



## Convention on the Rights of Persons with Disabilities

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### Committee on the Rights of Persons with Disabilities

#### List of issues in relation to the initial report of Costa Rica, adopted by the Committee at its tenth session (2–13 September 2013)

##### Purpose (art. 1)

1. Please indicate the terminology used in legislation, policies and other regulations in force in the State party when referring to persons with disabilities. Please also state whether any steps have been taken to eliminate the use, in domestic legislation, of terms such as “impedido” (handicapped), “insano” (insane), “enfermo” (infirm) and “desvalido” (destitute).
2. Please indicate how disability is assessed for purposes of medical, social, financial or other assistance, and whether these criteria are consistent with the Convention (para. 40).\*

##### General obligations of the State (art. 4)

3. Please provide details of the way in which the concepts of “reasonable accommodation”, “universal design” and “communication” have been incorporated into national law and public policies. Please specify how the concept of “reasonable accommodation” is applied to education, work and other areas.
4. Please provide information on the steps taken by the State party to harmonize legislation, in particular the Act on Equal Opportunities for Persons with Disabilities (Act No. 7600) of 1996 and its regulations, with the provisions of the Convention (paras. 20 and 235).
5. Please provide information on the process of adoption of the National Disability Policy 2011–2021 (PONADIS) and its substantive content, and indicate whether, in drafting it, national consultations were held with disabled persons’ organizations. Please also provide detailed, up-to-date information about PONADIS (paras. 140 and 142). Please indicate how this policy incorporates the human rights model established in the Convention. Please also indicate how the subject of disability is incorporated in the National Strategic Health Plan 2010–2015 (para. 35).

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\* Paragraph numbers in brackets refer to the initial report of the State party, published under symbol CRPD/C/CRI/1.

6. Please explain the mechanisms used to consult disabled persons' organizations when adopting legislation and policies, and in other decision-making processes.

### **Equality and non-discrimination (art. 5)**

7. Please indicate whether discrimination on grounds of disability has been defined in any current legislation aimed at preventing or eliminating such discrimination, and whether that legislation includes denial of reasonable accommodation as one form of discrimination.

8. Please provide information on the steps taken by the State party to protect all persons with disabilities, including indigenous people, women and children with disabilities, from multiple discrimination.

### **Women with disabilities (art. 6)**

9. Please provide information on the measures taken by the State party to include women with disabilities in general policies targeted at women.

10. Please provide information about progress made in implementing the recommendation adopted by the Committee on the Elimination of Discrimination against Women (CEDAW/C/CRI/CO/5-6, para. 25), on the adoption of temporary special measures to accelerate the full and equal participation of women with disabilities in public and political life.

### **Children with disabilities (art. 7)**

11. Please provide information on how the State party ensures that the views of children with disabilities are taken into account in all matters affecting them, including their participation in judicial and administrative proceedings.

### **Accessibility (art. 9)**

12. Please provide information on legislation consistent with the Convention governing full accessibility of the physical environment, transport, information and communication; please also indicate whether there are plans to achieve full accessibility in all these respects at the national level, in both urban and rural areas. Please provide information about the progress made in rendering public overland transport accessible.

### **Equal recognition before the law (art. 12)**

13. Please provide information about progress made towards the adoption of the Bill on Personal Autonomy of Persons with Disabilities, and indicate whether the bill, besides doing away with the institution of guardianship, also does away with other legal principles that restrict the rights of persons with disabilities, and provides for assistance in decision-making (para. 26).

14. Please indicate the measures taken by the State party to abolish the legal principles of judicial interdiction and guardianship, which are regulated by the Civil Code and the Code of Civil Procedure.

15. Please say whether the State party has started training justice officials, with the aim of strengthening compliance with article 12 of the Convention.

**Access to justice (art. 13)**

16. Please indicate whether the steps taken to comply with article 13 of the Convention include amending judicial procedures, consistent with the principle of equal opportunities, in order to ensure that persons with disabilities have full access to justice.

**Liberty and security of the person (art. 14)**

17. Please provide information on places of deprivation of liberty for persons with disabilities, such as homes, hostels and psychiatric hospitals, where persons with disabilities are held against their will and on grounds of their disability; please also provide information on mechanisms for the protection of those persons from abuse or violence.

18. Please provide information about persons with disabilities who are in prison in connection with criminal proceedings, and indicate whether they are guaranteed due process, reasonable accommodation and access to facilities, information and communication.

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

19. Please provide information about the purpose and content of Bill No. 17777 on Biomedical Research, and indicate whether it violates the rights of persons with disabilities by allowing experimentation and research to be conducted on them without their free and informed consent.

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

20. Please provide information on measures to facilitate the inclusion in the community of persons with disabilities, and on community and support services, including personal assistance, that enable them to live independently in a place of their choice.

21. Please indicate whether the State party has taken measures to deinstitutionalize persons with disabilities living in homes, hostels, centres and shelters, or psychiatric hospitals, among others.

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

22. Please state whether Costa Rica plans to recognize Costa Rican Sign Language as an official language.

23. Please indicate whether persons with disabilities who communicate in languages other than Spanish are able to do so and be recognized in official procedures, including in judicial proceedings.

**Education (art. 24)**

24. Please state to what extent children and young people with disabilities are enrolled in the inclusive education system within national education; please provide data disaggregated by sex, age, disability and urban and rural areas. Please also provide information on strategies to include, in the programmes or strategies on inclusive education

for adults, the adults with disabilities who did not have the opportunity to receive an education prior to the adoption of the Convention.

25. Please state whether there are strategies for training teachers and other education workers in inclusive education for persons with disabilities, and to what extent the State promotes the employment of persons with disabilities as teachers, or in the training of others working in different disciplines in how to incorporate the disability perspective in their curricula.

### **Health (art. 25)**

26. Please provide data on the number of hospitals and health-care centres accessible to persons with disabilities that offer special rehabilitation and mental health services, disaggregated by urban and rural areas.

27. Please explain what constitutes the new model of mental health care (para. 44).

28. Please provide information on measures that guarantee the sexual and reproductive rights of persons with disabilities; also indicate whether all persons with disabilities have been included in HIV/AIDS policies and programmes (para. 43).

### **Work and employment (art. 27)**

29. Please provide information on the number and percentage of persons with disabilities in formal employment in the open labour market, both in the public sector and private companies. Please also indicate whether there is legislation to protect the labour rights of persons with disabilities, and whether it provides for protection against dismissal on grounds of disability and guarantees reasonable accommodation.

30. Please provide information on any affirmative action measures the State party has undertaken to promote employment of persons with disabilities, in accordance with their training and skills, and on the impact such measures have had.

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

31. Please provide information on the number of people with disabilities living in poverty or extreme poverty in urban and rural areas, and on how indigenous persons with disabilities are affected by poverty; please also indicate whether there are programmes in place to facilitate their access to credit, housing and poverty eradication programmes.

32. Please provide information about the situation of non-documented migrants with disabilities living in Costa Rica, and whether they have access to social assistance and benefits provided by the State on grounds of disability.

### **Participation in political and public life (art. 29)**

33. Please indicate whether there are legal provisions restricting the right of persons with disabilities, especially intellectual and/or psychosocial disabilities, to vote or to participate in political life.

**Statistics and data collection (art. 31)**

34. Please provide information about data and statistics on persons with disabilities at the national, regional and/or local levels, and on the criteria used to classify them in the instruments used to collect such data.

**National implementation and monitoring (art. 33)**

35. Please indicate whether the National Council on Rehabilitation and Special Education (CNREE) has been formally designated as the body responsible for coordinating the implementation of the Convention in Costa Rica, as provided in article 33, paragraph 1. Please also provide information on the designation of an independent mechanism to monitor compliance, as provided in article 33, paragraph 2, and on the participation of civil society, in particular persons with disabilities and their representative organizations, in both mechanisms.

36. Taking into consideration the guidelines for the submission of reports of States parties to the Convention, please provide information on the measures taken to guarantee respect and protection of the rights of persons with disabilities set forth in articles 8 (awareness-raising), 16 (freedom from exploitation, violence and abuse), 17 (protecting the integrity of the person), 22 (respect for privacy) and 23 (respect for home and the family), and the enjoyment of those rights.

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