



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities Seventeenth session

### Summary record of the 314th meeting

Held at the Palais des Nations, Geneva, on Thursday, 30 March 2017, at 3 p.m.

*Chair:* Ms. Degener

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*The meeting was called to order at 3.05 p.m.*

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

*(continued)*

*Initial report of Honduras (CRPD/C/HND/1; CRPD/C/HND/Q/1 and Add.1)*

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

2. **Ms. Alvarado** (Honduras), introducing her country's initial report (CRPD/C/HND/1), said that, for many years, little attention had been paid to disability issues, but they had been made a priority under the current administration, and the living conditions of persons with disabilities had been improved through the application of a rights-based approach. The 2005 Act on Equity and Comprehensive Development for Persons with Disabilities recognized the State's obligation to guarantee the full development and social participation of persons with disabilities. The National Policy on the Rights and Social Inclusion of Persons with Disabilities, adopted in 2013, emphasized the importance of empowerment, solidarity, sustainability, coordination, comprehensiveness and transparency in addressing disability issues, and incorporated human rights, gender, life-cycle and multicultural perspectives as well as such principles as universal design, mainstreaming, institutional strengthening, community-based inclusive development and decentralization. The Policy's objective was to guarantee the full enjoyment of rights by persons with disabilities by ensuring that conditions were in place for the social changes necessary to achieve respect for their inherent dignity, ensure their access to social opportunities on an equal basis with others, and promote respect for difference and non-discrimination.

3. Honduras considered inclusion to be a moral imperative and a legal obligation and rejected the traditional welfare-based approach to disability. According to estimates by the Pan American Health Organization, persons with disabilities accounted for between 11 and 15 per cent of the country's total population. The Government had clearly shown that it had the political will to effectively implement its disability policy. A great deal of effort was being invested to ensure that the requisite institutional infrastructure existed to support the policy's operative and strategic objectives. Initiatives were being carried out with key civil society actors, churches and the private sector to promote active participation by persons with disabilities in all spheres of life. The Government had invested a total of 240 million lempiras (around US\$ 10 million) in the disability sector in 2016 to support actions carried out by the Ministry of Social Development and Inclusion, the Ministry of Health, the Ministry of Education and the Ministry of Labour and Social Security; it also allocated funding to civil society organizations working with persons with disabilities.

4. The Government was currently revising and updating national legislation to bring it into line with international standards, in particular the Convention and the Optional Protocol thereto. The fact that denial of reasonable accommodation constituted a form of discrimination was being taken into account in the revision of the Criminal Code. The Counsel General's Office had been requested to review domestic legislation regulating issues that could have an impact on the exercise of rights by persons with disabilities. Braille versions of both the Constitution and the Transparency and Access to Public Information Act had been published. Just the previous day, Honduras had deposited its instrument of ratification to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. Honduran Sign Language was recognized under the Honduran Sign Language Act and a sign language version of the national anthem had been disseminated nationally.

5. The "Better Living" programme instituted a comprehensive social protection system in which the Government, civil society, the private sector and rights holders shared responsibility. Priority was given to urban and rural populations living in poverty and extreme poverty and situations of vulnerability, risk and social exclusion, with an emphasis on female heads of household, older adults, children and persons with disabilities. The "Honduras for All" disability programme had been created in 2016 and involved an integrated, comprehensive, multidisciplinary system of social protection that took account

of individuals' needs, capacities and environment and ensured their participation in their own development. The Government was working actively to get a more accurate picture of the population of persons with disabilities, including their location and environment, and to identify the measures that would best support their inclusion, empowerment and economic, social and cultural development. The Government and the media worked together to promote the rights of persons with disabilities through education and awareness-raising campaigns.

6. Efforts were being made centrally to improve physical accessibility as well as accessibility of information and communication; at the regional level, local governments were developing mechanisms to facilitate the mobility of persons with disabilities, based on the rights and needs expressed by their populations. Government and civil society had cooperated on the implementation of the framework cooperation agreement for the electoral inclusion of persons with disabilities, facilitating access to polling stations. The Standing Commission on Disaster Preparedness had adopted a strategic plan for risk management that set out preventive and remedial actions, taking account the needs of persons with disabilities. The Supreme Court had adopted regulations on the implementation of the Brasilia Regulations Regarding Access to Justice for Vulnerable People.

7. In the field of education, Honduras had been a member of the Meso-American Network for Inclusive Education since 2013, and in 2014 had incorporated international standards on accessibility for students with disabilities into its national master plan for educational infrastructure. The physical infrastructure development plan of the Autonomous National University of Honduras included accessibility standards for new buildings, and elevators and ramps had been installed in existing buildings. Significant progress had been made in the area of inclusive education for children with disabilities. In 2016, a total of 55,232 children with disabilities had been enrolled in the education system — 24,084 girls and 31,148 boys. The Education Act provided for the establishment of two subdirectorates for persons with disabilities. Teaching materials in print and digital formats had been developed for the inclusion of students with disabilities from primary to higher level. At higher level, teacher training programmes were being developed on inclusive education as well as sign language, functional therapy, psychology and social work.

8. The national health system had been reformed in 2014 with the adoption of a community-based approach that brought health services to the most remote parts of the country. Health care for persons with disabilities was a priority, and comprehensive health centres provided them with medical services at home. A bill had been drafted on a programme of protected employment for persons with disabilities. Under the new Labour Inspection Act, inspectors had a mandate to protect persons with disabilities against any kind of discrimination in the field of employment, and there were administrative sanctions for such conduct. The Ministry of Labour and Social Security's "Con Chamba Vivís Mejor" (A better life with a job) programme and the labour force participation round table benefited persons with disabilities. The Empléate Plus platform had been created to facilitate interaction between persons with disabilities and employers.

9. Given that strong institutions were one of the prerequisites for the sustainability and quality of actions for the benefit of persons with disabilities, the lead agency in that area, the Department for Disability, under the Ministry of Social Development and Inclusion, had been strengthened and restructured. Honduras recognized that it still had much work to do to defend the rights of persons with disabilities. The Government believed, however, that the path it had embarked on was the right one. Civil society was the Government's main partner in its efforts to improve the well-being of persons with disabilities, but support had also been received in the form of international cooperation.

10. **Mr. Parra Dussan** (Country Rapporteur) said that the State party was to be commended on the deposit of its instrument of ratification of the Marrakesh Treaty and on a number of legislative and policy advances made, such as the inclusion of disability as a prohibited ground of discrimination in the Criminal Code, and on its efforts in the area of inclusive education. He also welcomed the fact that Honduras had volunteered to be reviewed at the high-level political forum on sustainable development in June 2017. However, many challenges remained. The Committee would welcome an update on the status of the bill on inclusive development for persons with disabilities and why progress

had stalled. The Committee was concerned about the continued use of pejorative terms, such as “*locos*” (crazy people), in some of the State party’s legislation, including the Civil Code, and the reference to “special abilities” in the law on education. The lack of clear, recent statistics on the number of persons with disabilities in the country made it difficult to evaluate the situation; indeed, the most recent census data were from 2004. As in many other countries in the region, there continued to be strong support for telethon fundraising campaigns, which perpetuated a charity-based model of disability. Although Honduras celebrated a national day of solidarity for persons with disabilities in April every year, again the focus was on solidarity with persons with disabilities rather than on their rights. He wondered whether there were any plans to change that approach or to celebrate instead the International Day of Persons with Disabilities. Like other countries with a Germano-Roman legal tradition, Honduras faced the challenge of amending its laws to replace the guardianship system with a supported decision-making model for persons with disabilities. Similarly, the transition from a system of special education to inclusive education posed difficulties. Since specialized university training had been discontinued, there was a shortage of sign language interpreters in the country. The Committee was also concerned about the threats to the life of persons with disabilities as a result of gang violence. Another major challenge for the State party was putting an end to the forced institutionalization of persons with intellectual disabilities.

#### *Articles 1-10*

11. **Mr. Alsaif** said that he would like information on measures taken to protect children with disabilities from physical ill-treatment, corporal punishment, abuse and exploitation and to provide support to families of children with disabilities. He requested details of major media campaigns to raise public awareness of the rights of persons with disabilities. Lastly, he asked whether there was a Honduran Sign Language version of the Convention.

12. **Mr. Kabue** said that he would be interested to hear more about the involvement of organizations of persons with disabilities in the design and implementation of legislation and policy. He wished to know which bodies led the State party’s public awareness campaigns and how persons with disabilities and their representative organizations were involved. He requested an update on the situation with regard to access to transport and the measures being taken to address problems in that area.

13. **Mr. Langvad** said that he would like to know how the Government was supporting organizations of persons with disabilities to be able to provide guidance on the design of legislation, programmes and other initiatives focusing on persons with disabilities. What steps were being taken to ensure that children with conditions such as autism did not face corporal punishment as a consequence of behaviour linked to their disability?

14. **Mr. Basharu** said that he would like details of the composition of the National Institute for Women and of any plans to amend the legislation governing the Institute to include provisions regulating activities for women with disabilities. He requested information on measures to prevent discrimination, violence and abuse against women and girls with disabilities and strengthen their capacity and that of their representative organizations. He asked why the Government continued to invest large sums of public funds in the Telethon foundation, despite the fact that it portrayed persons with disabilities as objects of pity and charity and had failed to embrace a rights-based approach to disability. He also wished to know whether the State party would consider adopting concrete measures to empower persons with disabilities and their representative organizations to lead awareness-raising activities in conjunction with the relevant government ministries and agencies. He would welcome an update on the implementation of the Act on Equity and Comprehensive Development for Persons with Disabilities, specifically the progress achieved in creating an accessible environment, including in the areas of transport, infrastructure and information and communication technology. Was the Act in line with Sustainable Development Goal 11, which required States parties to provide access to safe, affordable, accessible and sustainable transport systems for all, including persons with disabilities?

15. **Mr. Buntan** said that he would like to know what steps the Government had taken to harmonize the Constitution and domestic legislation with the Convention, especially

when it came to the definition of persons with disabilities. He asked to what extent the Government was using public procurement policy to enhance accessibility of the physical environment, transport and information and communication technology for persons with disabilities.

16. **Mr. Babu** asked whether disability-based discrimination was clearly defined in the State party's legislation, policies and programmes, and whether all persons, including indigenous persons and women and children with disabilities, were protected against multiple discrimination. Noting the inaccessibility of some of the country's natural landscapes, he asked how public transport and public amenities, including government buildings and parks, were designed to facilitate ease of movement by persons with disabilities.

17. **Mr. Martin** asked whether the State party's awareness-raising efforts were in line with the Convention.

18. **Mr. Tatić** said that he would like to hear more about the legal remedies available to persons with disabilities who faced discrimination. In that connection, he wondered whether the 217 complaints mentioned in the report had all been filed by persons with disabilities or members of their families. He wished to know what sanctions applied in the event of non-compliance with accessibility standards and what monitoring mechanisms were in place. Were accessibility and universal design included in mandatory training for architects, engineers, designers and urban planners? Lastly, he asked what specific measures were being taken to protect the lives of persons with disabilities in the context of the fight against crime.

19. **Mr. Rukhledev** asked whether persons with disabilities and their representative organizations were involved in decision-making on matters that affected them. He wished to know whether there was a State programme for training sign language interpreters and, if so, how many persons had been trained and were now providing services. What assistance was provided to ensure access to the Internet and information and communication technology for persons with disabilities?

20. **Mr. Lovászy** asked whether there were specific pejorative terms for persons with hearing impairments and, if so, what measures were being taken to eliminate their use. He would be interested to hear about concrete results of the cooperation between the Government and the Office of the United Nations High Commissioner for Human Rights (OHCHR) and how NGOs had been involved. He also wished to know what was being done to tackle the high levels of violence, human rights abuses and insecurity in the country, particularly to protect women with disabilities against gender-based violence.

21. **Mr. Chaker** asked whether persons with disabilities were protected from all forms of discrimination in all areas of life and what was being done to address the multiple discrimination experienced by women with disabilities.

22. **Mr. Ishikawa** said that he would like to hear details of the methodology used in the various training and awareness-raising activities conducted on the rights of persons with disabilities.

23. **Mr. Kim Hyung Shik**, expressing concern that 27 per cent of economically active persons with disabilities had no educational qualifications and that 52 per cent of persons with disabilities were inactive, asked what policies and programmes were in place to enhance the inclusion of persons with disabilities in society. He wondered to what extent the National Policy on the Rights and Social Inclusion of Persons with Disabilities provided for the mainstreaming of disability issues in the work of government ministries. He would be interested to know what the rationale was for not expressly defining the concept of reasonable accommodation in legislation and how it was proposed to achieve inclusion of persons with disabilities without doing so.

24. **Mr. Pyaneandee** said that he would like to know how the Government planned to move away from the medical model it employed, for the definition and certification of disability, which was not in line with the Convention, and what the timeline for such a transition would be. He would welcome details of the budgetary allocations for implementation of the Convention and the sources of such funding.

25. **Mr. Parra Dussan** asked whether there were any plans to amend the definition of disability contained in article 7 of the Act on Equity and Comprehensive Development for Persons with Disabilities to bring it into line with the Convention. He would be interested to hear more about the reasons for merging the Department for the Development of Persons with Disabilities and the Department for Older Persons and the results of that restructuring. Although disability-based discrimination was an offence under the Criminal Code, there had been no reported cases of such discrimination; he would like to know why. Noting that the majority of complaints lodged with the National Human Rights Commission by persons with disabilities were in relation to the right to life, threats and extortion, he asked how the Government intended to improve protection for persons with disabilities.

26. **Mr. You Liang** asked which government department was responsible for coordination with other ministries and local government on disability issues. He also wished to know what efforts were made to give a more positive portrayal of persons with disabilities as contributors to the country's social and economic development and not merely recipients of charity.

27. **The Chair** said that she would like to know why the Department for the Development of Persons with Disabilities had been transferred from the Ministry of Human Rights, Justice, Governance and Decentralization to the Ministry of Social Development and Inclusion. She would welcome an update on the proposed reform of the Act on Equity and Comprehensive Development for Persons with Disabilities.

*The meeting was suspended at 4.15 p.m. and resumed at 4.45 p.m.*

28. **Ms. Alvarado** (Honduras) said that support services were provided to children with disabilities at the national level through government-funded day-care centres. In addition, the Department for Children, Youth and Families had concluded agreements with civil society organizations for the provision of services to those children. The National Policy on Prevention of Violence against Children and Young People had been adopted in 2013. The Inter-Agency Commission to Combat Commercial Sexual Exploitation and Trafficking in Persons organized awareness-raising and training activities in schools. In cases of trafficking and sexual exploitation of children with disabilities, the Public Prosecution Service investigated and instituted criminal proceedings when there was sufficient evidence that an offence had been committed. Such cases were referred to a social worker who checked the child's environment and took statements from those responsible for his or her care and, if necessary, adopted ex officio protection measures, such as placement in temporary care. The Government provided vouchers to help families living in poverty in urban and rural areas meet the immediate needs of children with disabilities. The new bill on persons with disabilities provided for inclusive centres for children and adolescents with disabilities whose immediate families were unable to take care of them, who had been abandoned or who were being economically exploited by family members or others.

29. Both the second Gender Equality and Equity Plan and the National Plan to Combat Violence against Women 2014-2022 included specific provisions on combating gender-based violence against women with disabilities. The newly launched "Ciudad Mujer" (Women's City) programme was aimed at bringing about improvements for women in areas such as economic autonomy, protection from gender-based violence, sexual and reproductive health care and education. A range of quality services was being provided collaboratively under the programme by 15 public institutions. The programme's centres had been designed to be physically accessible for women with disabilities.

30. **Mr. Alvarenga Urbina** (Honduras) said that the review of domestic legislation conducted by the Counsel General's Office had focused on the Civil Code, which contained pejorative terms and provisions that were incompatible with the Convention, such as those relating to the institutions of guardianship and curatorship, which themselves were in need of reform. Article 321 of the Criminal Code prohibited the arbitrary or unlawful impediment or restriction of the enjoyment of individual or collective rights and the refusal to provide a professional service on the grounds of, inter alia, disability and established penalties for those responsible. The draft revised Criminal Code would include specific provisions criminalizing discrimination and discriminatory practices. The revision of the Code would also provide an opportunity to amend or remove certain terms and to include

others to ensure compliance with the Convention. Civil society would be able to provide input into and make recommendations on the draft.

31. Pursuant to the Brasilia Regulations Regarding Access to Justice for Vulnerable People, the Supreme Court had set up a committee to identify and take steps to remove the barriers preventing vulnerable persons, including persons with disabilities, from accessing justice. The committee was also competent to receive complaints and to make recommendations aimed at securing effective access to justice for those persons.

32. The Act on Equity and Comprehensive Development for Persons with Disabilities, which had been adopted prior to the entry into force of the Convention for Honduras, likewise contained outdated and pejorative terms and would be revised to ensure consistency with the latter's provisions. The Government intended to submit the various legislative initiatives to Congress in the coming months in order for them to be disseminated and for civil society and other relevant stakeholders to submit comments and make recommendations. It remained confident that the proposed legislation would serve to remove all obstacles to the realization by persons with disabilities of all the rights enshrined in the Convention.

33. **Ms. del Cid Andrade** (Honduras) said that the staff of the National Statistical Institute, the National Centre for Information on the Social Sector and the School Management System worked closely together to collect, coordinate and streamline data to facilitate the accomplishment of the objectives set in respect of persons with disabilities in the education system. Furthermore, a strategic plan for the education sector covering the period 2017-2030 was being developed in response to the Sustainable Development Goals.

34. Following a consultation on the possible continuation of the courses in sign language interpretation hitherto offered by the National Autonomous University of Honduras, the National Education Council had decided that those courses could be convened if and when there was sufficient demand. In addition, educational psychology teams had been deployed to train teaching staff and to address any difficulties encountered by children with disabilities in schools. The Ministry of Education was in the process of identifying children with disabilities who were not attending school and determining whether they needed literacy support under the national literacy plan. Adults with disabilities who had begun but not completed their compulsory education, particularly those living in rural or remote communities, were provided with an opportunity to continue their studies by alternative means.

35. Concerning accessibility, a specialized training programme for civil engineers, architects and other professionals working in the construction sector was being conducted, and the possibility of including a disability perspective in the revised curriculum was currently under discussion. All municipal governments were in the process of formulating a policy for persons with disabilities that would prioritize actions aimed at meeting their needs, facilitating the enjoyment of their rights and promoting their full inclusion in society. The instructions issued by the Institute for Community Development, Water and Sanitation for the construction of open public spaces also took account of the accessibility needs of persons with disabilities. Moreover, the Government had duly applied universal accessibility standards in the construction of new outdoor recreation areas.

36. Since 2015, the Government had been working to provide an increasing number of schools with access to information and communication technology. At present, more than 2,500 public schools had access to such technology, which was also available through special projects, community centres and centres of the National Institute for Vocational Training. The National Resource Centre for Inclusive Education for Persons with Sight Impairments was responsible, inter alia, for producing teaching materials. Basic education materials were being translated into Braille for use in all schools attended by children with visual impairments. The Government was also working with the national teacher training college to ensure that all teacher training courses, regardless of specialization, included a component on working with students with disabilities, as teachers were well placed to identify and report shortcomings in the education dispensed to those students.

37. **Mr. Carranza** (Honduras) said that the Ministry of Labour and Social Security determined the extent of the reasonable accommodation that companies should make for

persons with disabilities on the basis of the type of disability, the requirements of the post and the physical accessibility of the workplace in question. Such an approach served to prevent disability-based discrimination and allowed persons with disabilities to perform work on an equal footing with others. Representatives of the Ministry had also conducted visits to raise awareness among private sector employers of their duty to implement the Act on Equity and Comprehensive Development for Persons with Disabilities and to uphold the principle of non-discrimination in the workplace. The Act addressed disability-based discrimination in the workplace, set quotas for the employment of persons with disabilities in the public and private sectors and granted fiscal incentives to companies that met the quotas set. Moreover, the National Policy on the Rights and Social Inclusion of Persons with Disabilities established the obligation for the State to guarantee persons with disabilities equal employment opportunities in public institutions and to make any structural and functional adjustments necessary to that end. The Ministry of Labour and Social Security had also taken affirmative action to promote self-employment among persons with disabilities, especially women with disabilities, through microenterprise development and microcredit schemes.

38. The Ministry of Labour and Social Security, together with the National Institute for Vocational Training, had provided persons with disabilities with technical training with the aim of enhancing their job skills. The Ministry had also launched an initiative designed to assist persons with disabilities in their search for employment and had taken measures to prevent the harassment of those persons in the workplace. It had also made it compulsory for companies to include a clause on disability in all internal employment regulations and had provided labour inspectors with basic training on human rights, including those of persons with disabilities, and on the legal tools necessary to ensure compliance with the Act on Equity and Comprehensive Development for Persons with Disabilities. In addition, an online tool had been developed in partnership with civil society for the purpose of facilitating the integration of persons with disabilities into the labour market.

39. **Ms. Cerrato** (Honduras) said that the Ministry of Human Rights, Justice, Governance and Decentralization used a responsibility-based model for the delivery of human rights training, drawing on the principles set out in the United Nations declaration on human rights education and training, which Honduras had ratified in 2011. As a preliminary step, a training needs assessment was conducted, and the results were then followed up on as appropriate. The topics broached in human rights training courses ranged from the concept of human dignity and the country's legal and institutional framework for the promotion and protection of human rights and the responsibilities of the State and citizens in that connection, to the human rights of vulnerable groups, including persons with disabilities. The human rights of vulnerable groups was considered to be a cross-cutting topic and was part of the training curricula of all public servants and law enforcement officials. The Ministry of Human Rights, Justice, Governance and Decentralization had prepared a manual for dispensing human rights education. Human rights training courses could last anywhere from 16 to 60 hours, including hands-on experience. The impact of human rights training courses had been measured and lessons learned, leading to the appointment of institutional focal points for human rights. The human rights training courses run to date had been attended by public servants from five State institutions, including the national fire brigade and the Ministry of Infrastructure and Public Services, and had facilitated the mainstreaming of a human rights perspective into a number of services for persons with disabilities.

40. The cooperation between the Government and OHCHR had begun in September 2015. OHCHR had helped consolidate a system for the protection of human rights defenders; submitted recommendations on the draft revised Criminal Code, the national human rights monitoring system and the Act on Equity and Comprehensive Development for Persons with Disabilities; provided technical assistance in establishing an inter-institutional human rights mechanism; and participated in a dialogue with Honduran civil society organizations.

41. **Ms. Aguilar** (Honduras) said that the Department for Disability, formerly the Department for the Development of Persons with Disabilities, involved organizations of persons with disabilities in the design of all its plans and programmes and in the drafting of



any legislation concerning persons with disabilities; the Department would not adopt any law that was drafted without their input or that failed to meet with their approval. By way of example, representatives of organizations of persons with disabilities had sat on the technical committee tasked with developing the disability inclusion programme known as “Honduras for All” and had played a role in diagnosing the shortcomings of the Department and in its subsequent strengthening and restructuring. Although ensuring full compliance with the entire body of legislation concerning persons with disabilities continued to pose a real challenge to the Department, it would not cease in its efforts to that end. The Ministry of Social Development and Inclusion attached great importance to the work carried out by organizations of persons with disabilities and showed its support by providing them with funding to the tune of US\$ 1.2 million per year. Organizations whose activities were deemed to be of particular significance could be allotted additional funding. Representatives of organizations of persons with disabilities also sat on the technical committee for inclusion in the workplace and, in conjunction with the Department for Disability, provided training on disability inclusion to private sector companies.

42. Pursuant to the Act on streamlining the public administration, improving services for citizens and increasing the transparency of the Government, the Department for Disability and the Department for Older Persons had been placed under the authority of the Ministry of Social Development and Inclusion as two independent entities, each with a separate budget line and distinct functions and responsibilities. The restructuring process had served to optimize the use of budgetary resources by the Ministry and to strengthen the links between the various departments of which it was composed, thus enabling coordinated action to be taken in favour of persons with disabilities. The Department for Disability had been greatly strengthened as a result of the restructuring initiative.

43. It should be noted that the fundraising activities associated with the national day of solidarity for persons with disabilities, which was celebrated on the last Friday of April each year, were carried out by organizations of persons with disabilities themselves. The Department for Disability, in contrast, celebrated the International Day of Persons with Disabilities on 3 December each year through a series of activities to promote the empowerment of persons with disabilities as rights holders, as opposed to beneficiaries of charity. The Department would endeavour to reschedule the day of solidarity for persons with disabilities to coincide with the International Day of Persons with Disabilities in the future.

#### *Articles 11-20*

44. **Mr. Martin**, noting that organizations of persons with disabilities were major proponents of the self-advocacy movement, the aim of which was to allow persons with intellectual disabilities to speak up for themselves and to exercise their rights, asked whether there were organizations that represented the specific interests of persons with intellectual disabilities in Honduras and, if so, whether the State party involved them in its work. He would also appreciate details of the State party’s efforts to raise awareness among the members of the judiciary of the need to enforce the right of persons with disabilities to equal recognition before the law and to exercise legal capacity on an equal footing with others, in keeping with article 12 of the Convention and the Committee’s general comment No. 1 (2014). Lastly, it would be helpful to learn more about the measures taken by the State party to uphold the right of persons with disabilities, including persons with intellectual disabilities, to live independently and be included in the community and to choose their place of residence, on an equal footing with others, and to guarantee them access to the in-home, residential and other community support services and technology necessary to that end.

45. **Mr. Ruskus** said it was his understanding that, in Honduras, persons with psychosocial disabilities or persons declared to be legally incompetent could be confined in one of the country’s two psychiatric hospitals for extended periods in application of court-ordered security measures, which, in some cases, also entailed mandatory psychiatric treatment. He asked whether the State party intended to repeal the legal provisions authorizing such practices, which clearly ran counter to article 14 of the Convention, and what measures it envisaged taking to guarantee persons with psychosocial disabilities

access to consensual medical treatment suited to their needs, such as that provided by community-based mental health services.

46. **Mr. Buntan** said that it would be useful if the delegation could elaborate further on the measures taken to ensure the accessibility of information and communication technology, including the Internet and other information services, for persons with disabilities. Given that the State party was at risk of both natural and man-made disasters, he would be interested to know what steps it had taken to implement the Sendai Framework for Disaster Risk Reduction and the extent to which it had involved persons with disabilities and their representative organizations in that process. He would also like to know whether, in Honduras, persons with disabilities could open a bank account, apply for a credit card and complete financial transactions independently or whether a person without a disability was required to represent them in such matters.

47. The Committee had received reports that, in Honduras, persons with disabilities, especially children with disabilities, were often forced to beg on the streets by their families. He asked whether there were any measures in place to protect persons with disabilities from economic exploitation or any mechanisms to monitor the prevalence of that phenomenon. Noting that the State party's approach to deinstitutionalizing persons with disabilities focused almost exclusively on community-based rehabilitation, he asked whether it had considered taking measures to enable persons with disabilities who had left institutional care to live independently and to facilitate their full inclusion in the community with access to support services and assistive technology as and when required.

48. **Mr. Alsaif** asked what measures the State party had taken to guarantee persons with disabilities access to community support services, including personal assistants, to allow them to live independently in the place of their choice.

49. **Mr. Basharu** said he had been alarmed to learn that the Standing Commission on Disaster Preparedness had no special strategies for assisting persons with auditory or speech disabilities to communicate with the authorities in the event of them requiring rescue or assistance during a natural disaster, civil emergency or a crime. Had the State party taken any steps to remedy that situation? What measures had the State party taken to give effect to Sustainable Development Goal 11 on making cities inclusive, safe, resilient and sustainable?

50. It would also be helpful to learn more about the steps taken by the State party to ensure the physical accessibility of courts, prisons, police stations and other places of detention for persons with disabilities and the availability of information in accessible formats for those persons, especially Braille or simplified text, so as to guarantee them effective access to justice. The delegation might also indicate whether members of the judiciary received training on the needs of persons of disabilities seeking justice. Noting that independent living schemes for persons with disabilities were virtually non-existent in the State party, he asked what measures it envisaged taking to remedy that shortcoming.

51. **Mr. Tatić** asked whether, in Honduras, police stations were accessible to persons with a physical disability, particularly wheelchair users; whether there was at least one official who was trained in sign language at each police station; whether hotlines for reporting crimes were accessible to persons with a hearing impairment; and whether police officers were trained to communicate in plain language with and provide information in accessible formats to persons with intellectual disabilities who fell victim to a crime.

52. **Mr. Kabue** said that it would be useful to receive more information on the mandates and functions of and the cases taken up by the Department for Disability, which could provide legal services to persons with disabilities whose right to exercise their legal capacity had been violated, and of the Special Prosecutor for Children and the Disabled and the Special Prosecutor for Human Rights, which were responsible for investigating, prosecuting and bringing to trial cases involving offences or human rights violations against persons with disabilities. He asked whether the State party intended to introduce a supported decision-making regime for persons with disabilities with a view to broadening their access to essential services.

53. **Mr. Pyaneandee** asked whether the State party acknowledged that there was evidence to suggest that, in Honduras, persons with disabilities were subjected to torture and other cruel, inhuman or degrading treatment and how victims of such practices could gain access to justice. Were persons with disabilities in that situation entitled to legal assistance? Similarly, the Committee had received reports that persons with psychosocial or intellectual disabilities in particular often fell victim to exploitation and that women with such disabilities routinely suffered sexual abuse. What measures were in place to protect and support those persons and to guarantee them access to justice?

54. **Mr. Parra Dussan** asked whether the various legislative initiatives intended to align the State party's domestic legislation concerning persons with disabilities more closely with the Convention could be revised to take account of the comments and recommendations made in the context of the interactive dialogue with the Committee and resubmitted to Congress. He would be interested to hear whether the reforms under way would include the repeal of the provisions of the Civil Code that imposed restrictions on the exercise of legal capacity by persons with disabilities and the introduction of amendments to allow supported decision-making. He also wished to know whether the State party planned to amend Legislative Decree No. 151-2009 establishing the Risk Management System to include a special evacuation protocol for persons with disabilities in the event of a natural disaster, conflict or an emergency situation.

55. Noting that the second most frequent subject of complaints lodged by persons with disabilities in Honduras was denial of or lack of access to justice, he asked what measures had been taken to provide procedural accommodations and ensure full accessibility of legal proceedings for those persons. He would also like to know what specific circumstances could justify the confinement of persons with psychosocial disabilities or persons declared to be legally incompetent in the country's two psychiatric hospitals. Lastly, he enquired as to the scope of the services provided by the National Commission in Support of Returned Migrants with Disabilities to migrants with disabilities bound for Mexico who ended up staying in Honduras and as to the measures taken to guarantee their rights and integrate them into local communities.

56. **The Chair** said that, pursuant to the Committee's general comment No. 1 (2014), it was not sufficient for States parties simply to repeal the provisions of their civil codes and other laws that imposed restrictions on the exercise of legal capacity by persons with disabilities without also adopting measures intended to bring about a paradigm shift from substitute to supported decision-making and a change in practice among professionals working with persons with disabilities, especially in countries where the former approach prevailed. She asked whether the State party had adopted any such measures. Noting that the State party's report provided next to no statistical data on the subject, she said that she would be interested to know how many persons with disabilities were currently living under guardianship or curatorship arrangements and whether that number had increased or decreased since Honduras had ratified the Convention. What decisions were made on behalf of persons with disabilities who were under guardianship or curatorship? How many such persons had been subjected to forced treatment?

57. It would also be useful to learn how many persons with disabilities had been detained on grounds of impairment and whether those persons had access to legal assistance and had the right to challenge their detention. She would likewise welcome statistical data on the prevalence of violence against women and girls with disabilities, which was a major cause of concern to the Committee, and information on any helplines or shelters set up to assist them and on any measures taken or envisaged to address that phenomenon. Lastly, she asked whether the State party had taken any steps towards designating an independent authority to monitor all facilities and programmes designed to serve persons with disabilities as a means of preventing exploitation, violence and abuse, in accordance with article 16 (3) of the Convention.

*The meeting rose at 6 p.m.*