disproportionate and undue burden”
- c) The implementation of the Convention principles including, but not limited to, promotion of the full realization of the rights
- d) The specification of each right as being immediately or progressively implemented

A. Definition of “persons with disabilities”(PWD)

The SP has used 3 different terminologies to define “Persons with Disabilities”: (“exceptional persons”; “differently abled persons”; “persons with impairments”) (para. 4 SP report). It should be noted that these definitions make emphasis on the ‘impairments’ of persons with disabilities, whereas the society context (the interaction with the various barriers) in which these impairments have the potential to *disable* persons with disabilities are not mentioned or defined. Therefore the national legislation of Paraguay still embraces *the medical model* definition of persons with disabilities.

The definitions were adopted in 1979 (exceptional persons) and in 2002 (differently abled persons and persons with impairments), well before the adoption of the CRPD (Convention). These definitions require reviewing to embrace the *social and human rights models* enshrined in the Convention. It should be noted that defining PWD is not just a matter of terminology. The more or less emphasis given either to the impairments of PWD or the barriers in society defines the long term approach of the SP to the issues of protection and promotion of their rights. Where there is a medical model definition, the tendency is to provide such remedies to the situation of persons with disabilities like, charity, special schools, special benefits, but also denial of legal capacity, and restriction of the rights of such persons to vote, to marry and establish a family or dispose of their own financial assets etc. In the later cases an assigned guardian will decide for PWD.

The Convention, however, represents a radical departure from such approaches since it requires replacing “substitute decision making systems” (the guardianship regime) with supported decision-making arrangements, which are regularly reviewed and take into account the particular circumstances of the persons requiring such support. Further, instead of charity and special care institutions, the Convention requires SP to promote a *barrier free society*, that can accommodate the education needs of children with disabilities in the common general schools; more employment opportunities for PWD in working places that offer reasonable accommodations to everyone; and communities that offer a number of in-house services to allow independent life of PWD, among other measures.

It is also important to incorporate in the national legislation of Paraguay a definition of persons with disabilities which effectively works to prevent discrimination of any persons *on the basis of disability* as required under article 4(1)(e) of the Convention. Often time people are also discriminated because of their association to a PWD.

The SP should be encouraged to update its legislation to incorporate the Convention concept of PWD.

B. The definition of “reasonable accommodation” and “disproportionate and undue burden”

The SP report does not indicate whether it defines “reasonable accommodation” and “disproportionate and undue burden” in its national legislation. In particular, it mentions efforts towards the “gradual promotion of reasonable accommodation” but says nothing about how it defines these concepts and how it understands “undue burden” (para.5).

The SP should be encouraged to update the Committee on how it define these concepts in its national legislation.

C. The implementation of the Convention principles and the promotion of the full realization of the rights

The SP should be praised for adopting the following acts since the entry into force of the Convention:

- Act No. 3585/08 of 2008, amending Act No. 2479/04 on “integration of persons with disabilities in the labour market” which requires a minimum of 5% PWD employed in public institutions. The same Act also requires budgetary allocations for provision of reasonable accommodations (para 7).
- Resolutions 980/09 and 942/09 by the Secretariat of the Civil Service of the SP, establishing general rules for the integration of PWD, and non discrimination of PWD in civil service employment (paras. 8,9).

These measures appear however insufficient to implement the Convention as recognised by the SP itself. The SP should be encouraged to proceed with the adoption of a comprehensive anti-discrimination law framework and an action program and plan to implement each Convention right.

D. Rights for immediate implementation versus rights for progressive implementation

The SP fails to give information about the existence of any policies and strategies distinguishing between those rights that need immediate implementation and those that do not. However, the Convention in article 4(2) states that social, economic and cultural rights could be implemented in a progressive way. This should be done without prejudice to those rights that should be implemented immediately according to international law. *This category includes the civil and political rights (such as the right not be deprived of liberty and placed in institutions against the will of the PWD or the right to vote on account of disability). The SP should be recommended to ensure immediate implementation of these rights by conducting a long-term policy of deinstitutionalization of PWD and to develop and expand services enabling life in the community. The SP should also remove restrictions to the right to vote for deaf persons and those under guardianship.*

The SP is further encouraged to adopt plans and strategies to fully implement the Convention.

Article 5 Equality and non-discrimination

Under this Article, the Committee encouraged the SP to provide information about:

- a) The real possibility of using existing laws to protect rights;*
- b) measures to guarantee equal and effective protection including reasonable accommodation;*
- c) and policies, programs and affirmative action to ensure a de facto equality of PWD with other members of society*

The SP reports that the Constitution provides the overall legislative framework for ensuring non-discrimination including the rights to equality before the law, and to equal protection by the law (paras.10, 11). The Constitution specifically encourages

positive measures such as the provision of reasonable accommodations (paras. 10, 12). In addition, the report states that human rights treaties duly ratified by Paraguay are part of its legal order and prevail over ordinary laws and therefore can be used to protect rights (paras. 13-15).

Despite this, the SP frankly recognises that “insufficient provision has been made for the prevention of discrimination, which leaves notable gaps in protection in areas highly susceptible to discrimination”, and that there is a general “failure to criminalize acts of discrimination”, which is a challenge for Paraguay (paras.125, 127). In trying to overcome these gaps, a general framework anti-discrimination law is awaiting adoption by the national Parliament (para. 125, footnote 41).

The SP should be encouraged to update the Committee on any practical measures being implemented to combat discrimination against PWD (such as controlling and inspecting organs, fiscal and economic incentives, judicial and non-judicial measures of redress including sanctions or compensations for violations of rights). The SP should also update information concerning the adoption of the anti-discrimination law.

Article 6 Women with disabilities

Under this Article, the Committee encouraged the SP to provide information on:

Recognition of gender inequality of women and parity of rights between women, girls, men and boys among persons with and without disabilities (in schools, employment, etc.)

The SP report recognises that women and girls with disabilities in practice have more difficulties in enjoying rights and freedoms as compared to male PWD (para. 196). However, there is no specific legislative Act adopted specifically to counter discrimination against women and girls with disabilities. Instead the SP refers to the third National Plan Equal Opportunities for Women and Men 2008–2017 currently under implementation (whose impact on women and girls with disability appears limited since it raises issues of discrimination between women and girls in general rather than specifically PWD) (para. 198).

A Special Secretariat for Women affairs was set up in the Office of the President (by Act No. 34/92 in 1992), however again it deals with discrimination against women in general, rather than the particular situation of those among them with disabilities) (para. 197).

The first shelter for women victims of domestic violence was recently established to accommodate 50 persons, when it becomes fully operational (para. 201).

The SP report also indicates that in 2009 the Secretariat for women affairs had registered 2,035 cases of violence against women. More recent statistics are unavailable (para. 202).

The SP should be encouraged to adopt specific legislative acts countering discrimination against women and to adopt action plans for the promotion of the rights of women with disabilities, including strategies and methodologies for correcting the inequalities between men and women with disabilities. The SP should also be encouraged to adopt specific measures to prevent violence against women and girls with disabilities including through regular collection of disaggregated statistical data on discrimination against women with disabilities, types of disabilities, by location (urban/rural), and the results of the measures taken to prevent discrimination.

One should note that the CRPD Convention was not adopted to establish new human rights, or because there was a lack of human rights treaties protecting everyone, but to extend the reach of existing human rights provisions to cover the specific situation of PWD who remained invisible despite the existing codification.

Article 7 Children with disabilities

Under this Article, the Committee encouraged the SP to provide information on:

The issues concerning children with disabilities, including children being able to freely express their views and having appropriate assistance to express those views

The report states that the SP has adopted policies to promote the full social integration of persons with disabilities, which are currently under implementation, including with regard to school enrolment and use of different teaching methods. The report, however, *fails to give details of these policies* (para. 203).

In terms of practical measures to promote the rights of children with disabilities the report refers to the National Programme of Comprehensive Care for Children and Adolescents with Disabilities. *However, as recognised by the SP, its implementation is lagging behind, as the only activities conducted so far were confined to a few awareness-raising activities* (para. 204).

The SP is encouraged to back the realization of the existing National Program on Children and Adolescents with Disabilities with the adoption of national legislation specifically protecting the rights of children with disabilities. Further, sufficient resources should be allocated to the realization of this program. The SP should also be encouraged to provide data on cases of ill-treatment of children with disabilities disaggregated by age, sex, and type of disability.

Article 8 Awareness-raising

Under this Article, the Committee encouraged the SP to provide information on:

Work done in the education system and the media to portray a positive image of PWD (to change attitudinal behaviour, and bias with regard to PWD); work done with PWD and others to inform about the contents of the Convention

A. Work done in the education system and the media to portray a positive image of PWD (to change attitudinal behaviour, and bias with regard to PWD)

The report states that the following activities were organized with the objective of portraying a positive image of PWD (paras. 14, 31-41):

- Adoption and implementation of the National Programme of Comprehensive Care for Children and Adolescents with Disabilities, under which a few awareness raising activities have been undertaken (para. 204; *the period or territorial extent of the activities conducted is unspecified*);
- The “Use your Head, use a Helmet” campaign, organized jointly by INPRO and the government of the central department (para. 20) (*the period during which the campaign was conducted is unspecified*).
- A number of media campaigns were also conducted by INPRO and NGOs on the themes of respect for diversity and the inclusion of PWD (para.21) (*numbers, periods and target audience unspecified*).
- A meeting was organized by INPRO with all governors, municipal mayors and national authorities (para. 22) (*dates unspecified*).
- Awareness-raising workshops were organized by the Secretariat of the Civil Service on the theme of disability for trade union members (paras. 23)(*numbers and dates unspecified*).

The SP should be encouraged to provide details with regard to the activities mentioned in its report, and to adopt strategies with benchmarks for a more concerted disseminating work. The SP is further encouraged to extend its awareness raising-work to cover schools and universities.

B. Work done with PWD and others to inform about the contents of the Convention

The report is silent on work done to disseminate the Convention rights specifically among the PWD.

The SP is encouraged to widely disseminate information about the Convention among PWD, including information about existing remedies that PWD could utilize in case of violation of their Convention rights, including their right to address the CRPD Committee under the Optional Protocol.

Article 9 – Accessibility

Under this Article, the Committee encouraged the SP to provide information on:

Measures (legislative and others) for access to the environment (physical (built in, transport) and social (facility and services provided to the public including information and communications)); accessibility standards; control, and sanctions for non-compliance

A. *Measures (legislative and others) for access to the environment (physical (built in, transport) and social (facility and services provided to the public including information and communications))*

The report refers to no specific acts adopted to implement provisions of the Convention on accessibility. However, the SP report states that the following activities were carried out:

- The Committee -45 on Accessibility was set up composed by the National Institute of Technology, Standardization and Metrology, INPRO, other State bodies and the Saraki Foundation, which works to draw up standards of accessibility in the physical environment (steet marking and signs) *(but so far no work was conducted on accessibility of transport)*;
- INPRO currently is working together with the Saraki Foundation on a proposal for a procedure to improve accessibility in municipalities, the so-called Municipal Accessibility Assessment Procedure which would involve, once operational, awareness-raising; assessment of barriers that limit access; proposal of solutions. With regard to accessibility of communications it will look into training for public officers to deal with PWD; sign language interpreters and braille; accessibility of printed material and web pages (paras. 25,25, 27);
- Adoption by INPRO of an Accessibility Manual based on the Municipal Assessment Procedure (para. 26).

The SP should be encouraged to update informaton about timelines and benchmarks for the implementation of the “municipal accessibility assessment procedure”, as well as any work already done to implement the accessibility requirements of the Convention. In particular the SP should be requested to provide information on whether new and existing public buildings are being made accessible to PWD throughout the country, including timelines for completion of the work.

B. *Accessibility standards, control, and sanctions for non-compliance*

The SP report is silent in this regard.

The SP should be encouraged to update the Committee on accessibility standards, control mechanisms and a system of sanctions for cases of non-compliance with the accessibility standards.

Article 10 – Right to Life

Under this Article, the Committee encouraged the SP to provide information on:

Right to life of PWD; Prohibition of arbitrary deprivation of life

The report states that the Constitution protects the right to life of PWD and their right not to be arbitrarily deprived of life (paras. 28, 29). However, the SP recognises that the law allows for the imposition of a guardian with powers to decide on behalf of the PWD.

The SP should be encouraged to update the Committee on the extent of the powers of guardians, including whether they have authority to decide on termination or withdrawal of medical treatment, without the free and informed consent of the PWD.

Article 11 - Situations of risk and humanitarian emergencies

Under this Article, the Committee encouraged the SP to provide information on:

Measures taken to include PWD in national emergency protocols; Measures taken to ensure that humanitarian aid and relief is distributed in an accessible way to PWD caught in humanitarian emergency

The report mentions the National Emergency Secretariat established under Act No. 2615/05 of 2005, which is responsible for coordinating emergency responses to disasters, and the General Directive of the national armed forces for the biennium 2009/2010 which required the national army to coordinate the use of the armed forces and their training for rapid response to help the civilian populations in situations of emergency and disaster (paras. 30-33).

The SP is encouraged to adopt comprehensive legislation and action plans protecting PWD in situations of emergency (including specific measures to ensure that humanitarian aid and relief are distributed in accessible way to PWD; provide special training both for PWD and for professionals whose mission is working with PWD in such situations and the necessary budget allocations).

Article 12 - Equal recognition before the law

Under this Article, the Committee encouraged the SP to provide information on:

Legislation which restricts the full legal capacity on the basis of disability and measures being undertaken to conform to Article 12; Support for PWD in the exercise of their legal capacity and to manage their financial affairs; Existence of safeguards against abuse of supported decision-making models

Paraguay national legislation adopted before the entry into force of the CRPD Convention provides that persons with mental forms of disability, the blind and deaf persons may be declared legally “incompetent” or “incapable” by a court decision. In such cases their legal capacity is replaced by that of a guardian assigned to the persons in all acts of civic life (paras. 34-37; 233,236)

In addition, under the electoral law, deaf persons (who are supposedly “unable to make themselves understood”) are also denied voting rights (para. 38).

The SP mentions no steps under way to reform the existing legislation in accordance with the provisions of the Convention.

The SP should be encouraged to adopt a comprehensive law reform strategy and action plan to replace the present substitute decision-making (guardianship) system by mechanisms that only support PWD in their decision-making to ensure their full legal capacity as required under the Convention. Any such measures of supported decision-making should be subject to regular review. The lack of legal capacity to act of PWD has implications for the realization of practically all other rights granted by the Convention.

Article 13 - Access to justice

Under this Article, the Committee encouraged the SP to provide information on:

Effective access to justice at all stages of the legal process; effective training of personnel in the national justice and prison system; Age-related accommodations

The denial of legal capacity of PWD has several implications for them in the access to justice on equal terms with others. The report is silent about whether PWD who are denied legal capacity may have access to justice and if so to what extent. In particular, their right to report crimes and to testify in court. The report is also silent on the issue of the application of the doctrine of insanity.

The report states that an Office of the Ombudsman exists but that with the exception of two court cases (paras. 50,51), no PWD has ever complained and requested a due process checking (para. 102, *but see also para. 127 where the SP recognises that the high trial costs and the private nature of criminal lawsuits in the SP hamper access of PWD to justice*).

There is also information about efforts made to facilitate physical accessibility of court buildings and other buildings housing institutions of justice (paras.75-80, 104,105). Efforts are also being undertaken to promote accessibility of communications for deaf persons (the report notes that sign languages assistance is being developed, however, *it should be noted that sign language has not yet been made one of the official languages of the SP*), and for blind persons (braille) (paras. 48,49, 66,68, 72,73).

The report also refers to efforts to train and raise awareness about the barriers faced by PWD in the justice system, intended for judges, prosecutors, and prison officers, among others (paras. 52, 54-65; 67, 69, 70,74, 81-97,100-101).

There is however little information about any age- related accommodations being developed in the SP (para. 106).

The SP is encouraged to ensure for PWD an effective access to justice and a first step towards this goal would be to replace the full guardianship system by a mechanism that supports PWD in their decision-making. The SP should also provide further information about the status of PWD under guardianship in the justice system as well as the application of the doctrine of insanity.

The SP should be encouraged to adopt a full fledged, effective, accessible and affordable system of remedies and redress in case of violations of the Convention rights, including the possibility of addressing international human rights institutions.

Article 14 - Liberty and Security of the Person

Under this Article, the Committee encouraged the SP to provide information on

Measures to ensure that PWD are not deprived of liberty based on disability; Prohibition of institutionalization of PWD

The report admits that persons with mental forms of disability may be placed in institutions against their will based on a court decision (para. 111).

The report states that this is an exception to the rule according to which no one may be deprived of liberty because of disability (para.108). The report explains that the rule applies only in case of persons with mental “health problems” (but without explaining the meaning of mental “health problems” (footnote 40, para.111).

The SP should be encouraged to update the Committee on the meaning it attaches to the term mental “health problems” and the forms of mental disability covered by the definition of mental “health problems”. The SP should also provide information on measures taken to prevent institutionalization of PWD (including when it is justified by such arguments like “dangerous”, or “need for care and treatment”).

Consistent with Articles 12 and 14 of the Convention, the SP should be encouraged to take phased steps to prohibit the practice of institutionalization of PWD and to develop conditions for independent life in the community of persons with any forms of disability.

Article 15 - Freedom from torture or cruel, inhuman or degrading treatment or punishment

Under this Article, the Committee recommended the SP to provide information on:

Prevention from medical or scientific experimentation involving PWD without their free and informed consent; PWD should be made part of national strategies and mechanisms to prevent torture

The report states that a guarantee against medical and scientific experimentation involving PWD without their free and informed consent is the guardianship system itself. In case of disagreement between the PWD and the guardian, a third special guardian is assigned. *Unfortunately, the report fails to indicate what is done in cases of disagreement between the PWD and the second "special guardian" (paras.16, 17).*

The report mentions the Constitution and the Convention against torture as guarantees preventing torture (paras.118, 119).

The report fails to provide any specific legislation adopted in the SP to prevent medical and scientific experimentation without the free and informed consent of PWD. There is little information on the work of psychiatric institutions.⁴

The SP should be encouraged to provide statistical data regarding practices of medical experimentation in hospitals, and the strategy and policies adopted to prevent such experiments without free and informed consent of PWD, including forced interventions to purportedly correct a form of disability . The SP should also be encouraged to adopt specific legislation, which takes into consideration more subtle forms of torture and ill treatment justified by the supposed need to cure a form of disability against the will of PWD. The SP should be encouraged to provide detailed information about the work of the existing psychiatric institutions.

Article 16 - Freedom from exploitation, violence and abuse

Under this Article, the Committee encouraged the SP to provide information on:

Measures to protect PWD from all forms of exploitation, violence and abuse; social protection measures to assist and support PWD; measures to ensure that all services and programmes designed to serve PWD are accessible and effectively monitored by independent authorities; measures to ensure that all PWD who are victims of violence have access to effective recovery, rehabilitation programmes; measures to ensure that acts of violence and abuse against PWD are identified, investigated and, where appropriate, prosecuted

The report states that the legislative measures adopted to protect PWD from all forms of exploitation, violence and abuse include Article 227 of the Criminal Code which specifically criminalizes violations of the duty of care for persons with disabilities (para. 128) and Act No 1600/00 on prevention of domestic violence (para.132). However, the SP also recognises that there is no specific provision prohibiting discrimination against PWD, though a specific Bill is now being drafted (paras. 120-123, 125, 127). Other factors preventing effective protection against exploitation and abuse include inaffordable trial costs, and the private rather than public nature of lawsuits in discrimination cases (para.127) .

The report notes the work of the Ombudsman's Office and the National Institute for the Protection of Exceptional Persons (INPRO) as institutions working to protect abuse against PWD. In particular INPRO has responsibility for designing and implementing social protection measures to assist and support PWD with regard to preventing, detecting and reporting cases of exploitation and abuse of PWD. The Institute also ensures that all PWD victims of violence have access to relevant services for recovery and rehabilitation and social integration (paras. 126,129). However as the SP notes, such services are intended for everyone victim of violence and were not intended to meet the specific interests of PWD.

⁴ The report states in the section regarding habilitation and rehabilitation (article 26), that there are in the country 39 psychiatric institutions, but there is little information about their work (See report, paras. 161-164); see below pag. 24 for the review).

There is no information on the work done by institutions entrusted with monitoring places of deprivation of liberty of PWD. The report mentions only two court cases involving PWDs (paras. 50, 51).

The SP is encouraged to provide detailed information pertaining to the work of independent monitoring authorities. The SP should also encourage the use of the Convention to protect rights of PWD via courts of justice.

Article 17 - Protecting the integrity of the person

Under this Article, the Committee recommended the SP to provide information on:

Protection of PWD from forced sterilization, and girls and women from forced abortions; Independent review organizations (role and composition) and programmes of work

The SP provides no information on the implementation of Article 17 of the Convention.

The SP should be encouraged to update the Committee in this regard. The SP should also be encouraged to adopt specific legislation prohibiting forced sterilization and forced abortion based on disability.

Article 18 - Liberty of movement and nationality

Under this Article, the Committee recommended the SP to provide information about:

Measures to ensure the right of PWD to acquire a nationality and not to be deprived of it; to ensure the right of PWD to enter or leave his country freely; measures to ensure that every new-born child with a disability be registered upon birth and given a name and a nationality

The report notes Act No. 978/96 adopted in 1996 which denies foreigners because of their disability, the right to settle permanently or temporary in Paraguay (para. 133). The SP recognises that this policy is discriminatory and notes that the migration office was in the process of drafting a new Bill to amend the Act (para.134).

There is no information about the situation of newborn children with disabilities, or the right of PWD who are nationals of Paraguay to enter and leave the country freely.

The SP should be encouraged to provide information on progress in the adoption of the anti-discrimination amending Act as well as information on national legislation regarding registration of newborn children with disabilities.

Article 19 - Living independently and being included in the community

Under this Article, the Committee encouraged the SP to provide to information on:

The existence of available independent living schemes, including the provision of personal assistants for persons who so require; the existence of in-house support services allowing PWDs to live in their community; the existence and range of options of residential services for living arrangements, including shared and sheltered accommodation which take into account the form of disability; the degree of accessibility for PWDs to community services and facilities provided to the general population

The report provides no information with regard to this Article.

The SP should be encouraged to update the Committee on efforts to implement the fundamental rights of PWD enshrined in Article 19 of the Convention.

Article 20 - Personal mobility

Under this Article, the Committee encouraged the SP to provide information on:

Measures to facilitate the personal mobility of PWD, including the use of street signs for accessibility, measures taken to ensure that the technologies are user-friendly; measures taken to give training in mobility skills to PWD and specialist staff

The report provides no information on the implementation of this provision of the Convention.

The SP should be encouraged to update the Committee about the extent of the implementation of this Convention right.

Article 21 - Freedom of expression and opinion, and access to information

Under this Article, the Committee encouraged the SP to provide information about:

Measures to ensure that information provided to the general public is accessible to PWD; measures to ensure that PWDs can use their preferred means of communication in all forms of official interaction and access to information, such as sign language, Braille, and other accessible means; measures to urge private entities and mass media to provide their information and services in an accessible form for PWD; degree of accessibility of mass media and percentage of public websites that comply with the Web Accessibility Initiative (WAI) standards; Legislative and other measures taken linked to the official recognition of sign language(s)

The report recognises that so far there was no provision in the law guaranteeing the Constitutional right to receive and impart information for persons with disabilities in particular those with impaired hearing and/or vision. However, a positive note is that a Bill to “officially recognise” sign language is in the making. With the same objective, a sign language dictionary and a manual were published in the country, and INPRO started giving courses of sign language to officials of public institutions (paras. 136-138).

The SP should be encouraged to provide updates about steps undertaken to adopt the Language Bill, and clarify whether it does not only “officialise” sign language but makes it the “third official language” of Paraguay. The SP should also update the Committee with regard to efforts towards recognition of Braille as a script for blind and deaf-blind persons and efforts to promote the use of subtitling and audio description services to facilitate access to audio-visual environment. The SP should also provide detailed information about the extent of the program of sign language courses for public officials, and whether it is planning the expansion of such courses as an option in education institutions of all levels in equal terms with the teaching of foreign languages.

Article 22 - Respect for privacy

Under this Article, the Committee requested the SP to provide information on:

Measures to protect the privacy of personal, health and rehabilitation related information of PWD; measures taken to ensure that PWD are not concealed under pretext of protection of privacy

The report provides no information on the implementation of this provision of the Convention.

The SP should be encouraged to provide updates about the implementation of this Convention right.

Article 23 - Respect for home and the family

Under this Article, the Committee recommended the SPT to provide information on:

Measures to ensure that PWDs may exercise the right to marry and to found a family on the basis of full and free consent; that PWDs have access to family planning, assistive reproduction and adoption or fostering programmes; that parents with disabilities, who so require, are provided with the adequate support in their child-rearing responsibilities, ensuring the parent-child relationship; that no child is separated from her/his parents because of the disability of either the child or one or both of the parents; to support fathers and mothers, in order to prevent concealment, abandonment, of the boy or girl with a disability; to avoid institutionalization of boys and girls with disabilities whose parents are unable to care for them

The report provides no information on the implementation of this provision of the Convention.

The SP should be encouraged to provide updates about the implementation of this Convention right.

Article 24 - Education

Under this Article, the Committee recommended the SP to provide information on:

Measures to ensure that every child with disabilities has access to early-stage education, and mandatory primary, secondary and higher education

The CRC in its most recent Concluding observations noted the different initiatives to protect the rights of children with disabilities, and regretted the lack of a comprehensive policy or national plan directed specifically at this sector of the population. The Committee also regretted that children continued to experience discrimination; that teachers were not properly trained to assist their needs and there was a lack of collection of data concerning children with disabilities. (CRC Concluding Observations, doc CRC/C/PRY/CO/3, 10 February 2010, paras. 48).

The report confirms that there is little done for the inclusion of children in the mainstream education system. The report states that plans are under way to determine the number of PWD and to set up projects to facilitate their enrolment in schools (paras. 139-140). There are no time frames, or indication of the extent and financing of the projects.

The SP should be commended for conducting the following activities in the education sector:

- Creating the Directorate-General for Inclusive Education within the Ministry of Education in August 2008, with a Braille publishing centre which produces materials, including tactile graphics, for persons with impaired vision (para. 144, 145);
- Creation of care and early learning services, jointly with the Ministry of Public Health and Social Welfare (para. 144);
- The training of teachers in sign language and work with Braille; and the inclusion of relief graphics and talking books in the national education system (para. 145);
- The establishment of a Standing Committee on the Paraguayan sign language and the launching of a digital manual and dictionary of Paraguayan sign language (para. 146, 147).

Nonetheless it is regrettable that the information is provided without an indication of its extent, impact and number of persons with disabilities covered by the projects. The SP should be encouraged to update the Committee in this regard.

The SP is also encouraged to increase available resources in order to meet its obligations to provide for the same school opportunities to all including children with disabilities by gradually replacing the special education system with an integrated school system offering all reasonable accommodations for children with disabilities.

The SP is also encouraged to design and implement a comprehensive plan of school integration of children with disabilities with specific benchmarks, resource allocations, control mechanisms and sanctions for non-implementation.

Article 25 - Health

Under this Article, the Committee encouraged the SP to provide information about:

Measures that protect against discrimination and ensure that PWD have the same access to quality health services, including in the area of sexual and reproductive health; and to ensure that PWD have free access to disability-related health rehabilitation in their community without financial costs

The report notes that the SP has decentralized rehabilitation services across the regions of the whole country. Only two services are in operation in the capital whereas two others are under construction. A steering Committee was established to deal with the issue of recruitment of PWD in the Ministry of public health; but this project is still awaiting approval for its implementation (paras. 150, 151).

The report states that efforts are also underway to bring in foreign capacities to instruct local staff on methods of assessing the capacity of PWD (para. 152).

The SP should be encouraged to provide updates on measures to protect against discrimination and ensure that PWD have the same access to quality health services (including access to healthcare insurance), and including in the area of sexual and reproductive health.

The SP is also encouraged to develop efficient complaints mechanisms for PWDs to address violations of the accessibility requirements of healthcare institutions and services (including cases of denial of healthcare insurance).

Article 26 - Habilitation and Rehabilitation

Under this Article the Committee encouraged the SP to provide information about:

General habilitation and rehabilitation programmes for PWD, in the areas of health, employment, education and social services, including in rural areas; and to ensure that participation in habilitation and rehabilitation services and programmes is voluntary

The report states that INPRO offers general habilitation and rehabilitation services through its decentralized services. In addition, civil society organizations run a number of rehabilitation services with government financial support. The report states that most of these services are in rural areas (paras. 157,158, 160). These services include training courses conducted by a number of other institutions together with INPRO offered to persons with physical and sensory disabilities as well as those with visual impairment (paras. 154-156, 165).

Rehabilitation services provided by INPRO are free and include provision of mobility devices. INPRO also provides door-to-door transport services for PWD (para.159).

The report states that it has 39 mental health centres around the country offering psychiatric and psychological treatment including free medicines (paras. 161-164), *however, it says nothing about whether treatment in these institutions is voluntary or not.*

The SP should be encouraged to provide updates on the extent of the existing rehabilitation services (the percentage of PWD covered by this system). It should also provide information on how these services respect the human rights of PWD, in particular, their right to no forced treatment.

Article 27 - Work and employment

Under this Article, the Committee encouraged the SP to provide information about:

Measures taken to ensure protection against discrimination in all stages of employment; The impact of targeted employment programmes and policies in place to achieve full and productive employment among PWD; Affirmative and effective action measures for the employment of PWD in the regular labour market; Accessibility of PWD to open employment and vocational training services, including those for the promotion of self-employment; Availability of technical and financial assistance for the provision of reasonable accommodations; measures to assure the retention and retraining of workers who suffer a workplace injury resulting in a disability preventing them from performing their previous tasks; to ensure various forms of work, such as work on location, telecommuting (off-site/at home) and subcontracting, and work opportunities offered by new communication technologies

The report states that Act No. 2479/04 as amended by Act No. 3585/08 on the obligation to employ persons with disabilities in public institutions sets the general framework for the protection of the right to work and employment of PWD (para. 166). A regulation of the Act on employment in the public sector is now under discussion (paras. 173-175).

The amended Act requires a target minimum of 5% of employees with disabilities in public sector companies and services. Technical and financial assistance is also available to support reasonable accommodation measures in the public sector. In addition, a Bill is in the making that will grant tax incentives to companies employing PWD (paras. 171-172).

INPRO and the National Career Development Service (SNPP) have set up a joint project for the employment of young people with disabilities, and other training services are provided for the promotion of self-employment (paras. 168,169).

However, despite all the efforts the public sector employs only 3% of the total numbers of public service employees (para. 177- 179).

Moreover, under the still existing national legislation disability can be a ground for separation from employment in the public sector (paras. 234,235).

There is also little information about promotion of employment in the private sector.

The SP should be encouraged to provide updates on measures undertaken to promote employment in the private sector. In this regard, the SP should be encouraged to clarify whether the Bill on tax incentives applies to the private sector, and whether it is now in force and being implemented.

The SP should be encouraged to adopt global strategies to prohibit discrimination because of disability and employ PWD in all forms of work and services including the Army. Contrary legislation needs to be abolished or modified.

The SP should be encouraged to provide updates about sheltered employment of PWD, and measures to facilitate reemployment of PWD who have lost their jobs.

The SP is encouraged to provide updates on how and which control mechanisms it has set up to ensure that the quota program of 5% of employment of PWD is met by public institutions. If non- existent, the SP should be encouraged to establish them.

Article 28 - Adequate standard of living and social protection

Under this Article, the Committee encouraged the SP to provide information about:

Measures taken to ensure availability and access by PWD to clean water, adequate food, clothing and housing; to ensure access by PWDs to services, devices and other appropriate assistance at affordable prices, including the availability of programmes that cover disability related extra financial costs; to ensure access by PWD, including women and girls and older persons with disability, to social protection programmes and poverty reduction programmes

The report provides that a number of social protection programs exist in the SP including accessible social housing; direct financial assistance for impoverished PWD and mobility devices (paras 180-184).

A mobility subsidy in the form of free land transport is accorded to visually impaired PWD (para. 187).

A certificate of disability is required for employment in the public sector (para. 185), and free sign language training is provide to family members of PWD. In total, the SP controls 47,767 permanent beneficiaries of its social protection programs.

The SP is encouraged to continue developing and implementing these programs while equally promoting full integration of PWDs in the labour market in accordance with the human rights model of disability.

The SP should be encouraged to clarify the criteria for granting a certificate of disability, and why it controls only 47,767 out of an estimate 600,000 PWD in the SP (para. 209), and the degree of extension of its programs to cover the rural area. The SP should also be encouraged to provide disaggregated data by location (urban and rural area), sex and age of the PWD that it controls.

Article 29 - Participation in political and public life

Under this Article, the Committee encouraged the SP to provide information about:

Legislation and measures to guarantee to PWD, including persons with mental or intellectual disability, political rights, and also inform about existing limitations and actions taken to overcome them; Support provided, if any, to PWD for the establishment and maintenance of organizations to represent their rights and interests at local, regional and national level

Persons with certain forms of disability (in particular deaf persons) are denied the right to vote on equal terms with others (para. 189). In addition, PWD placed under guardianship are also prevented from participating in elections (para.236).

The SP is encouraged to revise its national legislation and abolish or modify it in order to conform it to Convention Articles 12 and 29. The Committee should encourage the SP to reform its legislation to ensure that everyone has a right to vote irrespective of any forms of disabilities.

Article 30 - Participation in cultural life, recreation, leisure and sport

Under this Article, the Committee encouraged the SP to provide information about:

Measures taken to recognize and promote the right of PWD to take part on an equal basis with others in cultural life, including opportunities to develop and utilize their creative, artistic and intellectual potential; to ensure that cultural, leisure, tourism and sporting facilities are accessible to PWD, taking into account the situation of children with disabilities, including through the conditional use of public procurement and public funding; to ensure that intellectual property laws do not become a barrier for PWD in accessing cultural materials, including participation in relevant international efforts

The SP recognises that the comprehensive integrated state policy to promote recreation, sports, culture and entertainment remains weak due to lack of funding. In particular, museums and art galleries are not equipped with audio or touch information for persons with disabilities (paras. 190, 193).

However, a new proposal for public policy on social development 2010-2020 provides that projects for persons with disabilities are one of the components of the National Sports System (paras. 190,192).

In addition, an operational plan in the tourism sector for inclusion of PWD is being implemented (para. 194,195) (*periods and degrees of implementation, benchmarks and success criteria are not specified*).

There is also little said about efforts to ease intellectual property barriers to ensure full access of PWD to copyrighted material.

The SP should be encouraged to provide detailed information about the adoption and realization of the proposal for a public policy on social development (2010-2020). It should also provide details on the extent of the implementation of the operational plan for the tourism sector (when was adopted, period of implementation, extent, benchmarks, control mechanisms, success criteria).

The SP is recommended to continue its efforts to fully integrate PWD in cultural life, sports and leisure including by making available all the required funding.

The SP is recommended to participate actively in international efforts to make easier intellectual property laws that prevent access of PWD to cultural material.

Article 31 - Statistics and data collection

Under this Article, the Committee recommended the SP to provide information about:

Measures taken to collect disaggregated appropriate information, including statistical and research data, to enable the SP to formulate and implement policies to give effect to the Convention human rights and fundamental freedoms; ethics, legal safeguards, data protection, confidentiality and privacy; the dissemination of these statistics and measures to ensure their accessibility by PWD

The SP recognises that it has not been able to collect reliable information about the situation of PWD. While the latest population and housing census conducted in 2002, showed that PWD represented 0.99 % of the total population, NGOs estimate that PWD represent 10% of the total population or 600.000 persons (paras. 206-209, 220,221).

Nonetheless, the report states that tentative estimates show that disability is more frequent among men than women with prevalence rates of 10.8 to 8.9 per thousand (paras. 210, 211). The results of the various surveys (carried out in 1982, 1992 and 2002) were used to prepare an analysis of socio-demographic conditions of PWD with regard to education, employment and living conditions (paras 213-215).

In 2006 and 2008, two other surveys were conducted to provide information on prevalence rates of disabilities, and types of disabilities and their severity. Another survey was planned for 2010 (paras.216-219).

The SP is encouraged to provide further details on the methods of collection of such data, respect for ethics, legal safeguards, confidentiality and privacy and the application of these principles in the use of the information database of PWD in the SP.

The SP should be encouraged to provide updates on the results of the planned 2010 survey.

Article 32 - International cooperation

Under this Article, the Committee has recommended the SP to provide information about:

Measures taken to guarantee that international cooperation be inclusive and accessible by PWD; Actions toward facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices; On the progress, and effectiveness of programmes for the exchange of technical know-how and expertise for the assistance of PWD

The report states that the SP gets international technical cooperation assistance from a number of countries, in areas such as transportation, communications, productive development, employment, tourism, education and healthcare. *However, there is little information on whether partners have linked this assistance to the need to respect the human rights of PWD* (paras. 224-226).

The SP report states that two international cooperation projects are, however, specifically tailored to meet concerns of PWD (the regional project “Agora”, working to develop employment opportunities for visually impaired persons, funded by the Spanish Agency of International development, and a “healthcare prevention project” funded by the Japan International Cooperation Agency working to prevent congenital forms of impairments) (paras. 227-229).

There is little information about the impact and effectiveness of these cooperation projects. There is also little information about incorporation of a disability perspective in the programs of the Millennium Development Goals.

The SP should provide updated information about the impact of these cooperation efforts, and their connection with the need to respect human rights of PWD.

The SP should make an effort to include a disability perspective in its programs for the achievement of the Millennium Development Goals.

Article 33 - National implementation and monitoring

Under this Article, the Committee encouraged the SP to provide information about:

The designation of one or more focal points within the Government for matters relating to the implementation of the Convention and to facilitate related action in different sectors and at different levels; the establishment of a framework, including one or more independent mechanisms, as appropriate, and measures taken to promote, protect and monitor the implementation of the Convention taking into account the principles relating to the status and function of national institutions for the protection and promotion of human rights; measures on budget allocations for the purpose of national implementation and monitoring

The SP report states that a Bill has been drafted and submitted to the Parliament with a view to create the national implementation and monitoring mechanism (paras. 230-232).

The SP should be encouraged to provide updates on the Bill that was supposed to establish the national implementation and monitoring mechanism.

The SP is encouraged to establish this monitoring mechanism as soon as possible and enable it to fulfil its proper role including by ensuring sufficient budget allocations.