



Convention on the Rights of Persons with Disabilities

Distr.: General
23 April 2024
English
Original: Spanish

Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of Costa Rica*

I. Introduction

1. The Committee considered the combined second and third periodic reports of Costa Rica¹ at its 705th and 706th meetings, held on 14 March 2024. It adopted the present concluding observations at its 716th meeting, held on 21 March 2023.
2. The Committee welcomes the combined second and third periodic reports of Costa Rica, which were prepared in accordance with the Committee's reporting guidelines in response to the list of issues prior to reporting prepared by the Committee.²
3. The Committee appreciates the constructive dialogue held with the State party's high-level delegation, which covered a wide array of issues. However, the Committee is concerned that the State party did not send a delegation capable of responding adequately to questions and comments on various aspects of the reports.

II. Positive aspects

4. The Committee welcomes the State party's efforts to implement the Convention in line with the recommendations contained in the Committee's concluding observations on the initial report of Costa Rica.³ It welcomes in particular the legislative and policy measures taken to promote the rights of persons with disabilities, including:
 - (a) The enactment in 2019 of Act No. 9697, by which article 51 of the Constitution was amended to eliminate the use of the term *enfermo desvalido* ("infirm person who is destitute or helpless") to refer to persons with disabilities;
 - (b) The adoption of the National Disability Policy and the institutional strategic plan for 2019–2030;
 - (c) The adoption in 2018 of Executive Decree No. 48088, establishing the implementing regulations of the Act on the Establishment of the National Council of Persons with Disabilities and creating the Consultative Forum of Persons with Disabilities;
 - (d) The adoption in 2017 of Decree No. 40727-MP-MTSS, which created the Disability Certification Service;

* Adopted by the Committee at its thirtieth session (4–22 March 2024).

¹ [CRPD/C/CRI/2-3](#).

² [CRPD/C/CRI/QPR/2-3](#).

³ [CRPD/C/CRI/CO/1](#).



(e) The adoption in 2017 of the communication and information policy of the Directorate General of the Civil Service, which provides for equal treatment and non-discrimination in access to information for all institutional audiences;

(f) The adoption in 2017 by the Ombudsman's Office of a policy on the accessibility of its services for persons with disabilities and older persons;

(g) The enactment in 2016 of the Labour Law Reform Act (No. 9343), incorporating additional grounds of discrimination into the Labour Code;

(h) The enactment in 2015 of Act No. 9303 on the Establishment of the National Council of Persons with Disabilities;

(i) The adoption in 2014 of a comprehensive human resources policy on the management, employment and salaries of persons with disabilities providing services to the civil service;

(j) The adoption in 2014 by the Ombudsman's Office of the "Breaking Barriers" policy agenda for women with disabilities.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

5. The Committee notes with concern:

(a) The use of a medical model of disability in many areas of law and policy, and particularly in the disability certification process;

(b) Persistent difficulties and long delays in obtaining a disability certificate, due in particular to the lack of clear criteria and trained staff.

6. **The Committee recommends that the State party:**

(a) **Align the definition of disability in law and in policy at all levels of government, and in the disability certification process, with the general principles and provisions of the Convention, particularly with regard to non-discrimination and the human rights approach to disability;**

(b) **Intensify efforts to simplify and expedite the process of obtaining a disability certificate, using clear criteria, and strengthen mechanisms for the responsible professionals to receive regular training on the human rights, dignity, autonomy and needs of persons with disabilities.**

7. The Committee notes with concern that, despite the existence of an independent national mechanism for monitoring implementation of the Convention, the Ombudsman's Office, trained staff have not been appointed for it to fulfil its mandate. The Committee is also concerned that the Consultative Forum of Persons with Disabilities is not sufficiently independent of the National Council of Persons with Disabilities.

8. **The Committee recommends that the State party resolve the administrative precautionary measure suspending the appointment of the staff responsible for monitoring implementation of the Convention, and allocate sufficient financial resources for the Ombudsman's Office to fulfil its mandate. The Committee also recommends that all necessary measures be taken so that the Consultative Forum of Persons with Disabilities is independent from the National Council of Persons with Disabilities, so as to ensure close consultation with organizations of persons with disabilities and their active participation in the State bodies responsible for monitoring implementation of the Convention.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

9. The Committee is concerned about:

(a) Persistent discrimination against persons with disabilities, especially women, children and persons with intellectual or psychosocial disabilities, and the lack of accessible complaint and redress mechanisms for victims of discrimination on the basis of disability;

(b) The delay in the adoption of the draft framework law to prevent and punish all forms of discrimination, racism and intolerance (file No. 20174) and the failure to include disability as a prohibited ground of discrimination and references to multiple and intersecting forms of discrimination.

10. **The Committee recommends that the State party:**

(a) **Establish accessible and effective mechanisms, including judicial and administrative procedures, to combat discrimination on the basis of disability, and ensure that victims receive redress and that perpetrators are punished.**

(b) **Expedite the approval and adoption of the draft framework law to prevent and punish all forms of discrimination, racism and intolerance (file No. 20174), incorporating disability as a prohibited ground in the definition of discrimination and references to multiple and intersecting forms of discrimination.**

Women with disabilities (art. 6)

11. The Committee notes with concern:

(a) Insufficient legal and policy measures to explicitly promote and protect the rights of women and girls with disabilities, particularly in the National Policy for Effective Equality between Women and Men 2018–2030;

(b) The failure to prioritize women with disabilities in the political training and education programmes of the National Institute for Women;

(c) The non-existence of a protocol for the protection of women and girls with disabilities from exploitation, violence and abuse arising from gender-based violence;

(d) The lack of measures to ensure that women and girls with disabilities have autonomous access to protection mechanisms, including temporary shelters and therapies to aid recovery from violence, abuse and exploitation, throughout the territory of the State party;

(e) The low representation of women with disabilities in the National Institute for Women and the lack of empowerment programmes for women with disabilities in employment, public and political life, decision-making and the judiciary;

(f) The lack of data on violence against women and girls with disabilities, as the statistical data-collection system does not contain disaggregated information.

12. **The Committee, recalling its general comment No. 3 (2016) on women and girls with disabilities, and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Increase efforts to explicitly incorporate the disability perspective in gender equality laws and policies and to incorporate a gender perspective in disability laws and policies, in close consultation with organizations of persons with disabilities, in particular organizations of women and girls with disabilities, and with their active participation, and to include gender and disability perspectives in the national financial inclusion strategy;**

(b) **Step up measures to support the participation of women with disabilities in political and public life and their inclusion as a target group in the training and education programmes of the National Institute for Women;**

(c) **Accelerate the development and introduction of a protocol for the protection of women and girls with disabilities from exploitation, violence and abuse;**

(d) **Ensure that services for women and girls with disabilities who are victims of gender-based violence, including support centres and emergency shelters, are accessible throughout the State party and that the necessary support is provided;**

(e) **Take steps to empower women and girls with disabilities and ensure that they are represented in decision-making roles in political life, including in the National Institute for Women and other government bodies, the legislature and the judiciary;**

(f) **Strengthen efforts to collect comprehensive and disaggregated data on violence against women and girls with disabilities.**

Children with disabilities (art. 7)

13. The Committee notes with concern:

(a) The lack of spaces for children with disabilities to express their opinions and needs and for these to be taken into account;

(b) The persistence of poverty among children with disabilities, particularly Indigenous children with disabilities and children with disabilities living in rural and remote areas;

(c) The fact that the Code on Children and Adolescents does not address the subject of children with disabilities either generally or explicitly and that its article 62 promotes the segregation and exclusion from inclusive education of children with disabilities.

14. **The Committee recalls its joint statement with the Committee on the Rights of the Child on the rights of children with disabilities (2022), and targets 16.2 and 16.7 of the Sustainable Development Goals, and recommends that the State party:**

(a) **Create the conditions for children with disabilities to express their opinions and needs and have them reflected in laws, public policies and government programmes;**

(b) **Take immediate action to reduce poverty among children with disabilities, paying particular attention to Indigenous children with disabilities and children with disabilities living in rural and remote areas;**

(c) **Amend the Code on Children and Adolescents to afford express protection from multiple and intersecting forms of discrimination, including discrimination based on the intersection between disability and other grounds, and ensure inclusive and quality education for children with disabilities.**

Awareness-raising (art. 8)

15. The Committee takes note of the organization of campaigns to promote and raise awareness of the rights of persons with disabilities. However, it notes with concern that prejudices and negative stereotypes of persons with disabilities continue to prevail in the public perception of disability. It is concerned that the campaigns undertaken may not be enough to reinforce the image of persons with disabilities as rights holders.

16. **The Committee recommends that the State party adopt a national strategy to promote a human rights-based model of disability that is sensitive to gender issues and children's needs. Such a strategy should include public officials, the media, health and justice professionals, the general public and the families of persons with disabilities, in close consultation with organizations of persons with disabilities and with their active participation in its formulation, implementation and regular evaluation.**

Accessibility (art. 9)

17. The Committee takes note of the written clarifications provided by the State party after the constructive dialogue. However, it is concerned at:

(a) The poor condition of sidewalks; the inaccessibility of public spaces, particularly courts; and the failure to adapt passenger vehicles – particularly in the Atlántica, Brunca, Chorotega, Norte, Pacífico Central and Sur regions – and buses for students with disabilities that do not meet accessibility standards;

(b) The lack of information on progress in the development of standards or the implementation of plans to enhance access to the physical environment, transportation and information and communications in accessible formats, in line with the Convention;

(c) The lack of accessibility commissions in all municipalities;

(d) Delays in the implementation of Act No. 7600 in terms of guaranteeing the full accessibility of public transport.

18. The Committee, recalling its general comment No. 2 (2014) and targets 11.2 and 11.7 of the Sustainable Development Goals, recommends that the State party:

(a) Allocate the necessary financial resources for the immediate repair of sidewalks in poor condition, acquire accessible passenger vehicles and ensure accessibility in all public spaces, particularly in the Atlántica, Brunca, Chorotega, Norte, Pacífico Central and Sur regions;

(b) Uphold standards on the accessibility of the physical environment and of transportation and implement accessibility plans with measurable goals and timetables and penalties for non-compliance;

(c) Establish accessibility commissions in municipalities that do not yet have them and ensure that all commissions include persons with disabilities;

(d) Set specific targets and deadlines for achieving the full accessibility of public transport, including in remote and rural areas.

Situations of risk and humanitarian emergencies (art. 11)

19. The Committee is concerned about the lack of measures taken, in close consultation with organizations of persons with disabilities and with their active participation, to ensure that post-emergency rehabilitation and reconstruction processes are based on risk assessments and are accessible to persons with disabilities.

20. In accordance with the Sendai Framework for Disaster Risk Reduction 2015–2030, the Committee recommends that the State party, in close consultation with organizations of persons with disabilities and with their active participation, ensure that post-emergency rehabilitation and reconstruction processes are based on risk assessments accessible to persons with disabilities, and that these processes apply, inter alia, the principles of universal design and improved construction.

Equal recognition before the law (art. 12)

21. The Committee takes note of the clarifications provided by the State party after the constructive dialogue. However, it is concerned to note that:

(a) The National Mental Health Act (No. 10412) of 2023 provides for a “guarantor” in psychosocial care processes, with a wording such that the concept could be deemed similar to that of guardianship, which was abolished under the Act on the Promotion of Personal Autonomy of Persons with Disabilities (No. 9379);

(b) No specific measures have been taken to eliminate the concept of interdiction from the State party’s Constitution and legislation, in particular the Civil Code; and article 5 of the Act on the Promotion of Personal Autonomy of Persons with Disabilities, which recognized the legal capacity of persons with disabilities, was repealed with the adoption of the Family Procedural Code (Act No. 9747) of 2019;

(c) There is no information on the number of persons with disabilities, in particular persons with intellectual or psychosocial disabilities, placed under restricted capacity regimes such as interdiction and guardianship, and there is limited information on the number of court decisions that have been handed down to restore their legal capacity.

22. **The Committee, recalling its general comment No. 1 (2014) on equal recognition before the law, recommends that the State party:**

(a) **Amend its laws to bring the figure of the guarantor into line with the Convention, so that the denial of the legal capacity of persons with disabilities is not perpetuated under substitute decision-making regimes, measures are adopted to support persons with disabilities in the full exercise of their legal capacity, and information is provided on the process by which persons with disabilities can refuse the guarantor assigned to them or appoint a replacement, thereby ensuring that persons with different disabilities can fully exercise their legal capacity;**

(b) **In close consultation with organizations of persons with disabilities and with their active participation, harmonize the Constitution, the Civil Code and the Family Procedural Code with the Convention as soon as possible so as to guarantee all persons with disabilities, including persons with intellectual or psychosocial disabilities, equal recognition before the law, including by eliminating provisions that allow for restrictions of their legal capacity through, for example, interdiction and guardianship, and ensure adequate support measures;**

(c) **Collect disaggregated data on the number of persons with disabilities, in particular persons with psychosocial or intellectual disabilities, who are subject to restricted capacity regimes, and on the number of court decisions restoring their legal capacity.**

Access to justice (art. 13)

23. The Committee notes with concern:

(a) Limited access to justice for persons with disabilities, particularly women, children, Indigenous persons, persons of African descent and older persons with disabilities;

(b) The insufficient availability of qualified sign language interpreters for administrative and judicial proceedings and the inaccessibility of administrative and judicial buildings;

(c) The lack of age- or gender-sensitive procedural accommodations in civil, criminal and administrative proceedings; the scarcity of services providing assistance, reasonable accommodation or free legal representation to persons with disabilities during proceedings; and the limited participation of persons with disabilities as judges, legal advisers or witnesses and the scarcity of measures at the provincial and municipal levels to ensure said participation;

(d) The little training received by judges on access to justice for persons with disabilities.

24. **The Committee, recalling the International Principles and Guidelines on Access to Justice for Persons with Disabilities of 2020 and target 16.3 of the Sustainable Development Goals, recommends that the State party:**

(a) **Take measures to remove all barriers to access to justice for persons with disabilities in general and for women, children, Indigenous persons, persons of African descent and older persons with disabilities in particular, and to inform these groups of the remedies available to them to file complaints and obtain redress;**

(b) **Ensure the availability of qualified sign language interpreters in administrative and judicial proceedings; accelerate the evaluation and development of accessibility standards for administrative and judicial buildings, in close consultation with organizations of persons with disabilities and with their active participation, and apply those standards promptly; and make administrative and judicial decisions available in accessible formats;**

(c) **Provide age- and gender-appropriate procedural accommodations in all judicial proceedings to ensure, through the delivery of support services and free legal representation, that persons with disabilities can participate effectively, including as**

judges, legal advisers or witnesses, and undertake the necessary procedural reforms to ensure that these accommodations are provided;

(d) Extend the scope of training on the rights of persons with disabilities to include all justice personnel, including those in rural and remote areas.

Liberty and security of person (art. 14)

25. The Committee is concerned that:

(a) The rules on informed consent in the provision of health-care services of the Costa Rican Social Security System allow for the forced institutionalization of persons with disabilities;

(b) Little information is available on persons with disabilities who have been detained in psychiatric hospitals as a security measure under either administrative or criminal law.

26. **Recalling its guidelines on the right to liberty and security of persons with disabilities⁴ and its guidelines on deinstitutionalization, including in emergencies,⁵ the Committee urges the State party to:**

(a) Modify the rules on informed consent in the provision of health-care services of the Costa Rican Social Security System to prohibit the institutionalization of persons with disabilities without their free and informed consent;

(b) Collect and publish updated, disaggregated data on the number of persons with disabilities who remain in a situation of confinement in all jurisdictions, including the number of children and adults with disabilities segregated in institutions.

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

27. The Committee notes with concern:

(a) The lack of laws and measures to protect persons with disabilities from being subjected to medical treatment without their free and informed consent, including forced sterilization and abortion;

(b) The lack of information on measures taken to prevent the torture or other cruel, inhuman or degrading treatment or punishment of persons with disabilities in psychiatric institutions and centres, or on complaint mechanisms for victims of such practices;

(c) The lack of updated official statistics on persons with disabilities deprived of their liberty, disaggregated by place of detention and occupancy rate thereof, and the lack of information on evaluation and monitoring mechanisms to prevent assaults and sexual violence in detention facilities.

28. **Recalling its guidelines on deinstitutionalization, including in emergencies (2022), the Committee recommends that the State party:**

(a) Take the necessary steps to ensure that no person with disabilities is subjected to torture or cruel, inhuman or degrading treatment or punishment, including medical treatment without free and informed consent, in particular forced sterilization and abortion; ensure that complaint procedures are accessible to all persons with disabilities; and investigate and punish with proportionate penalties the perpetrators of practices that may amount to the torture or cruel, inhuman or degrading treatment or punishment of persons with disabilities;

(b) Ensure that the national mechanism for the prevention of torture regularly monitors psychiatric institutions and that the competent authorities discontinue practices that violate human rights, such as the use of restraints on persons

⁴ [A/72/55](#), annex.

⁵ [CRPD/C/5](#).

with disabilities, and guarantee access to complaint mechanisms for victims of torture and ill-treatment;

(c) **Provide, in its next periodic report, updated official statistics on persons with disabilities deprived of their liberty, disaggregated by place of detention and occupancy rate thereof, information on evaluation and monitoring mechanisms to prevent assaults and sexual violence in detention facilities, and information on complaint mechanisms that include follow-up, redress and the punishment of perpetrators.**

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

29. The Committee notes with concern:

(a) Insufficient measures to identify and prevent all forms of violence against children and adults with disabilities, including structural and systemic violence in all settings and gender-based violence, in particular obstetric violence, when accessing sexual and reproductive health services;

(b) The lack of specific data on cases of violence and abuse perpetrated against persons with disabilities in all settings, and the failure to collect and publish such data, disaggregated by sex and age, including data on the number of prosecutions, convictions and sentences imposed on perpetrators.

30. **The Committee recommends that the State party:**

(a) **Reinforce the implementation of existing legislative and policy measures to prevent all forms of violence against persons with disabilities, including gender-based violence, and provide effective remedies and redress to victims, both inside and outside of institutions;**

(b) **Establish a system for the collection of quantitative data on manifestations of violence and abuse against women and girls with disabilities, in order to provide data, disaggregated by sex and age, on violence and abuse against persons with disabilities in all settings, including the number of prosecutions, convictions and sentences imposed on perpetrators.**

Protecting the integrity of the person (art. 17)

31. The Committee notes with concern:

(a) Cases of women with disabilities who have been subjected to sterilization without their free and informed consent and to forced treatment;

(b) The judicial procedure whereby the Family Court may hear cases relating to the “necessary and indispensable” sterilization of persons with disabilities.

32. **The Committee recommends that the State party:**

(a) **Take measures to ensure the free and informed consent of persons with disabilities in relation to treatment; eliminate forced sterilization; and ensure that restorative justice measures are provided for women who have been sterilized without their consent and that the perpetrators of these practices are investigated and duly punished;**

(b) **Revoke the competence of the Family Court to order sterilizations of person with disabilities without their free and informed consent.**

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

33. The Committee notes with concern:

(a) The absence of a strategy for the deinstitutionalization of persons with disabilities, especially women and children with disabilities who are segregated in institutions, and the lack of community support programmes and accessible services, including the provision of accessible housing and decent jobs, for persons with disabilities living in the community;

(b) The lack of laws and policies prohibiting the involuntary institutionalization and forced treatment of persons with disabilities, in particular persons with intellectual or psychosocial disabilities;

(c) The persistent institutionalization of children with disabilities and the failure to provide their families with support so that they can live in the community;

(d) The lack of measures to ensure that all persons with disabilities maintain their autonomy and self-determination in choosing their place of residence and where and with whom they live and make their own decisions regarding their inclusion in the community.

34. Referring to its general comment No. 5 (2017) on living independently and being included in the community and its guidelines on deinstitutionalization, including in emergencies, the Committee urges the State party, through close consultation and active cooperation with persons with disabilities, through their representative organizations, to:

(a) **Develop a national strategy on deinstitutionalization of persons with disabilities, ensuring that it is in line with the Convention and includes sufficient budgetary and other measures, including awareness-raising activities to promote understanding of the right of persons with disabilities to choice and self-determination concerning their living arrangements, the right not to be obliged to live in a particular living arrangement, and the value of inclusion in, as opposed to segregation from, the community;**

(b) **Enact legislation that provides the requisite legal basis to end the institutionalization of persons with disabilities and to provide adequate accessible housing and support services so that persons with disabilities can live independently in the community, and implement it expeditiously;**

(c) **Set up a deinstitutionalization programme for children with disabilities, with an adequate budget and human resources, defined timelines and specific support for them to live in the community;**

(d) **Take measures to ensure that persons with disabilities, regardless of their place of residence, have access to a range of home care, residential and other community support services, including personal assistants, that are monitored and managed by the beneficiaries.**

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

35. The Committee is concerned that:

(a) The National Telecommunications Development Plan 2015–2021 has not been implemented, specifically goal No. 14, which calls on central government institutions to apply accessibility and universal design principles in the development of web-based portals, sites and services in order to enable access to information and communications for persons with disabilities;

(b) Websites and television channels do not provide information in accessible formats for persons with disabilities, particularly blind and deaf persons.

36. The Committee recommends that the State party:

(a) **Take the necessary measures for the effective implementation of the National Telecommunications Development Plan 2022–2027, in particular the application of accessibility and universal design principles to enable access to information and communications for persons with disabilities;**

(b) **Establish a legal obligation for telecommunications service providers, including website servers and television channels, to make their communication services accessible to persons with disabilities, including persons with hearing or visual impairments, and establish and effectively uphold binding accessibility standards.**

Respect for home and the family (art. 23)

37. The Committee takes note of the written clarifications provided by the State party after the constructive dialogue. However, it is concerned about the persistence of procedures by which women with disabilities are declared unfit mothers.

38. **The Committee recommends that the State party increase its efforts to review the procedures by which women with disabilities are declared unfit mothers and fully restore their rights to have a home and found a family, ensuring that they have the necessary support to make these rights effective, as recommended in the Committee's previous concluding observations.**⁶

Education (art. 24)

39. The Committee is concerned at:

(a) The lack of a strategic framework for the implementation of an inclusive education system that takes into account regional disparities and Indigenous territories, with goals, timelines and funding for its finalization;

(b) The fact that the harmonization of article 62 of the Code on Children and Adolescents with article 24 of the Convention, so as to ensure the right of children with disabilities to a quality inclusive education, is still pending;

(c) The lack of accessibility of schools, shortcomings in the transport services provided for students with disabilities and the lack of information on the aids necessary for educational activities;

(d) The insufficient number of teachers trained in the inclusive education model and the scant measures taken to ensure that digital educational technology is accessible and adapted to the use of students with disabilities;

(e) The lack of detailed information on the number and proportion of students with disabilities who are enrolled in inclusive educational settings and who have completed primary, secondary and tertiary education;

(f) The fact that students with disabilities in special schools are awarded qualifications and certificates that differ from those awarded in mainstream schools, which limits their access to employment and higher education.

40. **The Committee, recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.a of the Sustainable Development Goals, urges the State party to:**

(a) **In consultation with organizations of persons with disabilities, adopt a strategic framework for the implementation of an inclusive education system, taking into account regional disparities and Indigenous territories, with goals, timelines and funding for its finalization;**

(b) **Harmonize article 62 of the Code on Children and Adolescents with article 24 of the Convention in order to ensure the right of children with disabilities to a quality inclusive education;**

(c) **Redouble efforts to ensure accessibility in mainstream schools, to provide the necessary aids for educational activities, and to adapt transport services for students with disabilities, including in rural and remote areas;**

(d) **Ensure that teachers receive regular, high-quality in-service training, are supported by special education teachers in the role of monitors of students with disabilities integrated into mainstream education, in order to ensure that they receive a quality inclusive education; and ensure that digital educational technology is accessible and adapted to the use of students with disabilities;**

⁶ CRPD/C/CRI/CO/1, para. 44.

(e) **Systematically collect data, disaggregated by age, sex, type of disability and geographical location in order to compile reliable statistics on students with disabilities and where they are receiving their education and to track progress towards achieving inclusive education;**

(f) **Abolish differential qualifications and ensure that students with disabilities can obtain qualifications and certificates on an equal basis with others.**

Health (art. 25)

41. The Committee takes note of the written clarifications provided by the State party on this subject after the constructive dialogue. The Committee notes with concern:

(a) The inaccessibility of health services for persons with disabilities, in particular the lack of appropriate medical equipment, fittings and facilities;

(b) The insufficient inclusion of persons with disabilities in sexual and reproductive health policies, programmes and services, including those related to HIV/AIDS, which disproportionately affects women and girls with disabilities;

(c) An approach to mental health care that continues to be centred on the medical model and the lack of coordinated measures to implement the community mental health model;

(d) The lack of regular training programmes on the human rights approach to disability for physicians and other health professionals working with persons with disabilities.

42. **Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure that all persons with disabilities have access to quality, gender-sensitive and intercultural health services, in both rural and remote areas, by ensuring, for example, that accessibility standards are applied, reasonable accommodation is provided, equipment and facilities are adapted to the specific needs of each disability, information on health services is provided in accessible formats such as Braille, sign language and Easy Read, and that health workers are trained to treat persons with disabilities properly;**

(b) **Strengthen efforts to ensure that all health policies, programmes and services, including in sexual and reproductive health and those related to HIV/AIDS, are fully accessible and incorporate a gender perspective, especially in rural areas and at the community level, in line with the Committee's previous recommendation;⁷**

(c) **Develop an action plan, with sufficient human and financial resources, for the implementation of the national policy for community-based mental health-care services;**

(d) **Deliver continuous training programmes on the human rights approach to disability for physicians and other health professionals working with persons with disabilities and closely consult with and actively involve organizations of persons with disabilities in the design and delivery of the training.**

Habilitation and rehabilitation (art. 26)

43. The Committee notes with concern:

(a) The existence of only one rehabilitation centre, located in the capital, and the lack of habilitation and rehabilitation facilities available to persons with disabilities living in other regions of the State party;

⁷ Ibid., para. 50.

(b) The lack of information on the implementation of community-based rehabilitation programmes focused on developing the capacities of persons with disabilities, including the lack of paediatric rehabilitation programmes.

44. **The Committee recommends that the State party:**

(a) **Ensure the provision of habilitation and rehabilitation services to all persons with disabilities, including Indigenous persons and persons of African descent, regardless of their age, sex, origin or socioeconomic status, throughout the national territory;**

(b) **Expedite the adoption of a strategy to promote community-based rehabilitation services focused on developing the capacities of persons with disabilities from an early age, as recommended in the Committee's previous concluding observations.⁸**

Work and employment (art. 27)

45. The Committee is concerned about:

(a) The high level of unemployment among persons with disabilities and the lack of information on incentives offered to the private sector to generate greater employment for persons with disabilities;

(b) The low level of compliance with employment quotas for persons with disabilities in the public sector;

(c) The absence of measures to promote self-employment, particularly for persons with disabilities, including less prevalent disabilities.

46. **The Committee, recalling its general comment No. 8 (2022) and in keeping with target 8.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Take effective measures to ensure the right to work for all persons with disabilities, in particular women with disabilities, persons with intellectual disabilities and persons with psychosocial disabilities, and measures to combat discrimination, particularly in the context of job advertisements, recruitment processes, reasonable accommodation, retraining, promotion and other rights related to work and employment, and establish incentives and specific measures to promote the inclusion of persons with disabilities in the private labour market;**

(b) **Ensure strict compliance with Act No. 8862 of 11 November 2010 on Inclusion and Labour Protection of Persons with Disabilities in the Public Sector and establish mechanisms to monitor compliance with the 5 per cent employment quota for the inclusion of persons with disabilities in the public sector, with penalties for non-compliance;**

(c) **Promote self-employment opportunities among persons with disabilities, including through the creation of a special fund to provide persons with disabilities with grants for self-employment projects and the exemption of persons with disabilities from the cost of business licences.**

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

47. The Committee is concerned about the high level of poverty among persons with disabilities and the lack of information on social security measures specifically designed for persons with disabilities, particularly women and children, Indigenous persons, persons of African descent and persons living in rural or remote areas.

48. **Taking into account the relationship between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party develop a national plan that specifically addresses the high level of poverty among persons with disabilities, with a particular focus on women and children,**

⁸ Ibid., para. 54.

Indigenous persons, persons of African descent and persons living in rural or remote areas, including its financing and a time schedule for its implementation, and put it into effect and monitor its implementation. It also recommends that the State party provide, in its next periodic report, information on the non-contributory pensions available to persons with disabilities over the age of 65 years, or those under 65 who are unable to work, including the amount paid to each beneficiary and the number of persons with disabilities currently benefiting from such pensions, disaggregated by gender.

Participation in political and public life (art. 29)

49. The Committee notes with concern the low rates of representation and participation of persons with disabilities, especially women with disabilities, in political life and public decision-making, and the lack of affirmative action to enable persons with disabilities to stand for election, be elected and effectively hold public office at all levels of government.

50. **The Committee recommends that the State party encourage the presence of persons with disabilities, especially women, in elected office both in the capital and in the municipalities, ensure that they receive the reasonable accommodations they require, and take affirmative action to enable them to stand for election, be elected and effectively hold public office at all levels of government.**

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

51. The Committee notes with concern the lack of measures to allow persons with disabilities to enjoy access to cultural materials, television programmes, films, theatre and other cultural activities in accessible formats, and insufficient efforts to effectively implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. It is also concerned about the lack of accessibility of places where recreational activities take place, particularly heritage and historical sites, beaches, viewpoints and tropical regions.

52. **The Committee recommends that the State party take steps, through close consultation with persons with disabilities and the active participation of their representative organizations, so that persons with disabilities can enjoy access to cultural materials, television programmes, films, theatre and other cultural activities in accessible formats, and that it take steps to effectively implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled. The Committee also recommends that the State party prepare an accessibility manual with a view to ensuring physical access to places where recreational activities take place, including heritage and historical sites, beaches, viewpoints and tropical regions, that it make human and financial resources available for the promotion of culture, sport and recreational activities for persons with disabilities, and that it build accessible walkways on beaches and at viewpoints.**

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

53. The Committee notes with concern that:

(a) Little information has been provided on measures taken to ensure the full and effective participation of representative organizations of persons with disabilities in the process (design, planning, implementation, analysis and dissemination) of data collection and research;

(b) In the framework of the 2020 census, only 150 persons with disabilities were consulted in order to provide feedback on the proposal for measuring disability on the basis of the short set of questions on functioning of the Washington Group on Disability Statistics.

54. **Recalling the Washington Group short set of questions on functioning and the policy marker on the inclusion and empowerment of persons with disabilities of the**

Development Assistance Committee of the Organisation for Economic Co-operation and Development, the Committee recommends that the State party:

- (a) **Establish a single integrated system for the collection of data on persons with disabilities, in close consultation with organizations of persons with disabilities and with their active participation in the design, implementation and evaluation of the system, involving all government ministries and entities that generate data or statistics. Such a system should collect data disaggregated by factors such as age, sex, type of impairment, type of support required, sexual orientation and gender identity, socioeconomic status, ethnicity and place of residence, including residential institutions;**
- (b) **Strengthen efforts for the wide application of indicators for the processing of data on persons with disabilities based on the Washington Group short set of questions on functioning and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development.**

International cooperation (art. 32)

55. The Committee notes with concern:

- (a) The failure to ensure close consultation with persons with disabilities and their representative organizations and their active participation in the design, implementation, monitoring and evaluation of international cooperation programmes and projects;
- (b) The insufficient dissemination of information on calls for proposals and the results of international cooperation, particularly in respect of projects related to persons with disabilities sponsored by the United Nations Development Programme, the Office of Foreign Disaster Assistance, the United States Agency for International Development, the Coordination Centre for Disaster Prevention in Central America and the Dominican Republic and the United Nations Children's Fund;
- (c) The lack of information or data on measures taken to include the disability perspective in the design of international cooperation projects or to establish a monitoring and accountability framework to assess the impact of international cooperation programmes, projects and policies, including programmes to achieve the Sustainable Development Goals.

56. **The Committee recommends that the State party:**

- (a) **Ensure close consultation with persons with disabilities and their representative organizations and the active participation of these organizations in the design, formulation, monitoring and evaluation of international cooperation strategies and programmes;**
- (b) **Ensure that international cooperation, including international development cooperation, is inclusive, accessible and participatory for persons with disabilities and is fully in line with the human rights approach to disability and efforts to achieve the Sustainable Development Goals;**
- (c) **Mainstream the disability perspective in the design of international cooperation projects and establish a monitoring and accountability framework to assess the impact of international cooperation programmes, projects and policies.**

National implementation and monitoring (art. 33)

57. The Committee notes with concern:

- (a) The lack of measures to strengthen the Ombudsman's Office so that it can perform the functions of an independent national mechanism to monitor implementation of the Convention, such as providing it with trained staff and the necessary financial resources;
- (b) The weakening of the National Council of Persons with Disabilities due to its inadequate budget and the plan for it to become part of the Institute for Human Development and Social Inclusion;

(c) The lack of information 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 process was in place to allow persons with disabilities to submit complaints to the Ombudsman's Office.

58. **The Committee recommends that the State party:**

(a) **Strengthen the Ombudsman's Office so that it can monitor implementation of the Convention, with trained staff, financial resources and accessible infrastructure with universal design allowing it to effectively carry out its mandate, and ensure the full participation of persons with disabilities and their representative organizations in the monitoring process;**

(b) **Adopt measures and mechanisms to strengthen the institutional architecture and management of the National Council of Persons with Disabilities through the implementation and evaluation of planning instruments such as the Institutional Strategic Plan 2023–2027, the National Disability Policy 2024–2030 and its action plan and other instruments aligned with international and national standards on the human rights of persons with disabilities, the gender-equality perspective, intersectional analysis and the territorial approach; and review the initiative for the National Council of Persons with Disabilities to become part of the Institute for Human Development and Social Inclusion and ensure that it maintains its autonomy;**

(c) **Ensure that progress by the Ombudsman's Office in the implementation of the manual on the macroprocess for the defence of rights, as part of the procedure for processing complaints, is widely disseminated.**

IV. Follow-up

Dissemination of information

59. **The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 12, on women with disabilities, 34, on living independently and being included in the community, and 40, on education.**

60. **The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.**

61. **The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.**

62. **The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.**

Next periodic report

63. The State party has opted to report under the simplified reporting procedure. The Committee will prepare a list of issues prior to reporting and request the State party to submit its replies within one year of receipt of the list of issues. The replies of the State party, expected by 1 November 2030, will constitute its combined fourth, fifth and sixth periodic reports.
