



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities Sixteenth session

Summary record (partial)* of the 270th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 August 2016, at 10 a.m.

Chair: Ms. Cisternas Reyes

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* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 10.05 a.m.

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

(continued)

Initial report of Uruguay (continued) (CRPD/C/URY/1; CRPD/C/URY/Q/1 and Add.1)

1. *At the invitation of the Chair, the delegation of Uruguay took places at the Committee table.*

Articles 11-20

2. **Ms. Costa** (Uruguay), responding to questions from Committee members, said that mandatory training courses had been organized for judges and future judges that included specific training on the rights of persons with disabilities. Although the judiciary was independent, all judges should receive such training. The National Disability Programme had launched an accessible training course on disability and human rights for public officials. There was a waiting list for the course because it had proved so popular.

3. The language of article 37 of the Constitution of Uruguay would be amended in the following 12 months. Immigration was regulated by the Migration Act, No. 18250, which prohibited discrimination in entry to the country and had been welcomed by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families as a model law. The discriminatory element of article 37 of the Constitution of Uruguay was not applied in practice.

4. Her Government recognized that human rights violations took place with regard to the institutionalization of persons with disabilities. The National Human Rights Institution, acting as the national preventive mechanism, was competent to monitor places of detention and receive complaints on them. In 2015, it had visited two places where persons with mental health disorders were held as part of a pilot project aimed at developing a visiting protocol. Visits to psychiatric hospitals were scheduled for 2017. No information was available on complaints lodged against staff at psychiatric hospitals, although complaints of torture in the adult and juvenile penitentiary systems had been brought before the courts for the first time in 2014 and 2015. Torture was criminalized and defined in Uruguay by article 22 of Act No. 18026.

5. Broadly speaking, persons with disabilities enjoyed the right to own property, to inherit and to take out credit and loans, unless legally declared incapable. Amendments to the relevant regulations did not refer to blind persons. The Social Insurance Bank and the Banco de la República Oriental del Uruguay had taken measures to strengthen the rights of persons with visual impairments using those institutions. Her delegation would welcome recommendations on improving the rights of persons with disabilities for the judicial branch of government.

6. **Ms. Grau** (Uruguay) said that an agreement had been reached with the Law Faculty of the University of the Republic providing legal advice sessions for persons with disabilities. Personal assistants to persons with disabilities worked four hours per day and earned US\$ 372 per month, which was more than the minimum salary for full-time work. They received a minimum of 152 hours of training and were registered with the Social Insurance Bank. A person entitled to receive assistance was awarded the funds to pay for his or her care services and selected his or her own assistant. A report on arrangements for personal assistance would be forwarded to the Committee.

7. It had been recognized that persons with disabilities should no longer be cared for in hospitals. A mental health bill, which had been drafted in cooperation with persons with

disabilities, their relatives and representative organizations, was expected to replace Act No. 9581 of 1936, which permitted the forced institutionalization of persons with disabilities; a recommendation from the Committee on that matter would be useful. The bill stipulated the closure of children's psychosocial centres and adult psychiatric hospitals and the provision of alternative treatment. That transition would take time — some 800 persons with disabilities in hospitals had been abandoned by their families — and a process had been designed to prevent new admissions and ensure the gradual transfer of patients to more appropriate care. The Committee would be provided with a copy of a report on persons with disabilities in institutions.

8. Since study was a matter of personal choice, no specific policy existed to train persons with disabilities to work in the judiciary. The number of blind graduates who became lawyers suggested that the profession was more accessible than others.

9. The law on guardianship should be amended. Indeed, the focus of guardianships had shifted from substitution to support. The Uruguayan Institute for Children and Adolescents was working with the new Institute for the Social Inclusion of Adolescents to carry out a census of children with disabilities and identify how they could be helped. Children, including children with disabilities, were protected from violence by law and domestic violence against children was addressed under the National Disability Programme. Violence against older persons with disabilities was addressed by a specific team under the Ministry of Social Development that included psychologists and lawyers. The juvenile justice system took the disabilities of young persons into account and young persons with disabilities were also protected by the implementation of the Brasilia Regulations Regarding Access to Justice for Vulnerable People. Forced sterilization was not a problem faced by women with disabilities placed in care or legal guardianship.

10. **Mr. Lezama** (Uruguay) said that time was needed to harmonize domestic legislation with the Convention. Implementation sometimes fell short of what was required; professional and technical experts were not always up to date on disabilities and the human rights-based approach.

11. Assistive technology and equipment were exempt from import tax, which meant that costs were reduced, and their acquisition was supported by the Ministry of Social Development, among others. The education system provided schoolchildren with computers through a public procurement process and assistive technologies were provided as appropriate.

Articles 21-33

12. **Mr. Buntan** asked what measures were taken during the public procurement process to ensure that needs for accessible facilities and assistive equipment were taken into account. He would also welcome information on the policies and legal measures to support the accessibility of broadcast materials, including through sign language, captioning and audio description. He asked whether Braille was legally recognized in the State party.

13. **Ms. Quan-Chang** said that she would like to hear the delegation's response to the question asked by Mr. Buntan at the previous meeting about whether the State party had a public procurement policy in place to enhance accessibility for persons with disabilities.

14. With regard to article 26 of the Convention, it had been brought to the Committee's attention that the Tiburcio Cachón Rehabilitation Centre for the Blind and Visually Impaired had recently been relocated, to the dismay of the blind community in the State party. More information on that issue would be appreciated, in particular on what the Government was doing to consult persons with disabilities who would be affected by the relocation.

15. With regard to article 33, the Committee was concerned that the Honorary National Commission on Disability, which had been appointed to oversee the implementation of the Convention, was not independent or autonomous and did not comply with the Paris Principles. The State party might therefore consider assigning the oversight and monitoring role to the National Human Rights Institution.

16. **Ms. Degener** said that the Committee appreciated the comprehensive replies provided by the delegation. The Committee commended the State party on the legal development referred to in paragraph 230 of its report, as the result of a court judgment concerning the rights of a person with intellectual disabilities. However, it urged the Government to abolish all restrictions on political participation for persons with disabilities, in accordance with the jurisprudence of the Committee, and wondered whether there were any plans to do so.

17. **Mr. Tatić** said that the Committee would welcome updated information on the funding allocated to the provision of reasonable accommodation for students with disabilities in mainstream schools, in comparison with that allocated to special schools.

18. With regard to article 30, the Committee would like to know what steps had been taken to ensure that tourist attractions and cultural sites in Uruguay were accessible to persons with disabilities.

19. **Mr. Ruskus** said that the restricted right to marry of persons with intellectual disabilities in the State party was a violation of their human rights and was inconsistent with the Convention. Did the Government have plans to amend that practice and promote a human rights-based approach? The report did not provide any information on the rights provided for under article 23 (2) of the Convention. The Committee would therefore like to learn more about what was being done to support families with a disabled family member and to avoid the institutionalization of children.

20. Lastly, with regard to article 28, almost half of all persons with disabilities in the State party belonged to low-income households, as highlighted in paragraphs 31 to 33 of the report. Urgent measures were necessary to support persons with disabilities living in extreme poverty, most of whom were young, and he asked what was being done to address the issue.

21. **Ms. Peláez Narváez** said that the Committee would like to know whether the State party had plans to make Braille an official language.

22. On the subject of the rights of blind people, including their right to form a family, enter the labour market and vote, she wished to know what services the Government provided to ensure that such persons were able to exercise their rights.

23. The State party was to be congratulated on the Breaking down Barriers (Barriendo Barreras) programme, which supported women with disabilities who had been victims of violence. The Committee would appreciate further information on the implementation of the programme, especially in rural areas. She wondered what progress had been made with the draft law on violence against women. The Committee was also interested in learning more about how gender would be incorporated into policies on disability more generally, especially in the light of the 2016 concluding observations of the Committee on the Elimination of Discrimination against Women (CEDAW/C/URY/CO/8-9).

24. Lastly, the State party was to be commended for having ratified and implemented the Marrakesh Treaty. In many ways, the State party was a leader in the region, having ratified many of the international human rights instruments, and could thus serve as an example to other States.

25. **Mr. Langvad** said that the Committee would like to hear more from the delegation about what specific steps had been taken to ensure that persons with restricted legal capacity were able to exercise their parental rights. He also wondered whether steps had been taken to prohibit forced sterilization, whether there were education and training programmes available to ensure that women and girls with disabilities received education on sexual and reproductive health and whether those women and girls had access to appropriate sexual and reproductive health services. With regard to article 24, the Committee would like to know how many children with disabilities were not receiving education in the existing school system and whether legal and policy measures had been put in place to raise awareness of inclusive education. The Committee would also appreciate further information on how the Government ensured that reasonable accommodation was made for persons with disabilities in schools and what initiatives existed to train teachers on the subject of inclusive education. Were efforts being made to disaggregate data by sector, in line with the State party's obligations under the Sustainable Development Goals?

26. **Mr. Al-Tarawneh** said that the Committee would like to hear more about regional and international cooperation efforts under article 32. It also wished to know how the State party was working to ensure that disabilities were fully mainstreamed into the collection of statistics, in line with World Health Organization guidance, whether the State party had a national strategy to implement the Convention and, if so, whether it was funded by the Government. Were there any plans to develop an independent body or mechanism to carry out that task?

27. With regard to the issue of political participation, the Committee would like to know more about the election process, in particular whether there were quotas in place for minority groups, and whether the system was in compliance with the Convention.

28. **Ms. Kingston** said that the 2015 concluding observations of the Committee on the Rights of the Child (CRC/C/URY/CO/3-5) had recommended that the State party take steps to ensure the access of children with disabilities to inclusive education. The Committee would like to know whether there was a comprehensive policy in place to promote inclusive education. If so, how did the Government define "comprehensive" in that context and how did such a policy comply with the State party's obligations under the Sustainable Development Goals, in particular Goal No. 4 on equal access to education?

29. In the 2014 Universal Periodic Review the State party had committed itself to implementing policies of equality with regard to the rights of persons with disabilities and she wished to know whether those efforts were being linked to Sustainable Development Goal No. 8.5 on achieving full and productive employment and decent work for all women and men, including for young people and persons with disabilities, and equal pay for work of equal value.

30. Lastly, in the context of mainstreaming the rights of persons with disabilities into the national implementation and monitoring of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals, she wished to know how persons with disabilities and their representative organizations were being involved in that process.

31. **Mr. You Liang** said that the Committee would be interested to learn how many athletes with disabilities from the State party would be participating in the 2016 Olympic Games and, in general, how Uruguay had developed and promoted sport for persons with disabilities.

32. **Mr. Parra Dussan** (Country Rapporteur) said that, although the State party had one of the highest literacy rates in the region, the Committee still had concerns about inclusive education. Given that there was no separate special education system, it would be useful to know what type of human and financial resources were made available to support inclusive education for persons with disabilities in mainstream education and how the allocation of

such resources differed between geographical regions, in particular between Montevideo and more rural areas. The State party applied quotas for certain jobs, but it appeared that such jobs tended to be lower ranked and lower paid and, moreover, available only in the public sector. The Committee would appreciate further data on the quota system in place in both the public and private sectors and on which types of jobs were involved.

33. **The Chair** said, on the subject of the National Plan on Access to Justice and Legal Protection of Persons with Disabilities, that the Committee would like to know how and under what circumstances a person with disabilities could be declared to lack legal capacity and whether there were data on the number of individuals who had been declared to lack legal capacity and later successfully reintegrated into society. With regard to article 26, the State party should provide statistics on the percentage of persons with disabilities who had access to rehabilitation facilities. The Committee would also like to know whether rehabilitation services were provided in specific centres or within the community.

34. The State party had ratified all the international human rights treaties and optional protocols and thus established a strong legal foundation. The Government's focus should consequently be on the implementation of those instruments.

The meeting was suspended at 11.10 a.m. and resumed at 11.40 a.m.

35. **Ms. Costa** (Uruguay) said that there was no quota for participation in political life, elected government positions or the legislature in Uruguay. Temporary legislation in place during the latest elections had set a quota for female candidates for each electoral list and a bill to make it permanent was currently under consideration.

36. It was true that the National Honorary Commission on Disability did not comply with the Paris Principles. However, it should be noted that the National Human Rights Institute did not currently have the required financial or human resources to monitor the implementation of the Convention.

37. Uruguay did have a law on quotas in public sector bodies which stipulated that 4 per cent of staff must be persons with disabilities. Implementation of the law varied significantly across government bodies, with some departments exceeding the quota and others failing to employ any persons with disabilities. A report published by the National Office of the Civil Service containing data on the quota system would be transmitted to the Committee following the conclusion of the meeting.

38. **Ms. Grau** (Uruguay) said that Uruguay did not currently have a truly inclusive education system, although it was taking steps in that direction. Through the Mandela Inclusive Schools Network, for example, special schools served as resource centres on the education of children with disabilities and itinerant special education teachers provided advice and support to teachers in mainstream schools. Progress on inclusive education had been hindered by the closure a number of years earlier of the sole institution that had provided specialized training in the education of students with disabilities. However, it was expected that a deaf education training programme would be launched during 2016.

39. In the case of private schools, it was the parents of children with disabilities who decided whether their children would attend a special school or a mainstream school. In the State schools, teachers would recommend that certain children should attend special schools if classroom observations and assessments indicated that they were having trouble keeping pace with their non-disabled peers in a mainstream school.

40. With regard to rehabilitation services for the blind and visually impaired, the Tiburcio Cachón Centre and the Artigas National Institute for the Blind were being consolidated in a single location. The large facility currently occupied by the latter was currently being outfitted to bring it into compliance with the relevant domestic legal requirements, and additional staff were being recruited in order to expand the availability of

rehabilitation services, both in Montevideo and in the rest of the country. The Government was working closely with civil society to determine the nature of the services to be provided.

41. As for the questions relating to article 33, she emphasized that under the National Plan of Action on Access to Justice and Legal Protection of Persons with Disabilities all domestic legislation would be brought into line with the Convention. Regarding the accessibility of health services, the Government was working with groups representing persons with various disabilities in order to identify their specific needs. The National Disability Programme worked with health-care providers throughout the country to sensitize them to the sexual and reproductive health needs of women and girls with disabilities. It also worked with persons with disabilities, and with their families, to make them aware of their sexual and reproductive health rights. With respect to support for families of persons with disabilities, the State provided pensions and other subsidies and support for personal assistance and rehabilitation services. Subsidies were also available to institutions that offered rehabilitation services for persons with disabilities.

42. Uruguay cooperated internationally with the countries of the Southern Common Market (MERCOSUR) and other countries in the Americas on disability-related matters. Under an agreement with Cuba, for example, it had established a laboratory to manufacture prostheses to be provided free of charge to low-income persons who had had amputations. With regard to data collection, the National Disability Programme was working with the National Institute of Statistics to ensure that statistics on disability were collected across ministries, programmes and services.

43. **Mr. Lezama** (Uruguay), responding to the questions about public procurement, said that no specific accessibility requirements applied to government purchasing. However, there were quality and accessibility standards that applied to purchasing by some private companies, such as those that provided mass transit services. A recently enacted law on audiovisual communications included accessibility provisions requiring, for example, audio descriptions or closed-captioning for some content. The implementing regulations for the law, which were currently being drafted, would spell out the requirements concerning the type and amount of content that must be made accessible. The law represented a victory for civil society organizations, which had led the discussion on the inclusion of accessibility requirements.

44. The Government was committed to improving accessibility for tourists with disabilities, although it recognized that work remained to be done in that area. The Ministry of Tourism had established a special commission on accessibility, which was reviewing various strategies and services. World Tourism Day 2016, the theme of which had been “accessible tourism”, had offered the opportunity to place the issue on the public agenda. The Government was also seeking to facilitate participation in sport by persons with disabilities and would welcome the Committee’s recommendations in that regard. The recently created National Secretariat for Sport was drawing up a plan for improving the accessibility of sports programmes and infrastructure, and the country was collaborating with other countries that had made progress in putting in place inclusive models for involving persons with disabilities in sporting activities. Six Uruguayan athletes would be taking part in the upcoming Paralympic Games in Rio de Janeiro.

45. Within MERCOSUR, a working group on disability and inclusion created in 2012 sought to promote the sharing of best practices among cities and to foster commitment to the Convention at the local level. Uruguay had a long tradition of commitment to human rights and to the implementation of the various human rights conventions. It had demonstrated that commitment by submitting its first report for review by the Committee ahead of schedule, and it viewed the dialogue with the Committee as an important step in

the transformation that it was seeking to bring about in order to uphold the rights of all persons with disabilities.

46. **Ms. Grau** (Uruguay) said that, under article 30 of the Criminal Code, judges could declare that offenders with disabilities were not criminally responsible. A psychiatric hospital in Montevideo had carried out a successful initiative for the rehabilitation of such persons, and it was hoped that that experience could be replicated elsewhere.

47. **Ms. Costa** (Uruguay) said that the bill on the elimination of gender-based violence against women had been introduced on 18 April 2016 and was under study by the Senate commission on population, development and disability. The bill had generated much interest across all government agencies, and the director of the National Women's Institute was hopeful that it would be enacted into law by the end of the year. With regard to sexual education for women and girls, efforts were under way to raise awareness of the barriers faced by women with disabilities in accessing sexual and reproductive health care, and procedures, manuals and guides were being drawn up and mandatory training provided to the heads of public reproductive health services throughout the country.

48. As for the involvement of persons with disabilities in monitoring progress towards the Sustainable Development Goals, the Government had instituted a social dialogue process in order to gather input on a variety of issues with a view to formulating a strategy for the sustainable development of the country in the medium and long terms. Persons with disability were welcome to participate in that process and to take part in monitoring and follow-up on the outcomes thereof.

49. **The Chair**, after expressing thanks to the members of the delegation for the information provided, said that it was gratifying to the Committee to engage in dialogue with representatives of a Government that clearly recognized both its strengths and weaknesses with regard to the rights of persons with disabilities.

50. **Ms. Costa** (Uruguay) said that the delegation had endeavoured to answer the Committee's questions as fully as possible with the information it had at its disposal. The delegation members would review those questions within 24 hours and provide additional information where needed. The dialogue with the Committee had been very fruitful and had served to highlight both areas where significant progress had been made and areas in which greater effort was needed, particularly with regard to accessibility and reasonable accommodation, education, mental health, access to justice and disability certification criteria. The Government reaffirmed its commitment to the implementation of the Convention and would continue striving to bring all domestic laws and public policies into line with its provisions. It also pledged to continue working with civil society in keeping with the idea of "nothing about us without us". It looked forward to receiving the Committee's concluding observations and recommendations, which would help it to continue strengthening protection for human rights in Uruguay.

51. **Mr. Parra Dussan**, noting that the delegation's interaction with the Committee had been characterized by frankness, sincerity and transparency, said that the members of the delegation had shown great openness in acknowledging the difficulties that the State party had encountered in implementing the Convention, which was indeed gratifying. The Committee would craft its concluding observations bearing in mind the wealth of information received in the course of the very constructive dialogue. He assured the State party of the Committee's full support as it continued striving to ensure that all provisions of the Convention were implemented.

The discussion covered in the summary record ended at 12.30 p.m.