



Convention on the Rights of Persons with Disabilities

Distr.: General
15 October 2012
English
Original: Spanish

Committee on the Rights of Persons with Disabilities

List of issues to be taken up in connection with the consideration of the initial report of Paraguay approved by the Committee at its eighth session (17–28 September 2012)

A. Purpose and general obligations (arts. 1–4)

1. Please explain what measures have been taken to reform terminology use that is not reflective of the human rights model set out in the Convention (CRPD/C/PRY/1, para. 4).
2. Please indicate whether the Government of Paraguay has initiated, through its National Congress, a process of adopting legislation harmonized with the Convention, and the approval of policies and programmes for its implementation. Please indicate whether there is any policy that obliges the Government of Paraguay to consult organizations of persons with disabilities when adopting legislation and policies that are inclusive of persons with disabilities, and in related decision-making forums. Please indicate whether the National Human Rights Plan adopted recently by Paraguay has included objectives, goals and strategies in favour of persons with disabilities as well as indicators to verify their implementation.

B. Specific rights

Equality and non-discrimination (art. 5)

3. Please report on measures planned by the State party for adopting comprehensive legislation that protects persons with disabilities from discrimination, including the denial of reasonable accommodation.
4. Please indicate what affirmative action measures have been put into practice to accelerate the attainment of the de facto equality of persons with disabilities. Please report on budgetary provisions made to implement the National Plan for Equality and Non-Discrimination and on the necessary indicators for its implementation.

Accessibility (art. 9)

5. Please provide concrete data showing the progress made at the national and municipal levels in implementing the accessibility manual since its adoption (number of public buildings rendered accessible in relation to total number of public buildings and other facilities) (CRPD/C/PRY/1, paras. 24–26). Please provide information on the

participation of organizations of persons with disabilities in developing the standards included in that legal framework.

6. Please indicate when the Government of Paraguay will begin to adapt public transport systems with a view to rendering them accessible to persons with disabilities, and what interim measures have been taken to ensure that persons with disabilities are able to travel when they need to (CRPD/C/PRY/1, para. 24). With regard to accessibility of information and communication, please indicate in which public institutions and sites consideration has been given to the points listed in paragraph 27.

7. If there are standards ensuring the accessibility of buildings, transport and information, please let the Committee have details of the mechanisms used to implement them.

Situations of risk and humanitarian emergencies (art. 11)

8. Please indicate whether there are protocols in place for the care of persons with disabilities in the event of a natural disaster or in other situations of risk or humanitarian emergencies, and whether these protocols have been developed in cooperation with organizations of persons with disabilities. Please provide information on the existence of emergency-prevention standards and evacuation route maps in public institutions, and indicate whether those evacuation routes are accessible (CRPD/C/PRY/1, paras. 30–33).

Equal recognition before the law (art. 12)

9. Please indicate the number of persons with disabilities, disaggregated by gender, who have been declared legally incapable and explain what measures have been taken to withdraw the deprivation of legal capacity from domestic legislation (CRPD/C/PRY/1, paras. 36 and 37). Please indicate whether the Government of Paraguay intends to uphold the right of all persons with disabilities to enjoy full legal capacity, eliminating guardianships or other forms of substitute decision-making for persons declared legally incapable, as provided in articles 37, 73 and 89 of the Civil Code.

10. Please indicate whether progress has been made towards compliance with article 12 of the Convention through a periodic review mechanism or safeguards, in particular by providing the necessary assistance for persons with disabilities in supported decision-making.

Access to justice (art. 13)

11. Please indicate what measures the Government of Paraguay had adopted to ensure that all persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, enjoy full access to justice. Please explain what measures the Government of Paraguay had adopted to involve persons with disabilities and their organizations in the broad programme of courses and awareness-raising activities for justice officials.

12. In the absence of legislation that officially recognizes Paraguayan sign language, please indicate whether there is any mechanism in place to ensure effective communication for persons with disabilities who are subject to judicial proceedings. Please indicate whether the Government of Paraguay has taken the necessary steps to compensate for difficulties encountered by persons with disabilities in accessing justice (mentioned in para. 127 of the State party's report).

13. Please indicate whether the Ombudsman's Office has implemented plans for the defence and protection of the rights of persons with disabilities and whether persons with disabilities have access in terms of time, formats and convenient and appropriate languages

to the protection mechanisms and measures provided by the Ombudsman's Office for the Paraguayan population.

Liberty and security of the person (art. 14)

14. Please provide information on the existence of closed institutions, public and/or private, for persons with disabilities — such as psychiatric hospitals, shelters and asylums — and the number of persons with disabilities housed in them. Please indicate whether there are criteria and protocols for authorizing institutionalization, especially of persons with intellectual and/or psychosocial disabilities. Please also indicate whether these processes and institutions are subject to periodic review by a competent authority.

15. Please indicate what measures have been adopted to implement the recommendations issued by the Subcommittee on Prevention of Torture, especially the adoption of legislation for the protection of patients of the health-care system and improvements in the infrastructure of those patients' residential centres, including the pavilion used for this purpose in Tacumbú prison; with regard in particular to patients held in Tacumbú prison, please indicate what measures have been introduced to have such persons transferred to specific rehabilitation centres. Please indicate whether there is any independent mechanism for the prevention of torture and other cruel, inhuman or degrading treatment.

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

16. Please indicate the number of complaints that have been received and relevant decisions adopted by the Ombudsman's Office and other authorities — such as the Public Prosecution Service (*Ministerio Público*) or the judiciary — concerning violence against, and exploitation or abuse of, persons with disabilities, disaggregated by age and gender (CRPD/C/PRY/1, paras. 124–128).

17. Please provide information on the steps being taken by the Government of Paraguay to ensure and protect the physical integrity of persons with disabilities. Please also indicate whether there are any programmes or policies that ensure the protection of persons with disabilities against sexual violence, trafficking and sexual exploitation.

18. Please indicate the number of persons practising mendicancy in the urban and rural areas of Paraguay and what investigations have been undertaken to verify whether any organized crime networks are exploiting their situation.

19. In 2011, the Committee against Torture expressed concern that corporal punishment in the home was not prohibited in Paraguay and recommended that it be explicitly prohibited in all settings, including the home (CAT/C/PRY/CO/4-6, para. 26). Please indicate what steps have been taken to act on this recommendation and to protect boys and girls with disabilities from this form of violence and abuse.

Liberty of movement and nationality (art. 18)

20. Please indicate what measures the Government of Paraguay has undertaken to ensure that all persons with disabilities hold identity cards, in line with the recommendations of the Committee and the Rights of the Child. Please indicate whether the legal provisions of Act No. 978/96, which contain discriminatory impediments to the entry of foreigners with “physical or mental defects, whether congenital or acquired”, have been amended or repealed, in accordance with article 18 of the Convention on the Rights of Persons with Disabilities (CRPD/C/PRY/1, para. 133).

Right to live independently and be included in the community (art. 19)

21. Please indicate whether local authorities have made progress in providing inclusive community services, what programmes have been implemented and how persons with disabilities have been involved. Please indicate whether plans have made to deinstitutionalize persons with disabilities who are currently housed in psychiatric hospitals and shelters, and to reintegrate them into the community; please indicate whether these plans make provision for the creation and improvement of community mental health services.

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

22. Please indicate whether the Government of Paraguay has made progress with legislation in favour of full access to information, and give details of the current status of the bill for the recognition and officialization of the Paraguayan sign language.

Education (art. 24)

23. Please provide data on the percentage of boys and girls with disabilities currently receiving some form of education, whether special or inclusive, disaggregated by gender and disability and ethnic group. Please indicate what steps have been taken to ensure that all boys and girls with disabilities are able to receive ethnically, linguistically and culturally adequate education within inclusive education models.

Health (art. 25)

24. Please indicate whether health-care services in general, and specialist services disaggregated by genders and disabilities in particular, are accessible to persons with disabilities. In particular, please indicate the ethnic and linguistic appropriateness of community health services. Please provide information on measures taken to ensure that sexual and reproductive health services are accessible to persons with disabilities, especially women and girls with disabilities.

Habilitation and rehabilitation (art. 26)

25. Please indicate whether organizations of persons with disabilities are systematically engaged in consultations regarding rehabilitation rooms at the national level and rehabilitation services. Please explain whether community-based rehabilitation is practised in Paraguay and whether it is available in Guarani. Please indicate what measures have been adopted to ensure that the necessary equipment, mobility aids and personal mobility supports are available to persons with disabilities.

Work and employment (art. 27)

26. Please indicate the number of persons with disabilities, disaggregated by gender, who are currently engaged in some form of work, whether as employees or in an income-generating activity. Please provide information on measures adopted by the Government of Paraguay to enhance compliance with Act No. 2479/04 and Act No. 3585/08 in the public sector, and on progress made regarding the employment of persons with disabilities in private enterprises (CRPD/C/PRY/1, para. 177).

27. Please provide information on the steps taken by the Government of Paraguay to penalize discrimination against persons with disabilities in the field of employment. Please also indicate what action has been taken to ensure that persons with disabilities enjoy reasonable accommodation and can apply for jobs that match their training and skills, on an equal basis with others.

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

28. Please indicate whether persons with disabilities have been included in poverty-reduction strategies and whether there are social assistance programmes in place for those who are homeless or living in poverty or extreme poverty. Please also indicate whether financial subsidies, exemptions or incentives are provided to offset the additional costs incurred by individuals and families on account of disability. Please indicate whether land access policies cover persons with disabilities and what criteria are applied.

Participation in political and public life (art. 29)

29. Please indicate whether steps have been taken to amend or repeal Act No. 834 (Electoral Code of Paraguay), which restricts the right of deaf persons to vote (CRPD/C/PRY/1, para. 189). Please also explain whether progress has been achieved with measures to ensure that persons with intellectual and/or psychosocial disabilities are able to fully exercise their right to vote and participate in political life (para. 38). Please describe the steps taken to ensure and guarantee that persons with disabilities can exercise their right to participate in secret and universal ballots and to vote with the assistance of a person of their choice, as required. Please indicate the number of persons with disabilities who are able to exercise their right to vote.

30. The Committee is concerned whether all persons with disabilities have the right to vote on an equal basis with other persons. It therefore requests the State party to explain why it does not allow all persons with disabilities equal access to the electoral process. In addition, please indicate the number of persons with disabilities who hold public office.

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

31. Please provide information on the degree of accessibility of centres and facilities that host sporting, cultural and leisure activities, and indicate whether there are plans to accommodate currently inaccessible sites.

32. Please indicate whether Paraguay has institutional systems in place to promote recreational or competitive sport for persons with disabilities in schools.

Statistics and data collection (art. 31)

33. Please explain how persons with disabilities were included in the 2012 National Census of Population and Housing; please report on the results of that census and whether these reflect the estimates of specialized international organizations. Please indicate whether there are any registers of persons with disabilities other than the register already available established on the basis of Paraguay's last three population censuses. Please indicate the number of persons with disabilities in public service and under what criteria they qualify for inclusion in the labour market.

34. Please describe how the Government calculates the number of persons with disabilities who are present in the labour market, what criteria are used and whether these are based on the social model of disability, on medical criteria or on the existence of disability certificates.

National implementation and monitoring (art. 33)

35. Please explain whether the National Institute for the Protection of Exceptional Persons (INPRO) has a mandate to coordinate implementation of the Convention in Paraguay; please indicate its competency in that regard and clarify whether focal points for implementation of the Convention exist in other ministries. Please provide further information on the establishment of the Coordination Centre of the Human Rights

Secretariat and when it will become effective. Please indicate to what extent the organizations of persons with disabilities are consulted and at what level they participate.

36. Please provide information on the entities or mechanisms that the Government plans to establish to monitor the Convention in Paraguay and indicate whether these mechanisms comply with the Paris Principles.

37. In the light of the guidelines on the treaty-specific document to be submitted by State parties to the Convention (CRPD/C/2/3), please indicate what measures have been adopted to guarantee respect for and the protection and implementation of the rights of persons with disabilities, established in article 17 (Protecting the integrity of the person), article 20 (Personal mobility), article 22 (Respect for privacy) and article 23 (Respect for home and the family).

C. Women and children with disabilities (arts. 6 and 7)

Women with disabilities (art. 6)

38. Please explain and describe whether women with disabilities have been included in the programmes and planning processes of the Secretariat for Women and the third National Plan for Equal Opportunities (CRPD/C/PRY/1, paras. 197 and 198). Please indicate whether multidimensional discrimination against women and girls with disabilities has been recognized in legislation and in public policies. Please indicate what measures have been adopted to prevent and punish the forced sterilization of men, women and girls with disabilities.

Children with disabilities (art. 7)

39. Please indicate what steps the Government has taken to develop the activities described in the National Programme of Comprehensive Care for Children and Adolescents with Disabilities (CRPD/C/PRY/1, para. 204).
