



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities Thirtieth session

Summary record of the 705th meeting*

Held at the Palais des Nations, Geneva, on Thursday, 14 March 2024, at 10 a.m.

Chair: Ms. Kayess (Vice-Chair)

Contents

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

Combined second and third periodic reports of Costa Rica

* No summary record was issued for the 704th meeting.

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Ms. Kayess, Vice-Chair, took the Chair.

The meeting was called to order at 10.30 a.m.

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

Combined second and third periodic reports of Costa Rica (CRPD/C/CRI/2-3; CRPD/C/CRI/QPR/2-3)

1. *At the invitation of the Chair, the delegation of Costa Rica joined the meeting.*
2. **A representative of Costa Rica** said that, owing to the difficult financial situation his Government faced, most of the delegation had been unable to travel to Geneva, and only officials from the Permanent Mission would attend the meeting in person. Those members of the delegation who had remained in San José were following the webcast and would provide support for the officials who were present in the room. He appealed for all treaty bodies to recognize the need for hybrid meetings so that delegations, particularly those of small countries, could participate remotely and with a minimum of expense in reviews of State party reports.
3. Introducing his country's combined second and third periodic reports (CRPD/C/CRI/2-3), he said that the constructive dialogue with the Committee presented an opportunity for his Government to highlight best practices and seek solutions to the challenges it had encountered in implementing the Convention. Costa Rica had a historic commitment to persons with disabilities and their families and organizations. It had been one of the first Latin American countries to establish a lead agency on disability issues, namely the National Council for Rehabilitation and Special Education, which had received its mandate in 1973. Furthermore, with the adoption of Act No. 7600 of 1996 on Equal Opportunities for Persons with Disabilities, it had established a set of rules for public and private institutions with the aim of ensuring access to services and equal opportunities for persons with disabilities. The Act had represented a paradigm shift, as it provided for State intervention to promote the personal development and autonomy of persons with disabilities and set out a strategy of adapting the environment to enable such development.
4. In its time, the National Council for Rehabilitation and Special Education had made significant progress in implementing social plans, programmes and projects associated with the development of the welfare state. However, since the adoption of the Act on Equal Opportunities for Persons with Disabilities, the role of the lead agency had changed and, in 2015, it had been reformed by Act No. 9303, which had established the National Council of Persons with Disabilities and conferred upon it a mandate to deliver solutions based not on welfarism, but on equity, and stronger powers to monitor and uphold rights.
5. With the promulgation in 2016 of the Act on the Promotion of the Personal Autonomy of Persons with Disabilities, Costa Rica had adopted a new model for persons with intellectual or psychosocial disabilities and had become the first country in the world to guarantee equality before the law in the exercise of legal capacity, discarding the concepts of guardianship and legal incapacity in favour of a system of support based on the notion of safeguarding. The Act also established the role of "guarantor of legal equality" and minimized the possibility of persons with disabilities being subjected to aggressive or negative interference in respect of their bodies, their property or their exercise of paternity or maternity. Persons with disabilities were thus treated as subjects of rights and were able to take control of their lives. In addition, the judiciary had taken steps to strengthen the recognition of legal capacity, notably by drawing up the document "El ABC del Proceso de la Salvaguardia" (The ABCs of the Safeguarding Process), a practical, human rights-based instrument that explained the process and its scope and the responsibilities of judges. On 13 April 2023, the Government had adopted Executive Decree No. 44033, which introduced specific amendments to articles 8, 17, 66 and 68 of the implementing regulations of the Biomedical Research Act, relating to the powers of guarantors of legal equality and to informed consent.
6. According to national statistics, Costa Rica had some 670,000 adults and 219,000 children with disabilities. Half of adults with disabilities were aged 36 to 64 years,

32 per cent were aged 65 years or older and 18 per cent were aged 18 to 35 years. The National Council of Persons with Disabilities aimed to ensure equal opportunities and equality before the law for persons with disabilities with a view to their full development and participation in society. Accordingly, it sought to integrate strategic measures into the national development plan and sectoral public policies. One major challenge was that of carrying out monitoring and oversight to ensure that other public institutions fulfilled their responsibilities. The Disability Certification Service of the National Council had considered over 30,000 applications for disability certification, about 24,000 of which had been approved and about 3,000 rejected. The Service assessed not only the health status and functional impairments of applicants but also the barriers they faced in public and in their private lives.

7. In accordance with the principle of “nothing about us without us”, the Government had established, by Executive Decree No. 41088, the Consultative Forum of Persons with Disabilities so that persons with disabilities of both sexes and from different geographical regions were represented and consulted in decision-making processes. Persons with disabilities had been consulted, for example, in the development of the institutional strategic plan of the judiciary for 2019–2024 and the plan of action for 2024–2030 of the National Disability Policy 2011–2030.

8. The national population and housing census of 2022 had been conducted in coordination with the National Council of Persons with Disabilities, while the national survey on disability had taken the Convention and the International Classification of Functioning, Disability and Health as reference points. Such surveys allowed the authorities to measure the prevalence and characteristics of disability with a view to the formulation, follow-up and evaluation of public policies.

9. The authorities ensured the political participation of persons with disabilities by including them on electoral rolls. Persons with disabilities were involved in efforts to address attitudinal barriers and improve access to polling stations, and they were provided with reasonable accommodation that enabled them to exercise their right to vote.

Articles 1–10 and 31–33

10. **Ms. Aldana Salguero** (Coordinator, Country Task Force) said that, in Latin America, disability often intersected with poverty to exacerbate the inequalities that persons with disabilities faced in all areas of life: it was therefore incumbent upon the Committee to determine what action the State party had taken for the full exercise of their rights. In particular, she wished to know what steps the State party had taken to apply standard criteria for disability assessment and certification. She would be interested to know what legislative or policy measures had been taken on the basis of the Convention, particularly the general principles and general obligations set forth therein. As the Committee had received reports that the coronavirus disease (COVID-19) pandemic had created barriers to consultation processes and, in particular, that the official platform used for consultations was not accessible for persons with disabilities, she wished to know what was being done to ensure that persons with disabilities and their organizations were consulted on issues affecting them.

11. She would be interested to know what specific measures, such as the allocation of financial and human resources, had been taken to ensure that the country’s laws translated into tangible improvements in the lives of persons with disabilities. The Committee would be grateful for information on the results achieved by monitoring the rights of persons with disabilities using the Disability and Accessibility Management Index of the National Council of Persons with Disabilities, and on any measures to promote the application of the Index by other institutions.

12. Furthermore, she would welcome clarification of whether the Biomedical Research Act continued to include provisions authorizing the guardians of persons declared legally incapable to take decisions whereby such persons might be subjected to scientific experimentation or research without their consent. She would also be interested to know on what grounds the Government intended to merge the National Council of Persons with Disabilities with other institutions, given that the Council currently had insufficient human

and financial resources to ensure disability rights throughout the country and that making it dependent on another institution would likely weaken its activities.

13. **A representative of Costa Rica** said that the Disability Certification Service had been established by executive decree in December 2017 and was run by the National Council of Persons with Disabilities. The Service had received around 30,000 applications for disability certification, 24,000 of which had been approved. Almost 3,000 applications had been rejected on various grounds. The executive decree establishing the Service was currently under revision, as part of which changes were being made to the disability certification procedure in order to ensure that environmental factors, such as any barriers and restrictions preventing the applicant's participation in society, were taken into account when determining whether the applicant should be classed as a person with disabilities. The bill on the creation of a Single Disability Certificate had been shelved following the failure to enact it within the four-year deadline established in the Rules of Procedure of the Legislative Assembly.

14. The Consultative Forum of Persons with Disabilities was operational and comprised 72 representatives, half of whom were regular members and half of whom were alternates. Elections were held through a general assembly organized at each of the nine regional offices of the National Council of Persons with Disabilities. Each assembly elected four regular members and four alternates to serve a two-year term. Efforts were made to ensure gender parity and the representation of different disability groups among the members. While members were not paid a salary, some of the costs they incurred as part of their work were covered. The Forum had its own internal control mechanisms and received technical and logistical support from the Regional Development Department. Meetings of the Forum were convened by the governing board or executive management of the National Council.

15. Act No. 9303 established that the National Council was responsible for monitoring and evaluating compliance by all State, public and private bodies with national legislation and international instruments related to the rights of persons with disabilities. The National Council had been unable to completely fulfil that mandate owing to its limited human resources, particularly in its oversight unit. Public bodies had thus been invited to complete self-assessments through the Disability and Accessibility Management Index in order to help the National Council gain an overview of their situation and to encourage those bodies to reflect on their current compliance with disability laws and the action they had taken to guarantee the rights of persons with disabilities. The Index required bodies to answer questions about a number of subjects, including their attitude towards disability, their physical environment, their information and communications, the support products and services that they offered and legal, political and administrative aspects. The bill on the merger of the National Council with other institutions had recently been shelved as it had failed to gain widespread political support.

16. **The Chair** said that changes would be made to the structure of the rest of the dialogue in order to ensure that the State party would have the opportunity to fully engage with the Committee. The remainder of the morning's meeting would be devoted to Committee members' questions. The delegation in Geneva would then have time to prepare replies with colleagues who had remained in the State party, who would deliver those replies via video link at the meeting to be held that afternoon.

17. **Ms. Fernández de Torrijos** (Country Task Force) said that she wished to express deep disappointment at the State party's failure to send a full delegation to participate in the dialogue in person. It had been brought to her attention that the State party had yet to give effect to the recommendations (CRPD/C/CRI/CO/1) made to it by the Committee in 2014 to include disability as a cross-cutting theme in the Code on Children and Adolescents and that questions on child disability had been absent from the 2018 national surveys on disability and women, children and adolescents. Could the delegation comment on those matters?

18. **Ms. Aldana Salguero** said that she would like to know what legislative and administrative measures had been adopted by the State party with a view to prohibiting discrimination on grounds of disability and explicitly establishing denial of reasonable accommodation as a form of discrimination. She would appreciate an update on the status of draft framework law No. 20174 on the prevention and punishment of all forms of

discrimination, racism and intolerance and wished to learn whether article 6 thereof contained provisions on intersectional discrimination.

19. The Committee would welcome information on what measures had been taken or were envisaged to ensure that all women and girls with disabilities had access to temporary shelters for victims of domestic violence and rehabilitation services for victims of violence, abuse and exploitation. She wished to know what had been done to guarantee that the facilities of such shelters were fully accessible for women and girls with disabilities. In view of reports that such women and girls faced constant bullying and harassment in schools and workplaces, it would be helpful to learn what steps had been taken to protect them from gender-based violence. She would also be interested to learn what action had been taken to guarantee the representation of women with disabilities within the National Institute for Women.

20. The delegation might wish to describe what concrete measures had been implemented to protect children and adolescents with disabilities from ill-treatment and abandonment, prevent their institutionalization and provide support to their families to that end. She wondered whether steps had been taken to amend the Code on Children and Adolescents, particularly article 62 thereof, to end the segregation of children with disabilities in the education system. It would be useful to learn how the State party ensured that the views of children with disabilities who had been assigned a guarantor were taken into account in all decisions affecting them.

21. She wished to know whether steps had been taken to ensure that disability-related campaigns promoted a positive image of persons with disabilities and presented them as equal rights holders rather than just individuals in need of assistance. Information on whether such campaigns had been made accessible for persons with disabilities would be welcome.

22. The Committee would be grateful for details of any standards adopted to ensure the accessibility of transport, information and communications services. She wished to know whether the State party had implemented accessibility plans with measurable, time-bound objectives, designated a body responsible for monitoring compliance with those objectives and established penalties for non-fulfilment. She would be particularly interested to hear about the steps being taken to ensure that public transport was accessible across the entire territory, including in remote areas. It would be useful to learn what the State party had done to guarantee that public and private television channels made their programming accessible for all persons with disabilities, particularly deaf persons. She wondered whether action had been taken to ensure that tourism, recreational facilities and outdoor activities were accessible for persons with disabilities.

23. Lastly, the delegation might wish to describe any measures implemented to guarantee and protect the right to life of all persons with disabilities, including those with less common disabilities.

24. **Mr. Al-Azzeh** (Country Task Force) said that he, too, found it regrettable that the Committee was unable to have a full dialogue with the State party that morning. He wished to learn in what way the delegation considered the definition of disability in the Act on Equal Opportunities for Persons with Disabilities to be compatible with the Convention and the International Classification of Functioning, Disability and Health, as that definition was purely medical in nature and failed to mention the environmental and attitudinal barriers faced by persons with disabilities.

25. While abortion was illegal under most circumstances, the Criminal Code provided that the procedure could be carried out to preserve a woman's honour. He wished to know how the State party interpreted that provision in relation to women with disabilities. Noting that therapeutic abortions were also permitted, he asked whether abortions carried out because the foetus had a potential or actual disability would fall within that category.

26. He would like to know whether the Act on Equal Opportunities for Persons with Disabilities set out a definition of reasonable accommodation that was consistent with the Convention. It would be helpful to learn whether the Act contained provisions establishing denial of reasonable accommodation as a form of discrimination and, if so, what procedures were in place to address such discrimination. Furthermore, he wished to hear about the

penalties imposed on government or private bodies that failed to comply with accessibility standards.

27. The Committee would welcome information on the number of children with disabilities in government or private institutions, the ages of those children and their situation. The delegation might wish to describe what steps would be taken to deinstitutionalize all children with disabilities and indicate the time frame for achieving that objective.

28. He would like to know about the measures taken to raise awareness of disability issues and eliminate stereotypes surrounding persons with disabilities, particularly Indigenous individuals and individuals of African descent with disabilities. To what extent were persons with disabilities, especially those belonging to Indigenous communities, actually involved in such activities?

29. **Ms. Aldana Salguero** said that she would welcome information on the actions taken to collect disaggregated statistical data reflecting a human rights approach to disability, and on any consultations held with organizations representing persons with disabilities to determine the criteria used for data collection. She would like to know what the official outcomes of the implementation of the Costa Rican information system on disability had been and whether they were regularly disseminated among persons with disabilities. She wondered why only 150 persons with disabilities had been consulted regarding the Washington Group on Disability Statistics questionnaire, and whether data were collected on violence experienced by persons with disabilities, particularly by women and girls.

30. She would be grateful for further details on the mechanisms used by the Government to disseminate information connected to the outcomes of international cooperation and partnerships, especially with regard to projects affecting persons with disabilities, whether that information was made fully accessible to all persons with disabilities, and what measures were taken to carry out consultations on international cooperation strategies and programmes that were relevant to persons with disabilities.

31. Lastly, she would be grateful for an update on the progress made with regard to redrafting the manual on the macroprocess for the defence of rights and on whether a shortened and accessible consultation process was in place to allow persons with disabilities to present their complaints to the Ombudsman's Office. What was the complaints process and what follow-up mechanisms were in place?

32. **Ms. Gamio Ríos** said that she would be curious to know whether the State party was aware of the report produced by the United Nations Population Fund on sexual and reproductive health and gender-based violence against women in Costa Rica, which indicated that 65.3 per cent of women with disabilities had suffered at least one form of violence. Was the State party taking any steps to prevent such acts of gender-based violence?

33. **Sir Robert Martin** said that it would be of interest to the Committee to hear about the measures taken to combat stigma, prejudice, harmful practices, negative attitudes, bullying, hate crimes and discriminatory language against persons with disabilities, including persons with albinism.

34. **Ms. Dondovdorj** said that she would like to know what mechanisms were in place to ensure that all policies and legislation on gender issues and all decisions issued by the Gender Committee were inclusive of disability and based on a human rights approach.

Articles 11–20

35. **Ms. Fernández de Torrijos** said that she would be grateful if the delegation could describe the measures adopted to repeal the laws and policies that required or tolerated forced or involuntary institutionalization, forced treatment, the imposition of restrictions or the confinement of persons with disabilities, particularly persons with intellectual or psychosocial disabilities. She wondered what measures had been or would be taken to repeal article 9 (c) of the Regulations for Informed Consent of the Costa Rican Social Insurance Fund in Health-Care Practice, which allowed for forced institutionalization. She would welcome a response from the delegation regarding reports that, pursuant to the Family Procedure Code, Act No. 9747 of 2019, article 5 of the Act on the Promotion of the Personal Autonomy of Persons with Disabilities, Act No. 9379, , which recognized the legal capacity

of persons with disabilities, would be repealed. She wished to know what progress had been made regarding the deinstitutionalization of persons with disabilities and what measures had been taken to enforce Act No. 9379, particularly the provisions on personal assistance. She would welcome further information on Act No. 9940, which had a narrow focus on the rights of persons with autism. Lastly, she wished to know what the State party was doing to expedite the processing of bill No. 24000-115, which had been presented by persons with disabilities?

36. **Mr. Al-Azzeh** said that he would be curious to know whether article 101 of the Criminal Code, which authorized judges to impose safety measures including the deprivation of liberty on the basis of disability, was still operative. If so, he wondered what other safety measures were permitted, what guarantees were in place to ensure that the article was not misused and whether the State party planned to abolish the article and replace it with measures such as supported decision-making and independent living services.

37. He would appreciate an explanation as to why the draft law on access to justice submitted in 2022 had been rejected and how the State party planned to promote the right to access to justice for persons with disabilities. It would also be useful to have information on whether mechanical and chemical restraints were still allowed in psychiatric hospitals, whether any monitoring mechanisms were in place to monitor the situation regarding restraints and whether the State party intended to shift from institutional mental health services to community-based services.

38. **Ms. Gamio Ríos** said that she would be curious to hear why the State party had not taken steps to ensure that school buses were accessible to students with disabilities. She also wondered what measures had been taken to ensure that the National Mechanism for the Prevention of Torture continuously monitored psychiatric facilities in order to eliminate practices that violated the rights of persons with disabilities. Lastly, she would like to know what progress had been made with regard to the allocation of resources for and the development and implementation of a community-based national policy on mental health.

39. **Sir Robert Martin** said that he would welcome further details on the steps taken to replace guardianship and all other systems based on substitute decision-making with supported decision-making mechanisms, and on whether any training was available on supported decision-making for persons with disabilities, their families and professionals, especially those working in the judicial system. He wished to know whether a person's legal capacity could be restored to them once it had been removed, and whether a person who wanted to challenge a decision to remove legal capacity could obtain assistance to do so. Was information about the relevant laws and how to challenge them available in Easy Read and other accessible formats?

40. He wished to confirm whether a strategy had been developed for the deinstitutionalization of persons with disabilities, particularly persons with intellectual or psychosocial disabilities, and whether a budget and other resources had been made available for that purpose. He wondered what steps had been taken to guarantee the right of persons with disabilities to live independently and to be included in the community and what support was available to assist persons with disabilities with making decisions on where, how and with whom they wanted to live.

41. **Mr. Kouassi** said that he would be grateful for information on activities intended to raise awareness of the need to protect persons with disabilities against trafficking, abuse, exploitation and all forms of violence, especially older persons, women and children, Indigenous Peoples, refugees, migrants and asylum-seekers with disabilities and persons with intellectual or psychosocial disabilities. To what extent had organizations of persons with disabilities been involved in such awareness-raising activities? The Committee would welcome data on the various awareness-raising and training sessions organized for persons with disabilities on how to avoid, recognize and report cases of violence, exploitation and abuse, and on independent complaint mechanisms and the available remedies, including rehabilitation. It would also appreciate data disaggregated by sex and age on acts of trafficking, exploitation, violence and abuse against persons with disabilities within the family environment, at school, in the workplace, in hospitals – especially psychiatric hospitals – and in places of detention. He would be curious to know what action had been taken to address such acts of violence.

42. **Ms. Kim Mi Yeon** said that she would like to receive information on the measures taken by the Government to support children with disabilities, especially girls, to live with their families in the community instead of being placed in institutions or shelters.

43. **Ms. Fitoussi** said that she wished to learn how the State party ensured that persons with disabilities were protected in humanitarian emergencies and had access to effective information. She wondered what training was given to individuals responsible for supporting persons with disabilities in emergency situations and what compensation measures were available to persons with disabilities who were affected by a crisis situation. To what extent were persons with disabilities involved in developing policies for their protection during humanitarian emergencies?

Articles 21–30

44. **Mr. Morris** (Country Task Force) said that he would be grateful if the delegation could indicate what steps had been taken to ensure that Costa Rican Sign Language interpretation was provided in news programmes and in institutions providing essential human rights services to persons with disabilities. He wondered what measures were being put in place to assist institutions with improving the accessibility of their information for persons with disabilities.

45. It would be useful to know what action had been taken to ensure respect for the right of women with disabilities to have a home and to found a family, including through the provision of the necessary support. It would also be of interest hear whether a strategic framework had been developed for the implementation of an inclusive education system and, if so, what time frame had been established. He would welcome information on the number of male and female students with disabilities currently registered in the regular education system, the time frame within which the State party expected to have made all schools accessible for students with disabilities, the number of students with disabilities who were provided with the requisite assistive devices to support their education, and the number of teachers trained in the philosophy of inclusive education since the State party's previous report. Did the change of name from "special schools" to "learning support resource centres" reflect a genuine transformation that meant children without disabilities could attend those institutions as well?

46. He would like to know what measures had been put in place to overcome the lack of appropriate medical equipment, fittings and facilities in the State party and to ensure quality and affordable health care for persons with disabilities. It would be helpful to learn more about how the situation of HIV/AIDS was being handled, especially as it related to women and girls with disabilities. He would appreciate hearing about the steps taken to eradicate the medical model of disability from the health-care system and to ensure that health-care workers were trained in the human rights model. He wondered what progress had been made to offer persons with disabilities rehabilitation services at the community level, starting from an early age, as the Committee had recommended in its previous concluding observations.

47. He welcomed the establishment of a mechanism to monitor the employment situation of persons with disabilities in the public and private sectors, which had also been recommended by the Committee. According to the State party report, the General Directorate of the Civil Service put the number of persons with disabilities employed in the institutions covered by the civil service regime at 229 and the Unit for Technical Strengthening of Human Resources Management at 271. He wondered which figure was correct. In addition, the population estimates for persons with disabilities were extremely low. It would be interesting to know what incentives had been offered to the private sector to generate greater employment for persons with disabilities. Under the Convention, States parties were required to promote self-employment as a means of generating employment among persons with disabilities. He therefore wondered whether the State party provided special funding for self-employment projects of persons with disabilities.

48. It would be useful to have further details of the welfare pension, referred to in paragraph 211 of the report, for persons with disabilities over the age of 65 or those under 65 who were unable to work, in particular the amounts paid and the number of persons receiving

the benefits, broken down by gender. Additional information on the social protection afforded to Indigenous persons with disabilities in the country would also be appreciated.

49. He wished to know whether the initiatives documented in the report to increase the participation of persons with disabilities in political and public life had led to greater involvement in electoral processes. Any relevant data on those processes would be welcome. Lastly, it would be interesting to learn whether Costa Rica had taken any action on the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled or had a timetable for doing so.

50. **Mr. Al-Azzeh** said that, while Costa Rica did not have a high rate of early marriage, that practice did occur, as documented in different reports, including that of the United Nations Population Fund (UNFPA). There were reports that children as young as 15 years of age had entered into marriage. He wished to know what steps had been taken to eliminate early marriage, especially among children with disabilities, in particular in rural areas. He would appreciate information on the availability, affordability and accessibility of maternity and children's services, in particular for persons with intellectual disabilities and persons with psychosocial disabilities in rural areas and among Indigenous communities.

51. He was concerned that the Act on Equal Opportunities for Persons with Disabilities defined special education in purely medical terms and made no mention of inclusive education. It would be interesting to hear about any plans to adopt a comprehensive strategy to promote inclusive education in all areas for all kinds of disabilities within a specific time frame.

52. Any information on female genital mutilation, in particular in rural areas and among Indigenous communities, would be useful. He wished to know what steps had been taken to eliminate the practice completely.

53. An official report submitted to the Zero Project stated that a budget allocation of \$1.5 million had been set aside in 2022 for support services and assistance for persons with disabilities, or some \$7,000 for each of the approximately 200 beneficiaries, which was a very modest amount. He therefore would like to learn more about the budget for 2023 and 2024 and whether there had been any plans to increase the budget or expand its coverage.

54. The provision of sign language interpretation services was reported to be scarce in Costa Rica. He wondered whether there were any plans to address that very important problem and to ensure that deaf children and adults had full access to such services. Information on the accessible formats currently available would be helpful. If such formats, such as audio description, Easy Read and sign language, did not exist, were there plans to put them in place, with a specific time frame to make all cultural materials, including books, accessible to persons with disabilities?

55. **Ms. Aldana Salguero** said that she wished to know what criteria had been used by schools for giving parents the choice between inclusive education and special education. She would also be interested in learning about the measures taken to promote inclusive education and avoid segregation. The Committee was concerned that persons with disabilities received diplomas that were different from those obtained by other students who did not have disabilities. The problem was compounded by the fact that the diploma could not be used as a means of proof of educational qualifications when applying for a job, nor was it valid for admission to university, in violation of the right to education, as established by the Convention.

56. **Ms. Fernández de Torrijos** said that she failed to understand how a country with a population of 5 million had only one rehabilitation centre, which was based in San José, for persons with disabilities. She therefore would like to know what plans the State party had to provide for more habilitation and rehabilitation services, not only in the capital but throughout the country, and what progress had been achieved in terms of community-based rehabilitation.

57. **Ms. Thongkuay** said that, according to the official data, more than 18 per cent of the population of Costa Rica had a disability, which was equivalent to more than 670,000 people. Of the total number of persons with disabilities in the country, 60.9 per cent were women. She wished to know how many persons with disabilities, particularly women with disabilities,

and their representative organizations were included in the Consultative Forum of Persons with Disabilities. She would also be interested in learning about the existing mechanisms to prevent gender discrimination, in particular against women with disabilities, including Indigenous women and female migrants and asylum-seekers with disabilities.

58. She wondered whether a disability perspective had been incorporated into the Family Code, gender policies and business law and how it was reflected in those laws and policies. She asked whether the National Policy for Addressing and Preventing Violence against Women for the period 2017–2032 currently being implemented provided for a realistic mechanism to ensure that women with disabilities were protected against gender-based violence, in particular Indigenous, migrant and asylum-seeking women with disabilities, women with disabilities living in institutions and female prisoners with disabilities. She wondered what measures had been taken with respect to those women to follow up on the relevant recommendations of the Committee against Torture. More information on any mechanism in place to ensure the continued provision of personal assistance services would be appreciated. She would also welcome information on planned budget allocations to ensure the delivery of personal assistance services, in accordance with the Act on the Promotion of Personal Autonomy of Persons with Disabilities.

59. **Mr. Makni** said that he would like to know the extent to which the State party guaranteed reasonable accommodation for persons with disabilities to be employed in public service and whether there was a budget allocated for such accommodation. He would also welcome information on the degree to which it recognized the right of persons with disabilities to social protection and the measures taken to protect, promote and fulfil that right.

60. The Committee was well aware that the Ombudsman's Office enjoyed category A status with the Global Alliance of National Human Rights Institutions and was responsible for monitoring the application of human rights instruments, including the Convention. However, in the absence of a national mechanism responsible for applying the Convention, he wondered whether the Office played that role and monitored the discrimination faced by persons with disabilities, in compliance with the Paris Principles.

61. **Ms. Gamio Ríos** said that she wished to know what measures the State party had adopted to eradicate the practice of forced sterilization of women and girls with disabilities and to raise awareness about their rights. Turning to the issue of independent living, she would appreciate clarification of the roles of guardians and personal assistants set out under Act No. 10192 on the establishment of the national system of care and support for adults and older people in situation of dependency, especially as they performed entirely different functions. She was also concerned about the adoption of the law on the rights of persons with autism spectrum disorder, No. 9940, which created a kind of parallel system and risked further institutionalization. She wished to know whether the State party planned to review the law. Lastly, the World Bank report entitled "Disability Inclusion in Latin America and the Caribbean" had found that the wage gap for workers with disabilities compared to their peers without disabilities was 11 percentage points and 23 percentage points for female workers with disabilities. Were measures being taken to address that appalling gender and disability gap?

62. **Ms. Jacobs** said that, according to the State party report, the Ministry of Education had made provision for learning supports and reasonable accommodation and that general education establishments, universities and technical schools were equipped with assistive devices. The Committee would appreciate receiving supplementary information on the steps being taken for barriers to be removed for post-secondary students and how such barriers were documented. It would also be helpful to have further information on how students with disabilities could request reasonable accommodation measures. She would welcome details of the mechanisms that existed for students with disabilities, including those in private universities, to register complaints about disability discrimination and how such complaints were handled.

The meeting rose at 12.25 p.m.