



Convention on the Rights of Persons with Disabilities

Distr.: General
11 October 2011

Original: English

Committee on the Rights of Persons with Disabilities Sixth session

Summary record (partial)* of the 4th meeting

Held at the Palais des Nations, Geneva, on Tuesday, 20 September 2011, at 3 p.m.

Chairperson: Mr. McCallum

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

This record is subject to correction.

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The meeting was called to order at 3.10 p.m.

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

Initial report of Spain (continued) (CRPD/C/ESP/1; CRPD/C/ESP/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Spain took places at the Committee table.*
2. **Ms. Cisternas Reyes** asked under what circumstances guardians could withdraw life-sustaining tube feeding from persons in their care. She wished to know why the period during which abortions were allowed was longer in the case of foetuses with malformations. She wondered whether there was independent monitoring of guardianship arrangements and what safeguards were in place to prevent conflicts of interest. She enquired if there were any plans to lift the restrictions set out in the Criminal Code on the participation of persons with disabilities as witnesses in court hearings and on the institution of criminal proceedings by persons declared legally incapacitated. She wondered whether there was sufficient knowledge within the Autonomous Communities of the arbitration system established to handle complaints of discrimination against persons with disabilities. Lastly, she wished to know the reason for the 26.7 per cent increase in admissions to inpatient treatment centres in 2010.
3. **Mr. Tatić**, noting with satisfaction the accessibility plan for Government buildings, asked whether there were similar plans within the Autonomous Communities and what mechanisms were in place to monitor implementation of accessibility standards. He enquired whether the subject of universal design and accessibility was included in curricula for architecture and engineering students. He welcomed the inclusion of independent living as a guiding principle in the Act on equality of opportunity, non-discrimination and universal accessibility for persons with disabilities; further data on the number of personal assistants available in Spain and the number of persons using their services would be helpful.
4. **Mr. Ríos Espinosa** asked whether reasonable accommodation was made in the provision of free legal assistance to persons with disabilities. He pointed out that the detention of persons because of “psychiatric crises” was incompatible with article 14 of the Convention and asked whether the Government intended to change that practice. Noting that prisoners with disabilities were transferred to establishments with facilities that could accommodate their needs, he enquired whether those establishments were near prisoners’ places of residence so that their families could visit them.
5. **Ms. Hadj-Salah** asked what mechanisms had been established to allow women and children with disabilities who had been mistreated to lodge complaints. She wished to know under what circumstances the decision might be taken to sterilize a woman with a disability and whether the woman’s consent was required.
6. **Ms. Al-Suwaidi**, referring to the 10 billion euros allocated over the past four years to programmes to implement Act No. 39/2006 of 14 December 2006 on the promotion of personal autonomy and care of persons in situations of dependency, asked whether the Government was still committed to all those programmes in the light of the current economic crisis.
7. **Mr. Martínez-Lage Sobredo** (Spain), replying to a question posed earlier on the legal framework for forced confinement, said that article 763 of the Civil Procedure Act had been declared unconstitutional by the Constitutional Court on purely procedural, not substantive, grounds. The Court had decided that, as the article on confinement affected fundamental rights, it should form part of an organization act requiring approval by an

absolute majority in the parliament, rather than an ordinary act. The guidelines contained in the Convention, which had entered into force after the court decision, could be taken into account when the new act was adopted. Until that procedure was completed, article 763 would remain in force in its current form. Under the article, forced confinement applied only to persons with mental illness, not to all persons with disabilities. Court authorization was normally required prior to confinement; only in emergencies could court authorization be granted afterwards, in which case it should be considered as validation rather than authorization.

8. **Mr. Blázquez** (Spain) said that equality of treatment for all persons with mental illness was a guiding principle of the national strategy for mental health services adopted in 2007. The strategy established protocols that met strict European Union standards and were based on the principles of individualized care, use of the least restriction possible, and respect for and dignity of service recipients.

9. **Mr. Rojas Juárez** (Spain) said it was inconceivable that the treatment described earlier by Mr. Gombos could have been used in the two psychiatric prison hospitals in Spain. Physical immobilization of inmates was authorized only on doctor's orders, and the prison inspection judge must be notified immediately. In 2010, a staff member had been dismissed for slapping an inmate.

10. **Ms. Peña Roldán** (Spain) said that the Permanent Specialized Office of the National Council on Disability was not a judicial body. It received complaints of discrimination from persons with disabilities and their families and, on that basis, prepared an annual report as well as recommendations on steps to be taken by various ministries. It also conducted yearly follow-up on the implementation of those recommendations.

11. **Mr. Ganzenmüller** (Spain) said that no data were available on the number of guardianship measures ordered by the courts. The Attorney-General's Office, the Spanish Committee of Representatives of Persons with Disabilities (CERMI) and the ONCE Foundation had raised with the General Council of the Judiciary the need for more expansive legal statistics on issues affecting persons with disabilities.

12. **Mr. Alejandro** (Spain) said that Europe 2020 was a growth strategy established by the European Union to benefit all citizens and did not target persons with disabilities in particular. In response to recommendations by the World Health Organization and the World Bank, the Spanish Ministry of Health, Social Policy and Equality had developed a strategy on disability for the period 2012–2020 that included a series of practical measures to guarantee the rights of persons with disabilities. The cross-cutting strategy had been drafted with input from CERMI and various associations for persons with disabilities. His Government would of course ensure that persons with disabilities were involved to the fullest extent possible in the realization of the objectives set under Europe 2020.

13. According to a report presented by a private Spanish company to the European Commission, Spain ranked among the top three countries with regard to access to technology. The National Centre for Accessibility Technologies (CENTAC), a joint effort between the Government and private telecommunications companies, was working to develop assistive technologies and make them available at low cost.

14. The Autonomous Communities were required to comply with national legislation on accessibility. At the same time, they all subscribed to an action plan under which they co-financed accessibility programmes. The Building Code set out standards on universal design for construction projects in Spain.

15. **Ms. Martínez Lozano** (Spain), referring to the monitoring mechanisms in place to ensure compliance with the Convention, said that the Office of the Ombudsman was the foremost human rights institution conducting monitoring. In addition, in a decree adopted

the previous week, CERMI had been designated as an independent mechanism to monitor the promotion and protection of the rights set out in the Convention. Furthermore, an inter-ministerial commission ensured compliance with the strategies in place for persons with disabilities.

16. Article 12 of the Convention, on equal recognition before the law, was the most complicated to implement. Like all States parties, Spain was attempting to interpret it in a manner that was consistent with the country's legal framework. In August 2011, a law had been passed stipulating that within one year a bill would be adopted setting out the scope and interpretation of article 12.

17. **Mr. Ganzenmüller** (Spain) said that implementation of article 12 would affect not only matters of procedure, but also the substance of the Civil Code itself. The Autonomous Community of Cataluña had enacted the first law in the country interpreting the Civil Code in the light of the Convention, while the Royal Disability Foundation had drafted a document outlining the amendments needed to bring Spanish laws into line with the Convention.

18. In response to the question on withdrawing life-sustaining tube feeding, he said that health laws in Spain embodied the principle of free will and made provision for patients to give advance directives concerning their care. Further information was contained in section 1.4 of the replies to the list of issues (CRPD/C/ESP/Q/1/Add.1). The principle of free will was also reflected in the Civil Code, under which an individual might specify before a lawyer or court the form of guardianship he or she wished to have put in place in case of future incapacitation.

19. Guardians were required to provide for the rehabilitation of the person in their care and to apply for the decision on legal incapacitation to be revoked if the person's situation changed. Such an application could also be filed by the ward, by other legally authorized persons or even by the Public Prosecution Service. In the case of a conflict of interest, the guardian must relinquish his or her role immediately. Such cases usually involved the personal assets of the incapacitated person in situations where the guardian was a family member. There was annual monitoring of guardianship arrangements. In addition, the judge concerned or the Public Prosecution Service could require supplementary information from a guardian at any time to ensure that guardianship was being exercised in accordance with the relevant court decision.

20. **Ms. Peña Roldán** (Spain), replying to a question on accessibility of transport, said that, from 2005 to 2009, the Permanent Specialized Office had received a number of complaints from persons with disabilities who had encountered difficulties when boarding or disembarking from an aircraft. However, a regulation had entered into force in 2008 making it illegal to refuse boarding to persons with disabilities, and the problem was now virtually non-existent.

21. **Ms. Martínez Lozano** (Spain) said she agreed that priority should be given to providing better protection for women and girls with disabilities and guaranteeing their sexual and reproductive rights. Organization Act No. 2/2010 specifically prohibited discrimination against persons with disabilities in the provision of sexual and reproductive health and education services. It also stated that public health service providers must take into account the accessibility requirements of pregnant women and their partners in the provision of care before, during and after childbirth. Similar accommodations must also be made when providing sexual and reproductive education.

22. Forced sterilization was a criminal offence in Spain. There was, however, an exception in the Criminal Code, accompanied by all the appropriate legal safeguards, for persons suffering from severe mental impairments. The review of the interpretation of article 12 currently under way was likely to affect that situation. Organization Act No.

2/2010 also governed abortion, which was allowed for pregnancies of up to 22 weeks in cases in which the health of the mother or the foetus was at risk.

23. **Mr. Palacios Blanco** (Spain) said that access to education was guaranteed for all children in Spain. Children with disabilities were generally educated in regular schools, and when that was not possible they were placed in special schools or special classes within regular schools. Whereas in 1985 all children with disabilities had attended special schools, currently 68 per cent attended regular schools, while 22 per cent attended special schools or classes. The latter were children with severe disabilities that posed a significant challenge to their integration in regular classrooms. Nonetheless, the Ministry of Education, CERMI and education representatives from the Autonomous Communities had developed an inclusion plan to integrate as many of those children as possible.

24. **Ms. Mendoza** (Spain) said that the Spanish International Cooperation Agency had agreements and projects under way in partnership with various NGOs in fields such as education, awareness-raising and integration. That cooperation was conducted in many different countries in Asia, the Middle East, Eastern Europe, Africa and Latin America. From 2006 to 2010, Spain had invested 34 million euros in 74 development projects and had signed eight cooperation agreements.

25. **Ms. Martínez Lozano** (Spain) said that 814 individuals currently benefited from the services of a personal assistant, as provided for in Act No. 39/2006. Similar services were provided by NGOs such as the ONCE Foundation, often with the help of Government subsidies. In 2010, a total of 340 penalties had been imposed on companies that had not complied with the requirement that persons with disabilities should make up at least 2 per cent of their workforce; 148 penalties had thus far been imposed in 2011.

26. **Mr. Blázquez** (Spain) said that free legal assistance was guaranteed by law for individuals with low incomes, associations serving the public interest and vulnerable groups including persons with disabilities, who were expressly referred to in the relevant legislation. In response to the concerns raised by Mr. Ríos Espinosa, he said that individuals were not detained because of mental illness in Spain and that doing so would constitute an offence, since only persons charged with a crime could be detained under Spanish law.

27. **Mr. Martín** (Spain) said that his Government was working to establish an electronic procedure for the arbitration of complaints of discrimination on grounds of disability, but that, since arbitration required the agreement of all parties, there were very few cases so far in which it had been used.

28. **Ms. Martínez Lozano** (Spain) said that the Gypsy Development Plan included measures to combat double discrimination and called for an objective study to be conducted on the situation of Gypsy children with disabilities. The statistics gathered by her Government were not disaggregated by ethnicity, as that would be discriminatory. Positive measures were taken, however, to ensure equality of opportunity for Gypsy children.

29. Protocols were in place to provide comprehensive assistance to women and girls with disabilities who had been mistreated, including assistance with lodging a complaint, legal aid and follow-up. All women living in situations of violence, regardless of their economic or social status, received Government assistance, including financial assistance, to help them overcome the situation.

30. While the Government was trying to curb public spending, social cohesion was a priority and therefore no cuts had been made to the 10 billion euros earmarked for implementation of Act No. 39/2006. In addition to that amount, the Government provided funds to persons with disabilities through the payment of social benefits and had paid almost 60 million euros to subsidize NGO programmes and more than 1 billion euros to ensure the employment of persons with disabilities.

31. **The Chairperson**, speaking in his personal capacity, said that he would like to know more about programmes to increase levels of employment among persons with disabilities. According to information provided by the Organization for Economic Cooperation and Development, Spain had a long way to go in that regard.

32. **Mr. Kim Hyung Shik** asked how the State party intended to monitor the effectiveness of the Third Plan of Action for Persons with Disabilities 2009–2012 in addressing the issues referred to in articles 15, 16 and 17 of the Convention. Turning to article 19, he enquired what steps had been taken to encourage persons with disabilities to live independently, outside institutions, given that the report by CERMI was very critical of the State party's heavy reliance on institutional care.

33. According to a number of sources, the right of persons with disabilities to education was still not well established in the State party. Looking at the statistics provided by the State party on the employment status of persons with disabilities, one might well wonder whether such persons were happy with their jobs and wages, since they seemed to change jobs quite often. He wished to know whether there were any plans to upgrade the occupational skills of persons with disabilities so that they would stay in the same job for longer.

34. Although the delegation had stated that the Government was committed to maintaining social spending, it had also referred to a scarcity of resources. He would like more information about the nature of the resource problem and how it affected the implementation of the Convention.

35. Regarding international cooperation, he enquired how the Government ensured that its development efforts, including towards the achievement of the Millennium Development Goals, incorporated a disability perspective. Lastly, he asked how the Government took account of persons with disabilities in implementing the provisions of the other human rights treaties to which Spain was a party.

36. **Mr. Langvad** expressed concern about the comment made by the Ombudsman, during a meeting held with the Committee, that if persons with disabilities wanted to move from one area of the country to another, they could wait up to two years before receiving the necessary support services for independent living in their new place of residence. That would certainly limit the mobility of persons with disabilities who were dependent on support services.

37. The effectiveness of Regulation (EC) No. 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air was open to question: it was well known that persons with disabilities could book a flight to the same destination in Spain, on the same day, and be denied access with their assistive devices by one airline yet accepted by another. The States members of the European Union, including Spain, must address the fact that the Regulation was not sufficient to prevent persons with disabilities from being denied free mobility when travelling by air.

38. Concerning article 24, he asked whether there were children who did not attend school on account of their disabilities. In relation to article 27, he said he considered that the quota system used to guarantee the employment of persons with disabilities was incompatible with the Convention: it adopted a medical approach to the issue, focusing on the impairments of job seekers instead of the barriers they faced in the employment sector. The matter warranted further reflection. Moreover, according to his understanding of the European Union directive on public procurement, it allowed member States considerable flexibility in their efforts to increase access to the labour market for persons with disabilities, yet the delegation's earlier reply had seemed to indicate the contrary.

39. Lastly, he wondered what the purpose was of withdrawing the right to vote from persons with disabilities. Was it to protect such persons or to protect society from them? In his view, there was no justifiable reason for withdrawing the right to vote. A vote could not be controlled, but that was the very essence of secret ballots and voting.

40. **Mr. Gombos** asked for further information on the judicial procedures for depriving persons with disabilities of their right to vote. He also enquired about the objective criteria used to establish whether such persons had the capacity to vote. According to the written replies to the list of issues, the right to vote was withdrawn in exceptional cases only. However, he recalled a recent high-profile case in which a woman with an intellectual disability had had her right to vote restored by the courts, suggesting that what was exceptional was not the withdrawal of the right to vote, but the restoration of that right. He asked whether the delegation could prove, with relevant data or indicators, that that was not the case. He shared Mr. Langvad's view that there was no justifiable reason for withdrawing the right to vote.

41. **Ms. Cisternas Reyes** asked whether essential drugs were provided free of charge or at low cost to persons with disabilities, in particular those with psychosocial disabilities, and how the HIV/AIDS campaigns were made accessible to persons with disabilities. She also wished to know whether there were any data, disaggregated by type of disability, on persons who benefited from rehabilitation and how community-based rehabilitation programmes were being strengthened, including in rural areas. Lastly, she enquired about progress made in making voting procedures accessible to persons with disabilities, in accordance with Royal Decree No. 1612/2007.

42. **Ms. Quan-Chang** asked what was being done to ensure access by persons with disabilities to literary and scientific materials for the purposes of education, culture and leisure. For example, were such materials made available in Braille and audio files? Similarly, how was access to public entertainment and cultural events guaranteed for persons with disabilities?

43. With regard to article 31, she stressed the importance of collecting data on persons with disabilities that took account of factors having a significant impact on their lives, such as poverty, ill-treatment or violence, particularly for persons in institutional care.

44. In connection with article 33, paragraph 2, she commended the State party on the designation of a body such as CERMI, whose members were persons with disabilities, to undertake independent monitoring of the Convention. Both CERMI and the Office of the Ombudsman should be allocated the necessary resources to remain independent and discharge their duties properly.

45. **Mr. Ríos Espinosa** said it was his understanding that confinement was a form of detention, as defined by the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

46. With regard to article 19, he asked whether it was true that the State party restricted the provision of personal assistance and care to persons with disabilities classified as level 3 and to the employment and education sectors. If so, were there any plans to expand the provision of such services in the near future?

47. Lastly, clarifying his earlier question on reasonable accommodation under article 14, he enquired whether it was also possible for persons with disabilities to serve their prison sentences at home.

48. **Mr. Pérez Menayo** (Spain) said that when dealing with issues concerning persons with disabilities, it was important to have statistics that reflected their real situation as accurately as possible. In December 2010, statistics had been compiled on the employment of persons with disabilities drawing on a number of sources, including the survey of the

working population of Spain, the State database of persons with disabilities and the database of the Institute for the Elderly and Social Services. Those statistics gave a very accurate picture of the situation of persons with disabilities, since they combined sociodemographic and employment information from the employment survey with data on persons certified as having a disability level of 33 per cent or above. The figures had been compiled as part of a pilot project that would be continued and improved on in the future.

49. Mention had been made at an earlier meeting of a comprehensive strategy for the employment of persons with disabilities. Implementation of the strategy would not be completed until 2012. The strategy was a priority of the Government, which, together with employers' associations, trade unions and associations for persons with disabilities, had devised appropriate action plans whose outcomes were being monitored.

50. The purpose of the strategy was to improve social conditions for persons with disabilities by ensuring them decent employment, one of the key factors for independent living being regular employment in conditions that were safe and that allowed employees to reconcile work and personal needs. The strategy had been necessary, inter alia, in order to reform employment legislation so that it took better account of the needs of persons with disabilities and to establish new methods for assessing progress in that area; to ensure consistency and rationality in employment policies for persons with disabilities; and to raise public awareness of the related issues. The fundamental objectives of the strategy were to increase sheltered employment and to improve the quality and conditions of employment for persons with disabilities in general. Further information on the Special Employment Centres mentioned in the report could be provided, if necessary.

51. **Ms. Jaraba** (Spain) said that the basic thrust of employment policies was to increase the quality and quantity of jobs available. Currently, efforts were focused on ensuring that policies and practical measures kept pace with the changing realities of persons with disabilities. Moreover, changes were needed to the system of benefits and subsidies paid in order to bring it into line with the provisions of the Convention. Despite the current economic crisis, some definite progress had been made in the employment of persons with disabilities, encouraging the Government to pursue its efforts.

52. **Ms. Martínez Lozano** (Spain) said that the principle of independent living laid down in the Convention was an objective not only of the Government, but also of every organization working with persons with disabilities, and that it informed all public policies on disability. Services provided under Act No. 39/2006 included teleassistance, home help and personal assistance. The latter was the service in greatest demand. Although expensive and funded by the State, it must be promoted in order to respect the wish of persons with disabilities to live in their own homes. Another initiative worthy of note was the earmarking of a portion of social housing for rental or purchase by persons with disabilities.

53. Stressing the importance of inclusive education, she said that efforts must be pursued to ensure the availability of such education by providing the necessary resources and teacher training.

54. Concerning the comments made by the Ombudsman, she pointed out that the Autonomous Communities and regional governments were responsible for the application of some social policies and measures, such as those relating to personal autonomy, which could explain the differing implementation rates. The central Government, however, had established cooperation and monitoring mechanisms to ensure that such differences did not result in any violations of the rights of the individuals concerned, wherever they lived.

55. Referring to Mr. Langvad's comments on accessibility issues, she said that while some progress had been made, much remained to be done to implement the relevant instruments and to help persons with disabilities overcome the barriers they encountered in their daily lives. She agreed that there were matters that could be resolved only at the

European Union level, and that the European Union was not doing enough to promote the concept of “reasonable accommodation”. Her Government had always supported Council directives on equal treatment, and would continue to propose and support European Union initiatives aimed at advancing rights and combating discrimination.

56. A forum for socially responsible public procurement had recently been established in Spain, chaired by the president of Microsoft Spain and comprising representatives from the business and social welfare sectors. Its purpose was to encourage employers in the private and public sectors to adapt their procedures in order to promote the recruitment and employment of persons with disabilities. Although some progress had been made in that area, greater efforts would be required in the coming years.

57. The right to vote was one of the most important human rights. She shared the view expressed by Committee members that the right should not be restricted and that the necessary assistance should be provided so that all individuals, regardless of their social or personal circumstances, could exercise it.

58. Royal Decree No. 1612/2007 had introduced greater flexibility in voting and electoral procedures. Positive outcomes of the Decree included greater accessibility of polling stations; guidelines for polling officers on ensuring the participation of all persons with disabilities; ballot papers in accessible formats, including Braille, for persons who were blind or severely visually impaired; respect for the right to privacy of persons with disabilities when casting their vote; and assistance from sign-language interpreters to enable persons who were deaf or hearing impaired to be polling officers. All relevant services and assistance were provided free of charge by the local authorities.

59. **Mr. Alejandro** (Spain) said that the right to vote could not be withdrawn from persons with disabilities without a court decision specifically to that effect. Withdrawal was indeed the exception, not the rule, and, in the light of recent jurisprudence, had become even more difficult.

60. As far as participation in the electoral process was concerned, there was no discrimination against persons with disabilities. They could, for example, serve as polling officers or tellers. Their participation was governed by the same conditions as that of other citizens, including the stipulation that the presidents of electoral commissions must meet certain educational requirements. It should be noted that a report issued by the European Union Agency for Fundamental Rights in 2010 mentioned Spain among the countries that guaranteed persons with disabilities full participation in the electoral process.

61. **Mr. Ganzenmüller** (Spain) said that Spanish legislation governing withdrawal of the right to vote must be brought into line with the Convention. Under the current legislation, judges and courts were obliged, on handing down a judgement of legal incapacity, to inform the Central Electoral Board that the judgement entailed deprivation of the right to vote. Since that provision was incompatible with the Convention, in 2010 the Attorney-General’s Office had issued instructions stating that such judgements should no longer result in deprivation of the right to vote unless a specific request was made to that effect, and that it was for the competent judge or court to decide on the merits of each request. All prosecutors were obliged to abide by those instructions, which were included in the handbook of good practice. In the event that a judge acted contrary to the instructions and failed to comply with the Convention, the prosecutors must refer the matter to a higher court.

62. **Ms. Martínez Lozano** (Spain) said that considerable work remained to be done on harmonizing legislation with the Convention, for which the advice and recommendations of the Committee and other State parties would be helpful.

63. In response to Ms. Quan-Chang's question on ensuring access to materials for educational, cultural and leisure purposes, she said that significant progress had been made recently under the "Culture for all" strategy.

64. **Mr. Alejandro** (Spain) said that the purpose of the "Culture for all" strategy was to guarantee access to all facets of culture for all persons with disabilities, whether as spectators and consumers or performers and artists. As far as scientific and literary materials were concerned, a deadline had been established by which all libraries must hold 10 per cent of their stocks in easily readable formats and in Braille.

65. Other noteworthy developments under the strategy included a programme to make theatre accessible to persons who were deaf or hearing impaired, implemented in cooperation with the Spanish Subtitling and Audio Description Centre (CESyA), and various other projects to ensure not only physical, but also sensory accessibility of museums, for example through audio guides. A copy of the strategy could be made available to the Committee and would be found useful by other States parties too.

66. **Ms. Martínez Lozano** (Spain) said that under current legislation governing public information, all information campaigns carried out by the Government, including on HIV/AIDs, must be made accessible to the whole population. Concerning the availability of drugs and health services in general, she said that the National Health System guaranteed universal, free access to a catalogue of common services, which were funded by revenue from income tax. There was no discrimination, and access to services was never denied. In addition, there was a catalogue of common orthoprosthetic services specifically for persons with disabilities.

67. **Ms. Jaraba** (Spain) said that the National Health System did not make any differentiation in the services it provided on grounds of disability. Medical and pharmaceutical treatments and services were provided on the basis of need and under the same financial conditions for all: free of charge for persons in receipt of certain benefits and against a contribution for persons in employment, according to their age and income. The catalogue of common orthoprosthetic services was regularly updated to keep pace with technological developments; for example, cochlear implants had recently been included.

68. **Mr. Rojas Juárez** (Spain) said that two factors were taken into account when deciding where persons with disabilities should serve their prison sentence: physical accessibility, the most suitable institution being chosen; and degree of disability, persons with level 3 disability being allowed to serve their sentence in social integration centres under a semi-open regime. In all cases, due account was taken of the place of residence of prisoners' families.

69. **Ms. Martínez Lozano** (Spain) said that personal assistance was provided for by law and was offered to all persons in situations of dependency, irrespective of their level of disability.

70. **Ms. Mendoza** (Spain) said that her Government did indeed take account of the rights of persons with disabilities in its efforts to comply with the Millennium Development Goals. The Spanish International Cooperation Agency was responsible for the implementation of the relevant international cooperation programmes. As for legislation, Act No. 23/98 on international cooperation was one of 20 enactments amended to ensure compatibility with the Convention. Specifically, a provision had been inserted in the Act requiring all international cooperation instruments to embody the principles of non-discrimination and universal accessibility. Furthermore, a new paragraph referring specifically to persons with disabilities had been added to the Master Plan of Spanish Cooperation 2009–2012, the key instrument on the basis of which international cooperation programmes were devised. The aim was to mainstream vulnerable groups into all international cooperation activities in connection with the Goals.

71. Discussions were taking place in the Ministry of Foreign Affairs and other ministries on the best way to guarantee the inclusion of persons with disabilities in international cooperation. Other noteworthy developments included an agreement to be concluded shortly with CERMI on how to improve the current situation, and a series of seminars and workshops organized jointly by the Ministry of International Cooperation and the Ministry of Health, CERMI and the International Disability Alliance.

72. **Mr. Alejandro** (Spain) said that under Royal Decree No. 1393/2007 of 29 October 2007 establishing official university syllabuses, it was mandatory to include the principles of universal accessibility and universal design in the curricula for certain professional training courses. The National Council on Disability had collected information on the many Spanish universities that included those principles in the curricula for degree courses covering such disciplines as sustainable urban mobility, architecture and software engineering. Such information could be made available to the Committee, if necessary.

73. The Third Plan of Action for Persons with Disabilities 2009–2012 was jointly funded by the central Government and the Autonomous Communities; there were various follow-up commissions to monitor its effectiveness.

74. Concerning the quota system, he said that positive discrimination measures in the employment and other sectors were useful for a given period of time, but not indefinitely. The Government considered that such measures were still necessary to guarantee the inclusion in employment of persons with disabilities. Progress was being made, however, in relevant procedures and policies towards shifting the focus from the disabilities of persons seeking employment to their skills. Work was under way on a royal decree that would require greater cooperation between staff responsible for assessing levels of disability and staff of employment bureaux, the aim being to ensure that persons seeking employment were offered jobs according to their skills, not their level of disability. It was hoped that the need for quotas would gradually disappear, as persons with disabilities became fully integrated in the job market.

75. **Ms. Martínez Lozano** (Spain), welcoming Ms. Quan-Chang's comments on the role played by CERMI in monitoring the Convention, said it was a model that other States might wish to follow. As the body representing the interests of persons with disabilities and their families, CERMI was indeed best placed to conduct effective monitoring of public policies on disability, in cooperation with the Ombudsman, and together they had been proactive in devising new proposals and measures.

76. **The Chairperson** thanked the expert and high-level delegation for the comprehensive and detailed replies provided. The Committee and the State party had the same aims: to improve the lives of persons with disabilities. Both were striving to do their best, and he hoped that the constructive dialogue had proved mutually beneficial.

The discussion covered in the summary record ended at 5.25 p.m.