



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Ninth session

Summary record of the 96th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 April 2013, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

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

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

Initial report of Paraguay (continued) (CRPD/C/PRY/1; CRPD/C/PRY/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Paraguay took places at the Committee table.*

Articles 11–20

2. **Mr. Aguirre** (Paraguay), replying to questions posed at the previous meeting, said that he shared the Committee's frustration at the amount of time it had taken society and the Government in Paraguay to begin developing solutions for persons with disabilities. Even in 2013, many parents of children with disabilities still chose to send their children abroad so that they could lead a normal life, while other parents hid their children away inside their homes, placed them in institutions or abandoned them. Those parents should be able to turn to society and the Government for the help they needed. Paraguay had ratified the Convention in order to give impetus to the national process to promote and protect the rights of persons with disabilities. Ratification had led to a reorganization of government services with broader participation from civil society. The latest census had shown that persons with disabilities made up almost 13 per cent of the population, and the data collected during that census would enable the Government to determine where services were needed most.

3. The Committee had raised some very important issues that must be addressed, including the changes that needed to be made to the Civil Code and the Criminal Code. Given the recent successes in adopting new legislation, he hoped that the National Congress would act quickly to amend the Codes.

4. **Mr. Castillo Pérez** (Paraguay) said that certain pieces of legislation, including the Civil Code and the Criminal Code, still used pejorative terms to refer to some groups of persons with disabilities, such as deaf-mute people and persons with psychosocial disabilities. Moreover, in some cases deaf-mute people were denied the right to vote. The Government needed to work together with civil society to ensure that those shortcomings were corrected as soon as possible.

5. **Ms. Ferreira Servín** (Paraguay) said that the National Institute for the Protection of Exceptional Persons had been working to raise awareness of the Convention in all government institutions. All laws issued since the ratification of the Convention used appropriate terminology to refer to persons with disabilities. Workshops had been held for journalists and groups of persons with disabilities to ensure that they understood the Convention and its terminology. Additional workshops had been held to study the care protocols for persons with disabilities used in public institutions. Since in Paraguay many disabilities were the result of motorcycle accidents, a campaign had been conducted to encourage motorcyclists to wear a helmet. The campaign had yielded positive results and had not been viewed in a negative light as suggested at the previous meeting.

6. **Ms. Da Silva Boschert** (Paraguay) said that there were no obstacles in domestic law that would prevent persons with disabilities from running for public office. In fact, a number of persons with disabilities, most of whom were women representing independent political groups, were candidates in the forthcoming elections.

7. *A brief public service announcement about the elections using sign language was projected.*

8. **Ms. Yaluk** (Paraguay) said that there was no discrimination against persons with disabilities with regard to obtaining identification documents. The Identification Department of the National Police had taken measures to facilitate applications by such persons, for example the installation of special counters on the ground floor. Migration law had been partially amended so that disability was not a consideration when deciding whether to grant permanent residency in Paraguay. Further amendments to relevant laws were being made. All persons were automatically added to the electoral roll on reaching the age of majority, without any discrimination.

9. **Ms. Cuevas** (Paraguay) said that there was no public policy of forced sterilization of persons with disabilities and that the Ministry of Public Health and Social Welfare recognized the right of all persons to non-discrimination and equality of opportunity in accessing health care and social reintegration services.

10. There were currently 280 patients in the psychiatric hospital in Asunción, and patients stayed in that hospital for two to three weeks on average. A protocol on admission for psychiatric treatment was currently in the process of adoption. Involuntary admission to psychiatric institutions was subject to periodic review by the Ombudsman. A law had been adopted in 2011 establishing mechanisms to prevent torture and other degrading treatment of persons deprived of their liberty. In December 2012, a national commission had been set up to oversee the implementation of those mechanisms, and its duties included reviewing the situation of involuntary psychiatric patients. Psychiatric institutions were being replaced with community-based homes for persons with psychosocial disabilities. Thus far, six such homes had been established and were currently housing 65 patients.

11. Apart from establishments for persons with psychosocial disabilities and nursing homes for older persons, there were no other government-run facilities to accommodate persons with disabilities. However, there were 37 private institutions run by non-profit organizations that received government funding. Special hospital units had been established to treat children with disabilities. More than 70 public hospitals and health-care centres provided psychological and psychiatric services. An association for persons with bipolar disorder had been in operation for more than two years. In 2013, a specialized unit had been established to provide free medical services for children with neurological disorders. Since 2009, workshops had been organized for health-care professionals on respecting the rights of the child, including the right of children with disabilities to non-discrimination.

12. **Mr. Candia** (Paraguay) said that family visits were conducted as part of the national programme to reduce child labour and that any instances of maltreatment or abuse were reported to the relevant authorities. Magistrates' courts were competent to receive complaints of child abuse under a special judicial procedure. Lawmakers were discussing a preliminary bill on appropriate treatment of children and young people. Programmes for street children encouraged the creation of forums where the children could express their views without any discrimination.

13. Statistical data on indigenous persons with disabilities were not available. The general lack of statistical data on persons with disabilities was a problem that needed to be addressed. Thus far, no joint plans had been made by the National Secretariat for the Human Rights of Persons with Disabilities (SENADIS) and the National Institute of Indigenous Affairs. It should be remembered, however, that the Secretariat had only recently been established; such joint plans would be considered in the future. Domestic laws guaranteed the right to life for all persons throughout the country. If there were any cases of murder of indigenous children with disabilities in remote areas, as alleged, the judicial authorities would have the authority to initiate ex officio investigations.

14. **Mr. Aguirre** (Paraguay) said that indigenous peoples constituted one of the most vulnerable and neglected groups in the country. The alleged practice of infanticide among

that group would have to be investigated, but it was true that the full force of the law did not always reach remote areas, the joint efforts of the Armed Forces and judicial authorities notwithstanding.

15. **Ms. Ferreira Servín** (Paraguay) said that, under a government poverty alleviation programme that focused on both poverty and vulnerability, monetary assistance was provided to improve people's quality of life, and families that included persons with disabilities received additional funds. SENADIS provided all manner of technical aids for persons with disabilities, particularly for those with low incomes.

16. **Mr. Castillo Pérez** (Paraguay) said that, under Act No. 4720 establishing the National Secretariat for the Human Rights of Persons with Disabilities, any person who filed a complaint of discrimination on the basis of disability could, at any stage of the proceedings, ask a judge to order precautionary measures to bring about the immediate cessation of the discriminatory behaviour. The Act included provisions that actively protected persons with disabilities from discrimination and thus broke down barriers to the full enjoyment of their rights.

17. **Ms. Morra** (Paraguay) said that, in accordance with Supreme Court resolution No. 633, a committee had been established to oversee the implementation of the Brasilia Rules Regarding Access to Justice for Vulnerable People. The Supreme Court, in coordination with the Office of the United Nations High Commissioner for Human Rights, was currently drafting a human rights policy that would establish indicators of access to justice and a fair trial. It was expected that, using those indicators, by 2014 the judiciary would be able to compile detailed statistical data on persons with disabilities who received technical assistance in court.

18. Government efforts to eradicate violence against women had been decentralized and spread among four departments. Four regional women's centres were currently in operation, and two more would be opened in the near future. A hotline was available for women victims of domestic violence, and the Directorate of Women's Support Services of the Ministry for Women provided victims with comprehensive support. The Judicial Secretariat for Gender Issues worked to promote gender mainstreaming within the judiciary and had established the Justice and Gender Monitoring Centre to collect and organize data in order to determine the extent of women's access to justice. In addition, data gathered pursuant to the policy on assistance to victims of violence would be provided to national and international organizations for use in their prevention and awareness-raising campaigns. It was hoped that the text of the bill on preventing and eliminating violence against women would be approved in the coming months.

19. **Ms. Ferreira Servín** (Paraguay) said that a national treatment and prevention centre had been established to provide psychological help and legal assistance to women and their children affected by domestic violence.

20. The double discrimination faced by women with disabilities had yet to be discussed in detail at national level, but the Government intended to establish an association for women with disabilities, while SENADIS, which had only recently commenced its activities, planned to implement cross-cutting gender mainstreaming programmes as part of its mandate.

21. Concerning resource allocation for projects targeting persons with disabilities, civil society organizations must submit their project proposals for review by the relevant department, and successful organizations received a monthly lump sum. Although the process had yet to be evaluated against the objectives of the Convention, the newly established Secretariat would start to assess its compliance.

22. **Mr. Aguirre** (Paraguay) said that the Government intended to create a department for disability within the Ministry for Women and the Ministry for Children as a step towards establishing a cross-cutting approach to disability.
23. **Mr. Castillo Pérez** (Paraguay) said that disability was an exacerbating factor in poverty and that persons with disabilities who lived in poverty faced exploitation. The Government had yet to coordinate joint actions with other institutions to tackle the issue, but it was hoped that SENADIS would develop strategies, in partnership with civil society organizations, to eradicate the factors leading to exploitation.
24. **Mr. Aguirre** (Paraguay) said that there had been much debate on the inclusion in the Millennium Development Goals of additional objectives targeting persons with disabilities. However, it would perhaps be more effective to pursue efforts to achieve the agreed Goals, which were defined and measurable, before seeking to include new objectives for additional sectors of the population.
25. **Ms. Morra** (Paraguay) said that Paraguay had complied with its obligations under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to establish a national preventive mechanism, which, since its creation in 2012, had taken some initial steps in monitoring detention facilities.
26. **Ms. Ferreira Servín** (Paraguay) said that the involvement of civil society organizations in decision-making, including through SENADIS, had been wholly positive and productive, but that, unfortunately, not all organizations had been able to participate to date.
27. **Mr. Babu** emphasized the need for Paraguay to move beyond negative stereotypes and focus on a rights-based approach to disability that enabled persons with disabilities to participate actively in society.
28. **Ms. Peláez Narváez** requested additional information on the practical measures taken to ensure that complaints by women with disabilities who had been victims of violence were properly investigated.
29. **Mr. Buntan** expressed concern at the apparent lack of national accessibility standards in respect of information and communication technologies. Without such standards, Paraguay risked investing large sums in technologies that proved not to be accessible to persons with disabilities. He therefore urged the State party to develop and adopt as soon as possible national accessibility standards that were compliant with internationally recognized standards in order to prevent such a scenario from occurring. Turning to the systems in place for persons with disabilities in case of national emergency or disaster, he asked whether steps had been taken to make disaster reduction programmes more inclusive of persons with disabilities.
30. **Ms. Quan-Chang**, noting the success of the country's motorcycling accident prevention campaign, emphasized that the main focus of the Convention was, however, the protection of the rights of persons with disabilities, not the prevention of injury or disability.
31. **Mr. Ríos Espinosa** said that the provisions of national legislation allowing for deprivation of legal capacity on grounds of disability were in direct contravention of article 12 of the Convention. The State party must act to ensure that persons with disabilities could exercise their legal capacity in all areas of life, including in matters of property.

Articles 21 to 33

32. **Mr. Babu** asked what attempts Paraguay had made to address the difficulties faced by persons with disabilities suffering from HIV/AIDS; no relevant information appeared in the State party report.

33. **Mr. Kim Hyung Shik**, noting the 3 per cent increase in employment of persons with disabilities, said that further information would be appreciated on the quality of such employment, the average income, the length of contract and the efforts taken by the private sector to create employment opportunities for persons with disabilities. He also wished to know more about the country's international cooperation programmes, in particular the steps taken to provide persons with disabilities with the opportunity to make genuine contributions to the planning, implementation and monitoring of the related projects. Lastly, he asked whether international development agencies operating in Paraguay had prioritized inclusion projects for persons with disabilities.

34. **Ms. Peláez Narváez** said that, while the steps taken by the State party to support children and adolescents with disabilities were largely commendable, its plans for the introduction of grants for foster families appeared to directly contravene article 23 of the Convention by including residential establishments in the category of host families. The State party should consider removing the reference to residential establishments from the relevant bill. She would like further information on the fate of nine children who had been placed in host families pending the outcome of legal proceedings. After their cases had been decided, would those nine children be sent to residential establishments instead of remaining with their host families, in contravention of the Convention?

35. She was concerned at the lack of access to HIV/AIDS programmes for persons with disabilities, especially sex workers, and asked how the State party intended to prioritize such groups.

36. **Mr. Ríos Espinosa** enquired whether the main tourist sites in the country were accessible to persons with disabilities and whether national legislation provided for access to recreational venues such as cinemas and theatres. He requested clarification regarding the five components of the Accessible Tourism for All programme.

37. **Mr. Langvad** said that it made sense for States parties to give priority to initiatives that did not imply any additional cost, such as ensuring that persons with disabilities had the right to vote on an equal basis with others, either directly or through the use of assisted voting. It also made sense to regard international cooperation as a readily available means of obtaining knowledge, rather than to attempt to reinvent the wheel. Thus, if another State had enacted effective laws concerning the integration of persons with disabilities in society, there was no reason not to use those laws as a model. If a lack of statistics was standing in the way of realizing the goal of integration, then it was necessary to begin a process to rectify the situation. The formulation of a comprehensive plan of action to guide efforts towards inclusion would be advisable.

38. The setting up of an independent monitoring mechanism that was compliant with the Paris Principles was another initiative that did not imply any additional costs. It did, however, require the Government to give effect to article 4, paragraph 3, of the Convention, which called for it to consult closely with and actively involve persons with disabilities through their representative organizations in policies to implement the Convention. He asked what progress the Government had made in implementing article 33. Lastly, he pointed out that there was a clear link between prevention of disability and disability rights, inasmuch as preventing unnecessary impairment reduced the number of persons with disabilities.

39. **Mr. Ben Lallahom** said that enrolment in preschool education was an important step in enabling all children to prepare for school but was all the more important for children with disabilities. He suggested that efforts to develop a system of preschool education should focus on both public and private schools, and that preference should ultimately be given to inclusive education. With that in mind, he would like to receive information on measures taken by the Government to promote inclusive education since 2008. Noting that the private sector generally tended to employ more persons than the public sector, he asked what strategies the Government had adopted to facilitate the employment of persons with disabilities in the private sector and what role was played by NGOs in that regard.

40. **Ms. Mulligan** asked to what extent the Government engaged with non-State actors, such as private sector institutions, civil society organizations and universities, in giving effect to article 32 of the Convention, which concerned international cooperation. In addition, she wished to know to what extent it undertook international cooperation in its efforts to comply with article 33, which dealt with national implementation and monitoring.

41. **Ms. Quan-Chang** asked whether the voting mechanism available for blind and visually impaired persons had been developed in consultation with representative organizations of such persons. She would also like to know whether Paraguay had formulated any plans to establish an independent monitoring mechanism, given that SENADIS was not fully compliant with the Paris Principles.

42. **Mr. Buntan** asked what position Paraguay had taken with regard to the negotiations on a treaty to improve access to copyrighted works for visually impaired persons and persons with print disabilities, which were being conducted by the World Intellectual Property Organization (WIPO), and whether the Government had carried out consultations with persons who were prevented from enjoying equal access to information and knowledge under current international copyright law. He requested details on the efforts made to ensure an inclusive education system, as required under article 24 of the Convention. He asked whether there were legal provisions governing the percentage of persons with disabilities, or of representative organizations of persons with disabilities, who participated in the activities of SENADIS.

43. **The Chairperson**, speaking in her personal capacity, asked what action had been taken by the Directorate-General for Inclusive Education to smooth the transition of students with disabilities towards inclusive education. She also wished to know what percentage of persons had access to rehabilitation services, including community-based rehabilitation. She enquired what type of pension was provided as social assistance to persons who, owing to disability or extreme poverty, had not contributed to a pension scheme. Additional information would be welcome on measures taken to revoke the provisions of the Electoral Code that imposed limitations on, or prohibited voting by, judicially interdicted persons and deaf persons. She wondered whether the delegation could provide any preliminary results of the 2012 census, publication of which had been scheduled for February 2013. Lastly, she suggested that the Government should consider revising census questions that contained derogatory terminology when referring to certain persons with disabilities.

The meeting was suspended at 12.15 p.m. and resumed at 12.35 p.m.

44. **Mr. Aguirre** (Paraguay) said that the delegation would prefer to answer some of the Committee's questions in writing, especially those concerning statistics on criminal offences. He would suggest to his Government that the complaints to which Committee members' questions had referred should be properly investigated.

45. **Ms. Ferreira Servín** (Paraguay) said that a bill had been submitted to the legislature that would provide incentives to private sector employers who hired persons with

disabilities. There were various organizations that helped to place persons with disabilities in private companies and monitored their progress on the job.

46. The Ministry of Education and Culture, together with other institutions, had launched early intervention services, which provided necessary medical, psychological and social services to children between the ages of 6 months and 4 years in order to prepare them for school. A bill prepared by a group of civil society organizations and based entirely on the Convention was currently under consideration by the National Congress. If enacted, it would require the Ministry of Education and Culture to restructure many aspects of its organization and activity so as to bring them into line with the law.

47. Accessible Braille voting materials had been prepared in consultation with the representative of an organization of blind and visually impaired persons. The Government would continue to improve methods used to ensure the secrecy of ballots cast by persons with such disabilities.

48. The establishment of SENADIS would serve to strengthen international cooperation on matters related to the rights of persons with disabilities. Civil society organizations worked with and received funding from various international cooperation agencies, particularly for project development.

49. Until recently, habilitation and rehabilitation services had been concentrated in the area surrounding the capital, but with the current move towards decentralization, persons who needed them were beginning to have access to such services in their own communities, thus increasing the rehabilitated population. SENADIS was also assisting civil society organizations in establishing their own rehabilitation services.

50. **Ms. Cuevas** (Paraguay) said that, through the national programme to control HIV/AIDS and sexually transmitted diseases, known as PRONASIDA, patients with HIV/AIDS could receive free medicines, treatment and hospitalization without any discrimination. Following hospitalization, HIV/AIDS patients with disabilities were directed towards, or taken to, other institutions that could provide them with the appropriate assistance. There were very few indigenous persons infected with HIV/AIDS, but because many of them lived in remote areas, health workers were able to attend to only a small percentage. Paraguay received international cooperation for hiring skilled HIV/AIDS health workers.

51. **Ms. Morra** (Paraguay) said that she had taken note of the concerns expressed by Ms. Peláez Narváez and would ensure that complaints of violence against women with disabilities were investigated by the relevant authorities. She pointed out that Paraguay had special commissioners' offices for women, with staff trained to receive and handle such complaints, and that women could also lodge complaints directly with the public prosecution service.

52. **Mr. Aguirre** (Paraguay) said that education for pupils and students with disabilities in Paraguay was a dual system, characterized by the coexistence of inclusive and special schools. The fact that the Ministry of Education and Culture had reorganized its directorates and established a Board of Inclusive Education, and that a bill on inclusive education was pending in the National Congress, was evidence that political will was not lacking, but the reality was that Paraguay was still in the preliminary phase of its transition to an inclusive system.

53. Paraguay was a co-sponsor of the proposal for a WIPO treaty for improved access to copyrighted material for blind, visually impaired and other reading-disabled persons, and was an active participant in the negotiating process. However, it was likely that the Intellectual Property Directorate of Paraguay had not yet held consultations with civil society or other relevant government departments on that subject.

54. The delegation would reply in writing to any remaining unanswered questions.
55. **The Chairperson** recalled that there was a 24-hour time limit for providing information to the Committee in writing, since the Committee itself must soon draft concluding observations on its consideration of the initial report of Paraguay.
56. **Ms. Quan-Chang** (Country Rapporteur) thanked the delegation for its candid replies to the questions put by Committee members. She hoped that the Committee's concluding observations would help the State party to meet the many challenges it still faced in implementing the Convention.
57. **The Chairperson** said that the dialogue with the delegation had been constructive, while the information provided by civil society organizations had enabled the Committee to gain a more detailed picture of the situation of persons with disabilities in Paraguay.
58. **Mr. Aguirre** (Paraguay) said that his delegation would leave with a renewed commitment to ensuring the rights of persons with disabilities in Paraguay.

The meeting rose at 1.05 p.m.