



**Convention on the Rights  
of Persons with Disabilities**

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**Committee on the Rights of Persons with Disabilities**

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

**Initial reports of States parties due in 2013**

**Colombia\***

[Date received: 11 June 2013]


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## Acronyms and abbreviations

ACPEM	Office of the Senior Presidential Adviser on Equality for Women
ANSPE	National Anti-Poverty Agency
APC	Presidential Agency for International Cooperation
ASCUN	Colombian Universities Association
BDUA	Single Database of Social Security Beneficiaries
BEPS	Periodic economic benefits
CBR	Community-based rehabilitation
CIPI	Intersectoral Early Childhood Commission
CONALIVI	National Coordinating Council of Visually Impaired Persons
CND	National Disability Council
COLCIENCIAS	Administrative Department of Science, Technology and Innovation
CONPES	National Council for Economic and Social Policy
CPI	Consumer Price Index
CRES	Health Regulatory Commission
CRPD	Committee on the Rights of Persons with Disabilities
DANE	National Statistics Department
DIS	Social Income Department
DNP	National Planning Department
DPS	Administrative Department for Social Prosperity
ELPS	Longitudinal social protection survey for Colombia
EPS	Health Promotion Agency
ESAP	Higher School of Public Administration
ESE	Health social enterprise
ESM	Armed forces health establishment
FEDAR	Foundation for the Promotion of Development and the Arts
FENASCOL	Colombian National Federation of Deaf Persons
FGN	Office of the Attorney General
GES	Sectoral Liaison Group
ICBF	Colombian Family Welfare Institute
ICETEX	Colombian Institute of Educational Credit and Technical Studies Abroad
ICF	International Classification of Functioning, Disability and Health
ICFES	Colombian Institute for the Promotion of Higher Education
IDB	Inter-American Development Bank

IEC	Information, education and communication
INCI	National Institute for the Blind
INPEC	National Prison Institute
INSOR	National Institute for the Deaf
INMLCF	National Institute of Forensic Medicine and Sciences
JICA	Japanese International Cooperation Agency
KOICA	Korean International Cooperation Agency
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex persons
MAARIV	Victims care, assistance and comprehensive reparation model
MEN	Ministry of National Education
MinSalud/MSPS	Ministry of Health and Social Protection
MinTic	Ministry of Information and Communication Technologies
MUCI	Single Manual for the Certification of Disability
NGO(s)	Non-governmental organization(s)
OAS	Organization of American States
OND	National Disability Observatory
PHC	Primary health care
PAARI	Care, Assistance and Comprehensive Reparation Plan
PAICMA	Comprehensive Care Programme for Victims of Anti-personnel Mines
PAIIS	University of the Andes Action Programme for Equality and Social Inclusion
PAMEC	Auditing Programme for Care Quality Improvement
PcD/PCD	Person(s) with disabilities
PDSP	10-Year Public Health Plan
PGN	National budget
PILA	Integrated plan for the payment of contributions
PNSSR	National Sexual and Reproductive Health Policy
POS	Compulsory Health Plan
REDDIS	National Network of Organizations for the Promotion, Ratification and Implementation of the United Nations Convention on the Rights of Persons with Disabilities
RIICOTEC	Ibero-American Technical Cooperation Network
RLCPD	Register for the Location and Characterization of Persons with Disabilities
RUAF	Single Register of Members
SENA	National Learning Service
SFVE	In-kind family housing subsidy

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SGR	National Royalties Scheme
SGSSS	General Social Security Health Scheme
SIAOD	Official Development Assistance Information System
SIDEPAR	System for the recording of public participation data
SIM	Mission information system
SISBEN	System for the Identification of Potential Social Programme Beneficiaries
SISPRO	Integrated Social Protection Information System
SNARIV	National Victims Care and Reparation System
SND	National Disability System
SSD	Departmental health secretariat
SSM	Municipal health secretariat
SSMP	Armed Forces and National Police Health Subsystem
SUPERSALUD	National Health Superintendency
TMC	Conditional money transfers
UAO/PSD	Care and counselling units for forcibly displaced persons
UARIV	Victims Care and Comprehensive Reparation Unit
UGD	Data-generating unit
UNAFA	Family Support and Strengthening Unit
UNAL	National University of Colombia
UNHCR	Office of the United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
WHO	World Health Organization

## I. Introduction

1. The present document is Colombia's initial report on the implementation of the Convention on the Rights of Persons with Disabilities (hereinafter referred to as "the Convention"),<sup>1</sup> submitted pursuant to article 35 of the Convention.
2. The report describes the action taken by the Colombian Government in the period from 1 August 2009 to 30 April 2013.
3. The report details the legislative measures adopted and resources allocated by Colombia with a view to implementing the Convention, as well as the constraints faced and the action taken to overcome them.
4. A wide range of national institutions were consulted on the drafting of this report, including organizations of and for persons with disabilities, civil society representatives and departmental, district and municipal bodies not directly involved in the National Disability System. Information was collected through mechanisms such as formal meetings, teleconferencing, consultation processes and online forms.

## II. Implementation of the articles of the Convention

### Articles 1 to 4 General provisions

#### 1. Definitions of disability

5. When the Convention was adopted in Colombia, a decision was taken to use the definition and the term "person with disability" contained in article 1 of the Convention. For instance, Acts Nos. 1448 of 2011<sup>2</sup> and 1618 of 2013 established the principle of adopting a differential approach to disability in the formulation of public policy.
6. In accordance with the Convention, the Constitutional Court has included the concept of the social model of disability in many of its rulings.<sup>3</sup> The country's institutions are continuing to adopt language consistent with the terms of the Convention in their activities.

#### 2. Action to combat discrimination on the basis of disability

7. The National Disability System recognizes the importance of formulating and implementing programmes and projects aimed principally at ensuring the social inclusion of persons with disabilities.

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<sup>1</sup> Ratified by Colombia on 10 May 2011 and incorporated into domestic law by Act No. 1346 of 2009 and Ruling C-293 of 2010 of the Constitutional Court. See [www.corteconstitucional.gov.co/RELATORIA/2010/C-293-10.htm](http://www.corteconstitucional.gov.co/RELATORIA/2010/C-293-10.htm) (accessed on 18 May 2013).

<sup>2</sup> Congress of the Republic, Act No. 1148 of 2011 enacting care, assistance and comprehensive reparation measures for victims. See <http://www.alcaldiabogota.gov.co/sisjur/normas/Normal.jsp?i=43043>; Act No. 1618 enacting provisions to guarantee the full exercise of the rights of persons with disabilities. See [www.imprenta.gov.co/diariop/diario2.pdf?v\\_numero=48.717&v](http://www.imprenta.gov.co/diariop/diario2.pdf?v_numero=48.717&v).

<sup>3</sup> See, *inter alia*, Rulings C-293 of 2010 ([www.corteconstitucional.gov.co/RELATORIA/2010/C-293-10.htm](http://www.corteconstitucional.gov.co/RELATORIA/2010/C-293-10.htm)); C-824 of 2011 ([www.corteconstitucional.gov.co/RELATORIA/2011/C-824-11.htm](http://www.corteconstitucional.gov.co/RELATORIA/2011/C-824-11.htm)); T-533 of 2011 ([www.corteconstitucional.gov.co/RELATORIA/2011/T-533-11.htm](http://www.corteconstitucional.gov.co/RELATORIA/2011/T-533-11.htm)); and C-066 of 2013 ([www.corteconstitucional.gov.co/RELATORIA/2013/C-066-13.htm](http://www.corteconstitucional.gov.co/RELATORIA/2013/C-066-13.htm)).

8. State institutions have implemented inclusion measures. For instance, the Colombian armed forces have built a comprehensive rehabilitation centre for children and a functional rehabilitation centre for adults.

9. A new economic and social policy document on disability is currently being drafted, with guidelines based on principles of rights and non-discrimination for persons with disabilities.

10. Civil society has identified, among other challenges, the need to step up efforts to publicize policies, plans and programmes for persons with disabilities, including those with psychosocial disabilities, and to overcome negative stereotypes of persons with disabilities. The Government recognizes the need to integrate the families of persons with disabilities and to implement the model of comprehensive, inclusive rehabilitation.

11. Other challenges include ending misuse of the terms “disabled persons” or “handicapped persons”, increasing budgetary resources and tackling the under-recording of persons with disabilities in the Register for the Location and Characterization of Persons with Disabilities (Disability Register).

### **3. Reasonable accommodation**

12. The armed forces have purchased buses accessible to persons with disabilities and their functional rehabilitation centre for adults is being adapted. Adaptations for persons with disabilities have been made to military units and health accommodation and a specialized rehabilitation centre is being built for persons with disabilities.

13. The National Institute for the Deaf (INSOR) has pushed for reasonable accommodation in State educational institutions and the use of assistive technologies and devices for deaf persons.

14. Some organizations of persons with disabilities and their families have organized events aimed at educators with a view to agreeing on reasonable accommodation in education for children with disabilities. They also recommend allocating more resources and tools so that teachers can provide an education that is accessible to everyone.

15. Mechanisms for complying with the Convention’s provisions on reasonable accommodation include clarifying the laws on means of transport for persons with disabilities, defining each entity’s institutional priorities and overcoming resistance to making commitments to change.

### **4. Mechanisms for implementing principles and obligations**

16. The principles and obligations set forth in articles 3 and 4 of the Convention provided the principal basis for the formulation of the National Disability and Social Inclusion Policy and the National Council for Economic and Social Policy (CONPES) social policy document.

17. Pursuant to the General Budget Act, each government body has been assigned resources for implementing the Convention during each budget period. The Ministry of Finance and Public Credit is working to ensure that executing agencies give priority to disability spending in their budgets.

18. The Ministry of the Interior is promoting and strengthening the participation of persons with disabilities and their organizations in local disability committees and raising public awareness of the need to recognize diversity. The Ministry of Mines and Energy has made a commitment to treating customers, including those with disabilities, fairly. The army’s Family and Welfare Department has programmes for persons with disabilities that provide educational and employment guidance and psychosocial assistance.

19. The National Planning Department oversees the public policy-making process for disability and social inclusion and ensures civil society participation in such policy-making through local consultation meetings. The Ministry of Health and Social Protection guarantees the participation of disabled persons' representatives in all entities of the National Disability System and in programmes emanating therefrom. The CONPES social policy document is in the process of being adopted, publicized and published.

20. The National Planning Department has provided assistance to 500 mayors to ensure that their development plans include the issue of disability and that they are publicly accountable.

## **Article 5**

### **Equality and non-discrimination**

21. Colombian laws recognize and protect the right of persons with disabilities to equality and non-discrimination.

22. Act No. 1618 of 2013 is designed to remove barriers to inclusion and to apply the differential approach for persons with disabilities.

23. The Office of the Attorney General is seeking to ensure access to justice on conditions of equality and dignity, based on the differential and gender approach, in its internal and external processes.<sup>4</sup>

24. The Victims Care and Comprehensive Reparation Unit (UARIV) has adopted strategies and measures to ensure equal access to justice and reparation.

25. The Administrative Department for Social Prosperity adopted a differential approach in its "More Families in Action" programme. Civil society has signalled the need to create inclusive spaces and to make reasonable accommodation that guarantees inclusion and access to different services.

## **Article 6**

### **Women with disabilities**

26. In Colombia, the Constitution recognizes the right to equality without distinction on grounds of sex<sup>5</sup> and Act No. 1257 of 2008<sup>6</sup> envisages the situation of women with

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<sup>4</sup> María Cecilia Córdoba Estrada, Attorney General's Office, 8 May 2013 communication.

<sup>5</sup> Constitution, article 43: Women and men shall have equal rights and opportunities. Women may not be subjected to any kind of discrimination. During pregnancy and following childbirth, they shall receive special assistance and protection from the State, and they shall receive a food subsidy from the State if they are subsequently unemployed or abandoned. The State shall provide special support for women heads of household.

<sup>6</sup> Congress of the Republic, Act No. 1257 of 2008, arts. 14 (duties of the family), 17 (protective measures in cases of domestic violence), 20 (information), 29 (additions to the crime of sexual harassment) and 30 (aggravating circumstances), enacting rules on awareness-raising and the prevention and punishment of forms of violence and discrimination against women, amending the Criminal Code, the Code of Criminal Procedure and Act No. 294 of 1996 and enacting other provisions. See [http://www.secretariasenado.gov.co/senado/basedoc/ley/2008/ley\\_1257\\_2008.html](http://www.secretariasenado.gov.co/senado/basedoc/ley/2008/ley_1257_2008.html).



disabilities and the necessary protections. Act No. 1618 of 2013 establishes measures to guarantee the participation of women with disabilities.<sup>7</sup>

27. The Constitutional Court has ordered measures for the protection of displaced women and girls with disabilities that apply a gender approach.<sup>8</sup>

28. Women with disabilities are covered by public policies aimed at ensuring gender equality and protection of women.

29. Laws and administrative acts have been adopted to prevent and address sexual violence against women. These afford additional protection in the case of women with disabilities.

30. In the second half of 2013, the Government hopes to conduct training processes designed to increase the political participation of women, including women with disabilities.

31. Although the Constitutional Court has imposed restrictions on the sterilization of women with disabilities, the law still allows sterilization to be carried out without the prior consent of the person who is to be permanently sterilized.

## **Article 7**

### **Children with disabilities**

32. The Government has drawn up public policy guidelines for the development of children and adolescents that adopt a differential approach prioritizing children with disabilities. To this end, it is implementing, with the assistance of civil society, a strategy of community-based rehabilitation. The armed forces, for their part, are promoting social and family integration activities and counselling for disabled army personnel or their family members, while the National Police provides assistance, according to age and type of disability, to disabled children of police personnel.

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<sup>7</sup> Congress of the Republic, Act No. 1618 of 2013, art. 25: Participation of women with disabilities. As provided in article 6 of Act No. 1346 of 2009, the State shall adopt the following measures to ensure that women with disabilities are able to exercise all their rights effectively:

1. Plan and implement actions for the participation of women with disabilities.
2. Ensure the participation of women with disabilities at the national, regional and local levels.
3. Ensure that the Advisory Council on Women's Equality mainstreams a differential approach to women and persons with disabilities in all its programmes, promoting the organization of women with disabilities, according to their expectations and interests, throughout the national territory.
4. Design national programmes and projects and international cooperation programmes and projects to ensure that women with disabilities are able to exercise their rights effectively. Such programmes and projects shall be implemented with the active participation of women with disabilities in disabled persons' organizations.
5. Study the conditions that contribute to acts of violence against women and children with disabilities and publicize the situation of disabled women and children with regard to gender violence.
6. Undertake studies with a view to adopting the necessary measures to prevent disability among women and girls as a result of public health problems, especially violence.
7. Provide appropriate, direct and personalized care to every disabled girl or woman who is a victim of gender violence, through the coordinated efforts of public services and women's and disabled persons' organizations, drawing up guides for protection and psychosocial care.

<sup>8</sup> Constitutional Court, Ruling T-579 of 2012. See <http://www.corteconstitucional.gov.co/relatoria/2012/t-579-12.htm>.

33. The National University of Colombia is promoting projects for the design of programmes and strategies that will help ensure that disabled children and young people are recognized as having equal rights with other citizens.

34. The National Institute of Forensic Medicine and Sciences has three units for dealing with children and adolescents, including those with disabilities.

35. The Colombian Family Welfare Institute is implementing strategies for low-income families with disabled children.

## **Article 8**

### **Awareness-raising**

36. The Ministry of Health and Social Protection advises civil servants on the implementation of the National Disability Policy.

37. The Ministry has spearheaded implementation of the Inclusive Colombia strategy “A different way of looking at difference”, designed to publicize best practice in the area of social inclusion.

38. State agencies focusing on sensory disability have conducted awareness-raising campaigns and promoted the use of reasonable accommodation.<sup>9</sup>

39. The Victims Care and Comprehensive Reparation Unit (UARIV)<sup>10</sup> has mainstreamed disability in its communication tools and holds workshops with civil servants to combat the main stereotypes concerning disability.

40. In 2010, the Family Welfare Institute distributed booklets and information providing guidance on the care and integration of children with disabilities.<sup>11</sup> These documents have served to support the training of professionals hired to work with vulnerable families that include persons with disabilities.

41. Civil society has reiterated that the Government must conduct campaigns to combat negative stereotypes of disability.

<sup>9</sup> Ministry of National Education. INCI. <http://www.mineducacion.gov.co/cvn/1996/article-172242.html>.

<sup>10</sup> Administrative Department for Social Prosperity. Victims Care and Comprehensive Reparation Unit. <http://www.unidadvictimas.gov.co/index.php/en>.

<sup>11</sup> Family Welfare Institute. Educational booklets:

- Cerebral palsy ([www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-CEREBRAL-6.pdf](http://www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-CEREBRAL-6.pdf));
- Autism ([www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-AUTISMO-5.pdf](http://www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-AUTISMO-5.pdf));
- Deafness and blindness ([www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-SORDOCEGUERA3.pdf](http://www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-SORDOCEGUERA3.pdf));
- Cognitive disability ([www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-COGNITIVA-7.pdf](http://www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-COGNITIVA-7.pdf));
- Motor disability ([www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-MOTORA-8.pdf](http://www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-MOTORA-8.pdf));
- Visual impairment ([www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-VISUAL-2.pdf](http://www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-VISUAL-2.pdf));
- Auditory impairment ([www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-AUDITIVA-4.pdf](http://www.icbf.gov.co/portal/page/portal/PortalICBF/RecursosMultimedia/Publicaciones/Editoriales/CARTILLA-AUDITIVA-4.pdf)).

## **Article 9**

### **Accessibility**

42. Act No. 1618 of 2013 imposes deadlines of 10 years for guaranteeing disabled persons' access to public transport and eight years for adapting the country's roads, airports and terminals.

43. The Constitutional Court<sup>12</sup> ordered the Higher Council of the Judiciary to take measures to allow persons with disabilities access to the Paloquemao judicial complex. These orders have not been implemented fully, however.

44. Various State agencies have gradually adapted some of their regional offices to guarantee access to persons with disabilities.

45. The Ministry of Information and Communication Technologies, as the entity responsible for information and communication technology (ICT) policies, has worked with the National Federation of Deaf Persons (FENASCOL) to set up relay centres, which are a Web platform for improving communication with hearing-impaired persons. It has also created community rooms with technologies accessible to persons with sensory and multiple disabilities.

46. Measures have been taken to ensure that tourism and education are accessible.

47. The National Institute for the Blind (INCI) and the National Institute for the Deaf (INSOR) advise State institutions on issues of access to information and physical accessibility of public places for persons with sensory, visual and auditory impairment.

48. The Ministry of Information and Communication Technologies reports that lack of interpreters, difficulties in transporting equipment and failure to introduce distance working for interpreters are barriers to progress in developing relay centres. The dropout rate for ICT literacy courses is high.

49. There are plans to conduct campaigns alerting tourism businesses to the importance of making their establishments accessible. There are also plans to ensure that quality-control systems in the tourism sector include an assessment of accessibility for persons with disabilities.

50. Accessible television services still need to be improved, as does inclusive signage in towns and cities and government buildings.

## **Article 10**

### **Right to life**

51. With regard to protecting the fundamental right to life, constitutional theory has clarified that this does not simply mean safeguarding the right to exist, but guaranteeing the minimum conditions for a decent life.

52. Accordingly, Act No. 1618 of 2013 expanded the special protections that society and the State must accord to persons with disabilities, on the understanding that as persons entitled to special protection, they can exercise the right to a decent life only when these protections are effective. For this reason, progress with regard to the right to life cannot be measured in isolation from the other parts of this report and the binding guarantees that the State must provide to persons with disabilities.

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<sup>12</sup> Constitutional Court, Ruling T-553 of 2011. See <http://www.corteconstitucional.gov.co/relatoria/2011/T-553-11.htm>.

53. The National Institute of Forensic Medicine and Sciences reports that in 2011, 16,554 autopsies were performed on homicide victims.<sup>13</sup> Its information systems do not as yet include disability as a variable, however, making it impossible to determine how many persons with disabilities die as a result of violence.

54. In Colombia, the prison situation of persons deprived of their liberty violates their right to a decent life. This is equally true of the 2,015 persons with disabilities who are incarcerated and whose situation is exacerbated by their disability. There are also problems with accessibility in prison infrastructures. The operational plan of the National Prison Institute (INPEC) envisages intersectoral coordination as a means of improving conditions for disabled persons deprived of their liberty, ensuring their right to health and making the necessary reasonable accommodation.

## **Article 11**

### **Situations of risk and humanitarian emergencies**

55. Some municipalities report that persons with disabilities have been included in evacuation protocols and that they have requested technical assistance for cases of emergency.

56. In 2012, the Victims Care and Comprehensive Reparation Unit (UARIV) produced a methodological guide for the formulation and implementation of contingency plans in order to identify and respond to emergencies arising in the country, with emphasis on victims with disabilities. In 2013, the Victims Unit advised 34 municipalities on the formulation of contingency plans for dealing with humanitarian emergencies.

57. The Ministry of Health and Social Protection has developed and disseminated guidelines for applying a differential approach to vulnerable groups, including persons with disabilities, in emergency and disaster situations.

58. A strategy needs to be implemented for training all members of the National Emergency and Disaster System in how to handle disability, promoting the participation of persons with disabilities in all related processes.

## **Article 12**

### **Equal recognition before the law**

59. Colombian legislation continues to classify persons as able, partially disabled or completely disabled and establishes rules for substituted decision-making in the case of persons who have been declared unable to exercise legal capacity. Act No. 1306 of 2009 amended the rules on legal capacity contained in the Colombian Civil Code and regulated the measures for removing legal capacity from persons who are partially or completely mentally disabled. Persons lacking legal capacity are deemed to be incapable of concluding legally important negotiable acts and must act through a guardian or representative. As a result, any action by persons deemed to lack legal capacity is considered null and void.

60. Article 50 of Act No. 1306 establishes that for persons without legal capacity, any family law-related act by a person who is completely mentally disabled must take place in family court. Such acts include entering into marriage, recognizing or contesting filiation, giving children up for adoption, paying maintenance to third parties and other similar acts.

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<sup>13</sup> National Institute of Forensic Medicine and Sciences. *Comportamiento del homicidio*, Colombia, 2011. See: <http://medicinalegal.gov.co/images/stories/FORENSIS/2011/2-F-11-Homicidios.pdf>.

61. Different government bodies advise families on how to institute proceedings for the removal of legal capacity.

62. However, article 21.2 of Act No. 1618 of 2013 stipulates that government bodies must propose and implement changes and adjustments to the system for the removal of legal capacity, in order to develop a system conducive to the exercise of legal capacity and supported decision-making by persons with disabilities, in keeping with article 12 of the Convention.

63. UARIV, for its part, has developed the supported decision-making mechanism. A major effort has thus been made to adapt Colombia's law and practice in relation to respect for the right to legal capacity.

64. Civil society organizations have emphatically rejected the measure of removal of legal capacity provided for in Act No. 1306 of 2009. It is important that Colombian law be brought into line with article 12 of the Convention.

### **Article 13**

#### **Access to justice**

65. With regard to the evidentiary value of statements made by persons with disabilities, a number of procedural provisions bar persons with a complete mental disability from serving as witnesses. These include article 215 of the Code of Civil Procedure and article 210 of the General Code of Procedure. The Ministry of Justice and Law considers that the entry into force of Act No. 1618 of 2013 will void these provisions and that judges will have to question witnesses and weigh their testimony in accordance with the rules of sound judgment, without there being any need to enact a new law for the time being.

66. The Attorney General's Office has identified two areas of work for improving access to justice for persons with disabilities. The first of these is judicial and involves working to optimize outcomes in cases of violence against persons, such as persons with disabilities, who are entitled to increased protection under the Constitution. The second involves taking a differential approach to dealing with disabled users of the justice system, whether these are victims, witnesses or persons linked with investigations.

67. The National Institute of Forensic Medicine and Sciences has assigned a female staff member who knows sign language to the customer service room at its Bogotá regional office. An awareness-raising campaign on how to attend to people with disabilities has also been conducted at national meetings of the Institute's public employees.

68. The regional report indicates that the Government has failed to take action to ensure direct access to justice, in terms of physical accessibility and face-to-face contact with judicial staff. Some disabled persons' representatives on the National Disability Council claim that persons with disabilities receive no support from interpreters or specialized staff in seeking access to justice or that the requirement to provide such support is not always met. They also report that awareness-raising campaigns need to be conducted for public servants and administrative personnel of the country's judicial complexes.

### **Article 14**

#### **Liberty and security of the person**

69. Disabled military personnel imprisoned in army detention centres participate in the care programme for detained military personnel, under which psychosocial care and counselling are provided to their families.

70. Persons subjected to security measures after being declared incompetent to stand trial because of a mental disorder are cared for in specialized rehabilitation centres, supported by family and social networks.

71. The University of the Andes Action Programme for Equality and Social Inclusion, in its capacity as a member of civil society, reports that thousands of persons with disabilities are still being detained in public and private psychiatric institutions in Colombia and that the social services offered by the State (for instance, by the Secretariat for Social Integration or the Family Welfare Institute) do not include alternatives to institutionalization.

72. There is also scant evidence of reasonable accommodation in criminal proceedings and in the detention of prisoners with disabilities.

### **Article 15**

#### **Freedom from torture or other cruel, inhuman or degrading treatment or punishment**

73. Existing laws on health care and access to justice expressly prohibit medical or scientific experimentation on persons with disabilities, including those who need support in exercising their legal capacity, without their free and informed consent.

74. As yet, there is no specific information on programmes providing for the inclusion of persons with disabilities in national strategies and mechanisms to prevent torture.

75. Some civil society organizations report abuse and confinement of persons with disabilities by those closest to them (relatives, caregivers and third parties), as well as the existence of cases where persons with disabilities have been subjected to cruel, inhuman or degrading treatment, but they do not give precise figures. Institutions such as the Family Welfare Institute, the Ombudsman's Office and family commissioners take action to protect and restore rights when they receive or access reports of such cases.

### **Article 16**

#### **Freedom from exploitation, violence and abuse**

76. With regard to the measures taken to protect persons with disabilities from all forms of exploitation, violence and abuse, Act No. 1618 of 2013 requires the Government to implement policies for early childhood care and protection and to study and prevent conditions that contribute to violence against women and children.

77. The armed forces Family and Welfare Department has promoted educational activities, both nationally and locally, with families of military personnel on the prevention of violence and abuse against children, as well as against adults with disabilities.

78. The Family Welfare Institute monitors rights, provides emergency support and brings administrative proceedings for the restoration of rights for children affected by explosive devices. It also provides care to minors and their families through the *hogar gestor* system of support in a family setting.

79. Pursuant to Act No. 1448 of 2011 on care, assistance and comprehensive reparation for victims of violence, the Ministry of Health and Social Protection set up, in conjunction with persons with disabilities, the Victims Psychosocial and Comprehensive Health Programme (PAPSIVI), which includes a differential approach. The gradual nationwide implementation of this programme began in June 2013.

80. The Family Support and Strengthening Unit (UNAFSA) strategy for persons with disabilities seeks to coordinate the programmes and services of the national family welfare system in order to provide a comprehensive response to the needs of vulnerable population groups, using social inclusion and empowerment processes as a means of contributing to the country's social development through a participatory approach.

81. The Saldarriaga Concha Foundation promotes capacity-building in the regions, involving leadership training, coordination with local authorities and identification of common needs and various alternatives, with a view to transforming the situation of families through greater inclusion.

82. There have been a growing number of chemical attacks, especially against women, in Colombia in which victims have been disabled. Some agencies have begun pooling their efforts in order to ensure an effective response. Act No. 1639 criminalizing such attacks and providing comprehensive medical treatment for survivors was adopted in July 2013.

### **Article 17**

#### **Protecting the integrity of the person**

83. At the regional level, some municipalities are conducting campaigns on respect for the physical integrity of persons with disabilities, as well as training and educating caregivers. The Saldarriaga Concha Foundation has carried out studies with Inclusion International on the de-institutionalization of persons with disabilities in Colombia.

### **Article 18**

#### **Freedom of movement and nationality**

84. The National Civil Status Registry has set up an office (OPADI) to advise persons with disabilities on the procedures for obtaining identity cards and citizenship cards, as well as for renewing, obtaining duplicates of or making corrections to their identity documents. Staff make free house calls to persons whose disabilities prevent them from visiting the office.

85. Article 19 of Act No. 1306 of 2009 stipulates that the domicile of a person who is completely mentally disabled shall be that of his or her legal representative or guardian. A mentally disabled person with sufficient intellectual capacity to do so shall choose his or her place of residence, provided that this does not endanger his or her physical integrity or that of the community. If this is not the case, the person's guardian shall determine his or her place of residence, unless the competent authorities decide otherwise. The responsible Ombudsman and family judge must be informed of any permanent change of residence to another region. In order to develop the differential approach, the Constitutional Court stipulated in Order No. 006 of 2009 that the State must recognize the various conditions of disability and the different types of persons with disabilities and, accordingly, take measures and affirmative action to protect the rights of persons with disabilities who have been forcibly displaced as a result of the armed conflict.

### **Article 19**

#### **Living independently and being included in the community**

86. With regard to the existence of independent living schemes, including the provision of personal assistants to persons who so require, the programme to support and strengthen

families of children with disabilities living in extreme poverty has been implemented nationwide.

87. The Ministry of Health and Social Protection, in coordination with the National Learning Service (SENA) and with the participation of institutional and community stakeholders experienced in the care of persons with disabilities, is designing a technical training programme for caregivers and seeking to generate skills for providing the support needed by persons with disabilities and their families while ensuring their greatest possible autonomy and independence.

88. Health secretariats hold self-help workshops for persons with disabilities. However, efforts to promote the independence of persons with disabilities and strengthen independent living processes must continue.

## **Article 20**

### **Personal mobility**

89. To facilitate the mobility of persons with disabilities, article 14 of Act No. 1618 of 2013 adopts measures to ensure them equal access and accessibility, in both urban and rural areas, to the physical environment, transport, information and communication, including information and communication systems and technologies, public spaces, public property, places open to the public and public services.

90. The Ministry of Health is working with departmental and district authorities to improve the provision of technical aids and devices for persons with disabilities. Guidelines are being drawn up for the establishment of technical aid banks.

91. Agreement No. 029 of 2011 of the Health Regulatory Commission (CRES), in unifying the Compulsory Health Plan governing the contributory and subsidized schemes, likewise includes access to technical aids to assist the mobility of persons with disabilities.

92. With regard to the measures taken to encourage entities that produce mobility aids, devices and assistive technologies, the Ministry of Health is working with professional associations, manufacturers, SENA, local authorities, health-care providers and persons with disabilities to amend Resolution No. 1319 of 2010 adopting the Manual of manufacturing best practice for the production and adaptation of customized medical devices, prosthetics and external orthopaedic orthotics.

## **Article 21**

### **Freedom of expression and opinion, and access to information**

93. Article 16 of Act No. 1618 of 2013 states that persons with disabilities are entitled to the effective exercise of the right to information and to equal access to communication, in keeping with Act No. 1346 of 2009 adopting the Convention.

94. The Ministry of Information and Communication Technologies is to implement a project for the mass use of free software in programmes for persons with disabilities and will promote strict compliance with current laws on accessibility and access to information in the mass media. The Ministry will also implement an ICT training programme for persons with sensory disabilities.

95. The Family Welfare Institute and the Ministry of Health have a sign language interpretation service for deaf persons and deaf and blind persons to assist persons involved in mission and administrative processes or persons participating in events organized, promoted or supported by these two bodies. One of the main constraints is that some people



are unable to access the interpretation service because they do not use sign language. Another major constraint can be observed at municipal level, where there are no certified interpreters competent to provide the service.

96. Act No. 1369 of 2009 establishing general rules for the provision of postal services included literature for the blind as a postal object so that Braille materials and spoken books can be sent free of charge.

97. The Ministry of Information and Communication Technologies has put forward a proposal for the promotion of a digital inclusion and digital literacy policy.

98. The Victims Unit (UARIV) has gradually implemented strategies for accessibility to print communication (Braille) and audiovisual communication (closed caption and interpretation into Colombian Sign Language) in order to guarantee equal access by disabled victims to information and communication.

99. The Ministry of Information and Communication Technologies has produced Web upgrade plans for the 20 entities identified by the Government Portal.

100. The National University of Colombia is adapting digital communication media in order to make them more accessible.

101. In coordination with INCI and other national bodies, the Government is promoting the Web Accessibility Initiative standards through the mandatory guidelines, deadlines and terms for maximizing ICT use set out in Decree No. 2693 of 2012.

102. With regard to legislative and other measures linked to the official recognition of sign language(s), Colombia has laws officially recognizing Colombian Sign Language as the language of deaf persons and deaf and blind persons. These include Act No. 324 of 1996, National Decree No. 2369 of 1997 and Act No. 982 of 2005.

## **Article 22**

### **Respect for privacy**

103. The Government promulgated Act No. 1581 of 2012, which constitutes the overall framework for the protection of personal data, including data on electronic databases, in Colombia. This national policy is binding on entities that manage information systems.

104. The National Police has introduced passwords and restrictions that guarantee the confidentiality of information recorded in the database containing the clinical histories of persons who have received assistance, including persons with disabilities.

## **Article 23**

### **Respect for home and the family**

105. In Colombia, the existing rules on legal capacity stipulate that a person declared to be completely without legal capacity cannot marry without judicial authorization. These rules are currently being revised in the light of the Convention.<sup>14</sup>

106. In 2012, the family compensation fund *Compensar* created a chair in “Affectivity and Sexual Identity” as part of its *Enlaces* programme for persons with cognitive

<sup>14</sup> With regard to the measures taken to ensure that persons with disabilities may exercise their right to marry and to found a family on the basis of full and free consent, the National University of Colombia has conducted a study on disability and sexuality, and events have been held at which this discriminatory situation has been recognized.

disabilities. It also began to participate in a research focal group with ASDOWN, Profamilia and the University of the Andes Action Programme for Equality and Social Inclusion (PAIIS).

107. The Family Welfare Institute prefers to place children with disabilities in family environments rather than institutional ones. Where parents are unable to care for their children, the latter are placed in the first instance with their wider family. If there is no extended family, they are placed in a foster family competent to take on this responsibility. For such family placements, the Institute uses either the support system for minors in a family setting (*hogar gestor*) or the foster home system (*hogar sustituto*). These arrangements are subject to constraints, however, such as a shortage of foster mothers competent to care for children with disabilities. Measures to overcome these constraints include promoting the training of foster mothers in the care of children with disabilities.

108. The Ministry of Health is taking action to strengthen families, especially families with disabled family members, living in adverse conditions and poverty in the country's remotest areas. Such action involves strengthening family relationships, social networks and self-help and combating the conditions that exacerbate their vulnerability.

## **Article 24**

### **Education**

109. The measures taken to ensure that every child with disabilities has access to early-stage education and mandatory primary, secondary and higher education are set out in Act No. 1618 of 2013.

110. The Government and the Intersectoral Early Childhood Commission (CIPI) are developing the "0 to forever" strategy, which includes the Ministry of National Education and the Early Childhood Department. The following inclusion activities have been carried out as part of the strategy: (a) creation of a care route that includes a differential approach; and (b) creation of an inclusion index for early education centres.

111. The Ministry of National Education has taken action focusing on 150 school-age children with disabilities who are not in school, the aim being to prepare children with disabilities for admission to educational institutions in 10 of the country's departments by carrying out educational activities with them and their families in the home.

112. The Ministry has actively sought out children with disabilities who are not enrolled in school in the departments of Cauca, Putumayo, Tolima and Valle. It also provides support to education secretariats, training in inclusive education and flexible methods of teaching reading and writing and packages of educational support and assistance with inclusion processes in educational institutions.

113. The Ministry is also proposing human resources training in order to ensure inclusive early-stage education. This involves building the skills of educational workers so that they can attend to the needs of every child with disabilities in a diversity-mainstreamed context.

114. The Ministry's actions include: (a) setting up a managed fund to provide financial support for students with disabilities in higher education, thereby improving access and retention rates for persons with disabilities; (b) drawing up educational policy guidelines for handling diversity; and (c) creating the inclusion index for higher education. Pending actions include strengthening the funding strategy, implementing the inclusion index and supporting plans for greater inclusion, and publishing the policy guidelines for inclusive higher education. With regard to constraints, it must be noted that resources for the inclusion of persons with disabilities are inadequate and that some secondary school leavers with disabilities are academically weak. To overcome these constraints, strategies must be

developed for helping disabled students catch up educationally and for providing vocational and career guidance.

115. The Colombian Institute of Educational Credit and Technical Studies Abroad (ICETEX) has opened a special credit line at preferential interest rates for undergraduate studies, aimed at students with disabilities.

116. Organizations of persons with intellectual disabilities and their families implemented the project “Building inclusive educational communities in the city of Bogotá”, under which training was provided to 400 schoolteachers and five schools in the Capital District.

117. With Ministry of Education assistance, the Capital District is creating a model for the teaching of deaf and blind children and children with multiple disabilities so that they can be cared for and educated in the District’s schools.

118. According to the Family Welfare Institute, 6,197 children under the age of six are participating in its early childhood programmes in Colombia. The following actions remain to be taken: building the capacity of the entities that administer the early education service, as part of the comprehensive care approach to identifying and including children with disabilities; and strengthening the intersectoral work being done at the local level. Some of the constraints on taking the above actions include lack of demand on the part of parents of children with disabilities, cultural barriers, teachers’ fear of taking responsibility for inclusion processes and limited intersectoral coordination to ensure the necessary support for comprehensive early childhood care.

119. As part of the in-service teacher-training plan, the National University developed a diploma in early detection, entitled “Speaking, listening, reading and writing in preschool and primary education as preparation for participation, academic success and adult life”, which has benefited 530 children with disabilities.

120. In 2012, the National Institute for the Deaf (INSOR) monitored and trained teachers in order to ensure that children with disabilities receive a quality education.

121. The Movement of Persons with Intellectual Disabilities and Their Families helped promote the “Invisible No More” campaign designed to increase the visibility of such children in the comprehensive early childhood care programme. It is also promoting families’ involvement in the development of care guidelines. One action that remains to be taken is to show that children are being admitted to the “0 to forever” early childhood development centres. One of the main constraints on such action is that centre operators lack information and feel insecure about admitting children with disabilities. Measures to overcome these constraints include disseminating the “0 to forever” strategy and teaching operators and families how to handle and care for persons with disabilities in early childhood and imposing penalties on those who reject and discriminate against any child on grounds of disability. The Organization of Persons with Intellectual Disabilities and Their Families provides technical support to educational institutions that request assistance and training in inclusive education strategies.

122. Colombia has a whole series of laws aimed at ensuring that educational institutions make the necessary accommodation to provide education to children with disabilities, some of which predate the Convention (Act No. 1618 of 2013, Act No. 982 of 2004, Decree No. 2082 of 1996, Act No. 324 of 1996, Regulatory Decree No. 2369 of 1997, Resolution No. 1515 of 2000 and Regulatory Decree No. 366 of 2009).

123. To support higher education institutions, the Ministry of Education launched a process for creating and modifying inclusive higher education programmes. It also gives advice and technical assistance to all higher education institutions that require them and participates in the Colombian Network of Universities for Disability. There are still

constraints on the implementation of activities, however, such as inadequate financial resources.

124. The National Institute for the Blind (INCI) has provided 451 educational institutions, kindergartens, libraries and other entities serving visually impaired persons with Braille and ink and embossed materials and spoken books in DAISY format, produced at the Braille Press and in the Institute's recording studio. In addition, using different virtual strategies, it has advised 471 entities (educational institutions, libraries, cultural centres) that provide access to ICT services for visually impaired persons throughout the country. Three online courses have been taught to ICT teachers, administrators of community Internet centres (*Puntos Vive Digital*) and librarians, in coordination with the Ministry of Information and Communication Technologies and the Ministry of Culture respectively.

125. INCI developed a strategy for disseminating the "Braille for All" system, which has been adopted by the country's libraries. It also has training programmes that schoolteachers can follow either online or in person and that use the *Palabras y Cuentas* application developed by the Institute.<sup>15</sup> It is actively involved in the reading and writing programme of the Ministry of Education and also in regional experiments in the cities of Bogotá, Cali and Medellín, training reading outreach workers and Spanish language teachers.

126. In 2012, the Ministry of Education set up an online diploma course, in which 1,058 educators participated, on educational inclusion processes for deaf and blind children and young people and those with other sensory disabilities and on the use of inclusive technologies.

127. Among measures to ensure that education is delivered in the most appropriate languages, modes, means of communication and environments for the individual, the Ministry of Education has held six virtual conferences on retention in the education system.

128. With regard to the number and percentage of students with disabilities by gender and fields of study, the Ministry of Education, pursuant to Decree No. 366 of 2009, allocates 20 per cent of additional budgetary resources through CONPES documents to the profiling of each territorial entity in order to guarantee the efficient, timely delivery of educational services to persons with disabilities. In March 2013, the total number of students with disabilities enrolled in education was 115,534, of whom 312 were aged 0 to 4 years, 107,755 were aged 5 to 17 years and 7,779 were aged 18 and over.

129. In coordination with the Ministry of Education, ICETEX and the Ministry of Defence, the Saldarriaga Concha Foundation runs a scholarship programme for persons with disabilities designed to give low-income disabled persons access to higher and specialized education.

130. The Action Programme for Equality and Social Inclusion notes that a lack of reasonable accommodation and of programmes aimed at prisoners with disabilities is preventing such prisoners from accessing educational activities that would also help reduce and shorten their sentences.

## **Article 25**

### **Health**

131. Article 10 of Act No. 1618 of 2013 sets out the responsibilities of the Ministry of Health, service providers and the National Health Superintendency for guaranteeing timely access to quality health services. The Act envisages programmes for preventing disability

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<sup>15</sup> Downloadable from the Ministry of Education *Colombia Aprende* portal: [www.colombiaaprende.edu.co/recursos/software/palabrasycuentas/braille.htm](http://www.colombiaaprende.edu.co/recursos/software/palabrasycuentas/braille.htm).

risk factors, mainstreaming disability in the 10-year Public Health Plan and guaranteeing persons with disabilities access to information, education and communication campaigns on health and psychosocial care, timely access to quality health and rehabilitation services close to home and the provision of technical aids under the General Social Security Health Scheme. It also gives the Health Superintendency and local health secretariats responsibility for monitoring service provision through indicators, under the Auditing Programme for Care Quality Improvement (PAMEC).

132. Article 66 of Act No. 1438 of 2011, which mandates comprehensive health care for persons with disabilities through health actions that include a guarantee of health, is being implemented through a national health policy that takes a differential approach to persons with disabilities.

133. Following the implementation of the National Sexual and Reproductive Health Policy, strategies were developed in 2010 and 2011, at training days in Bogotá, for designing measures to prevent gender and sexual violence against children, women and men with disabilities and provide comprehensive care to disabled victims of domestic and sexual violence. The training days were attended by 816 leaders of 70 women's organizations, including organizations of women with disabilities, staff members of institutions involved with the issue, such as the Family Welfare Institute, the Health Promotion Agency, health social enterprises, service providers, INCI, INSOR, family commissioners, departmental and municipal health secretariats, care and counselling units for forcibly displaced persons, the Paralympic Committee, foundations for the support of persons with psychosocial disabilities, district disability councils, district disability committees and district health secretariats (staff dealing with disability and gender and sexual violence). To make the process sustainable, each women's group was given the *Sexualicasos* kit with teaching materials. Four workshops on the prevention of domestic and sexual violence against persons with disabilities were held in the departments of Guajira, Guaviare, Cauca and Nariño.

134. The 10-year Public Health Plan 2012–2021 adopts the differential approach and presupposes recognition of the equality and inclusion of all citizens. One aim of the promotion of sexual and reproductive rights and gender equality is to guarantee the exercise of sexual and reproductive health rights, free from violence and in a context of equality, freedom, autonomy and non-discrimination. The goal for 2022 is that 100 per cent of national, departmental and district authorities and 80 per cent of municipal authorities will include sexual and reproductive rights programmes and projects in their development plans and will ensure the participation of organizations and networks of different vulnerable population groups.

135. Act No. 352 of 1997 and Decree-Law No. 1795 of 2000 regulate the armed forces health service and establish quality, ethics, efficiency, universality and solidarity, including comprehensive health care for disabled active and retired personnel and their families, as guiding principles for the provision of health services by the Armed Forces and National Police Health Subsystem.

136. With regard to measures to ensure that persons with disabilities have access to health rehabilitation freely and without financial cost, article 9 of Act No. 1618 of 2013 gives the Ministry of Health responsibility for guaranteeing the free provision of functional rehabilitation services, without sliding scales or co-payments, and the provision of services in the home in order to ensure the quality of life of persons with disabilities.

137. Agreement No. 029 of the Health Regulatory Commission guarantees members of the subsidized and contributory schemes outpatient psychological or psychiatric care, with full or partial (daytime) hospitalization for up to 180 days per calendar year, up to 60 sessions per calendar year of individual outpatient psychotherapy, both psychiatric and

psychological, and up to 60 sessions per calendar year of group, family and couple outpatient psychotherapy, both psychiatric and psychological, regardless of the stage reached by the illness. Coverage applies to all persons with disabilities, regardless of age or insurance scheme, since the Constitutional Court has ruled that the benefits plan should be the same under both schemes.

138. The national guidelines on community-based rehabilitation, which harmonize the Global Guidelines on Community-Based Rehabilitation (CBR) with Colombia's own context and experience through the network of community-based rehabilitation networks, are designed to ensure the implementation of community-based rehabilitation and also to coordinate CBR processes with service provision by the health, education, labour, social protection and political sectors. The Ministry of Health transfers resources to local authorities to support plans for providing comprehensive care to persons with disabilities. These plans benefited 1,452 disabled persons in 2010 and 2011.

139. Decree No. 1795 of 2000 setting up the Armed Forces and National Police Health Subsystem stipulates that comprehensive health care shall be provided to its members and beneficiaries. Action remains to be taken to increase coverage under the benefits plan, ensure universal coverage of persons with disabilities (coverage is currently 85 per cent) and strengthen the decision-making powers of the less complex health-care levels, especially in the provision of functional rehabilitation services.

140. There are barriers to access to the provision of health and functional rehabilitation services, such as delays in processing authorizations, delays in obtaining appointments and difficulties in travelling to major cities for care.

141. Measures to overcome these barriers include modifying the current health-care system, implementing the primary health care (PHC) strategy by strengthening outreach teams at the local level, providing training in routine activities and teamwork for service providers' rehabilitation staff and launching the intersectoral design of a comprehensive rehabilitation model for Colombia.

142. To avoid and reduce as far as possible the appearance of new disabilities, the 10-year Public Health Plan 2012–2021 mainstreams differential care for persons with disabilities in its various dimensions and components and gives priority to specific actions that will guarantee the effective enjoyment of the right to health.

143. The strategic objectives of the 2012–2021 Plan include zero tolerance of avoidable morbidity, mortality and disability.

144. The Compulsory Health Plan covers care under programmes for the early detection of irregularities in development, visual acuity, hearing and pregnancy, in keeping with the Ministry of Health technical norms adopted by Resolutions Nos. 412 and 3384 of 2000 aimed at timely identification of illness, timely diagnosis and treatment and mitigation of the damage caused by failure to detect illness in time.

145. In the context of the Global Action Plan for the Prevention of Avoidable Blindness and Visual Impairment and the VISION 2020 strategy, the Diabetes Mellitus Guide proposes actions for preventing diabetic retinopathy. Technical guidelines are being developed for promotion, early detection, tertiary prevention and timely treatment of hearing impairment for the public at large, in order to facilitate access to technical aids, specialized care and rehabilitation and social inclusion processes. In addition, work is under way on a programme for the prevention of blindness caused by retinopathy of prematurity and a national council has been set up to develop a strategy for tackling irreversible low vision in Colombia (with the participation of scientific societies, the Pan-American Health Organization (PAHO), academia, field offices of the UNESCO Chair, INCI and the Ministry of Health).

146. Public health programmes carry out activities for the detection of irregularities that may result in disability. Such activities include neonatal screening, follow-up to the detection of irregularities in pregnancy, family planning, human immunodeficiency virus (HIV) testing, detection of congenital and gestational syphilis, visual and auditory screening, immunization, prenatal monitoring, growth and development monitoring, oral health and mental health. Actions for the adult population include detection and diagnosis of chronic illness.

147. There has been a steady improvement in programmes for prevention and promotion, induced demand, education and encouragement of healthy lifestyles and for raising families' and caregivers' awareness of their leading role in rehabilitation and health-care processes.

148. There are constraints on the inclusion of new technologies under the Compulsory Health Plan, since these are subject to safety, quality and cost-effectiveness criteria. As a result, only duly proven and scientifically supported technologies, the cost-effectiveness of which is in line with the budget of the General Social Security Health Scheme, can be included in the Plan.

149. The health education and communication component of the 10-year Public Health Plan 2012–2021 is designed to promote health information, education and communication (IEC) strategies that are accessible to persons with disabilities and take a differential approach. Accessible designs and language adapted to persons with disabilities are also being included in all IEC publications, methodologies, teaching developments, plans, strategies and communication tools.

150. Measures to train doctors and other health professionals on the rights and responsibilities of persons with disabilities include the implementation of the project "Strengthening the system of comprehensive rehabilitation for persons with disabilities", involving national and local institutions and the Japanese International Cooperation Agency (JICA). A total of 4,021 participants, comprising health sector professionals, disabled community leaders and representatives of disabled persons' organizations, have been trained to provide guidance on the effective exercise of the rights of persons with disabilities.

151. Act No. 100 of 1993 and article 32 of Act No. 1438 of 2011 require all persons residing in Colombia to be covered by the General Social Security Health Scheme. This measure gives priority to the most vulnerable persons, including persons with disabilities.

152. The Ministry of Health has held four meetings aimed at strengthening civil society on the topic of prevention of sexually transmitted infections (STIs) and HIV/Acquired Immune Deficiency Syndrome (AIDS). Persons with disabilities took part in the meetings and materials were produced for the promotion of self-care among partners.

153. The armed forces Family and Welfare Department has held seminars and workshops on the sexuality of persons with disabilities, aimed at parents and young people aged over 18, in which it has addressed issues of rights and responsibilities in conjunction with the Family Welfare Institute and La Sabana University.

154. Article 6 of Act No. 1412 of 2010<sup>16</sup> regulating sterilization stipulates that in the case of a person with a mental disability, the sterilization request and consent must be signed by the person's legal representative and are subject to prior judicial authorization. The Constitutional Court has established guidelines stipulating that a disabled person may be

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<sup>16</sup> Congress of the Republic, Act No. 1412 of 2010 authorizing and promoting free vasectomy and tubal ligation as a way of encouraging responsible parenthood. See [http://www.secretariasenado.gov.co/senado/basedoc/ley/2010/ley\\_1412\\_2010.html](http://www.secretariasenado.gov.co/senado/basedoc/ley/2010/ley_1412_2010.html).

sterilized only with the consent of a parent or guardian, when there is no future possibility that the person will be able to give consent (known as “future-oriented consent”).<sup>17</sup>

## Article 26 Habilitation and rehabilitation

155. Colombia has policy guidelines on comprehensive habilitation and rehabilitation aimed at the family, occupational and social development of persons with disabilities. The guidelines were issued in 2004 and are currently being updated.

156. National guidelines harmonized with the Global CBR Guidelines issued by the World Health Organization (WHO) have been drawn up for the implementation of the community-based rehabilitation (CBR) strategy.

157. Articles 8 and 9 of Act No. 1618 of 2013 adopted the CBR strategy as a social inclusion measure and stipulated that the Ministry of Health must ensure coordination among the different sectors involved in comprehensive habilitation and rehabilitation processes with a view to strengthening functional rehabilitation processes as an input to a comprehensive intersectoral process.

158. In formulating the National Public Policy for Disability and Social Inclusion, one line of action — capacity-building — was established as part of the component “Habilitation and rehabilitation: building a comprehensive rehabilitation model for Colombia”, with intersectoral actions and routes for guaranteeing the right of persons with disabilities to habilitation and rehabilitation.

159. Basic guidelines have been drawn up for the care of amputees and blind and partially sighted persons, as well as a guide for the pre-hospital care of victims of anti-personnel mines, unexploded ordnance and improvised explosive devices (IEDs).

160. Manuals for the certification of disability and the assessment of disabled persons’ fitness for work are being introduced.

161. At a meeting of Andean Health Ministers,<sup>18</sup> the Ministry of Health proposed that disability should be given priority in public agendas. In response, Bolivia, Chile, Colombia, Ecuador, Peru and Venezuela helped draft a policy entitled “Prevention of disability and care, habilitation and rehabilitation of persons with disabilities”.

162. The Compulsory Health Plan envisages, *inter alia*, physical medicine and rehabilitation activities, interventions and procedures, physical, occupational, speech and respiratory therapies, cardiac rehabilitation and early intervention tailored to the needs of the disabled persons that request them.

163. For victims of violence, rehabilitation is not only a constitutional right but also a reparation measure in accordance with Act No. 1448 of 2011. The provision of

<sup>17</sup> Constitutional Court, Ruling T-063 of 2012, presiding judge Gabriel Eduardo Mendoza Martelo; Ruling T-841 of 2011, presiding judge Humberto Antonio Sierra Porto; Ruling T-988 of 2007, presiding judge Humberto Antonio Sierra Porto; Ruling T-560A of 2007, presiding judge Rodrigo Escobar Gil; Ruling T-492 of 2006, presiding judge Marco Gerardo Monroy Cabra; Ruling T-1019 of 2006, presiding judge Jaime Córdoba Triviño; Ruling C-355 of 2006, presiding judge Humberto Antonio Sierra Porto; Ruling T-248 of 2003, presiding judge Eduardo Montealegre Lynett; and Ruling T-850 of 2002, presiding judge Rodrigo Escobar Gil.

<sup>18</sup> Andean Health Organization, Hipólito Unanue Agreement, ORAS CONHU. Resolution REMSAA XXX/457, 27 March 2009. Colombia is a member of the technical committee on disability prevention, care and rehabilitation, made up of representatives of the Ministries of Health of the countries of the Andean Area.



comprehensive health, habilitation and rehabilitation services in Colombia is subject to the informed consent of disabled persons and their families, participation in such programmes being voluntary.

164. The following measures have been taken to promote initial and continuous training for professionals and staff working in habilitation and rehabilitation programmes: article 3 on teacher training of Agreement No. 036 of 2012 provides for the establishment of vocational training programmes for teachers and students at the National University of Colombia; agreements are being implemented with educational institutions, businesses and health-care service providers by means of undergraduate internships in physiotherapy, speech and hearing science and occupational therapy; and refresher training programmes are gradually being implemented, in coordination with the Ministry of Health, for professionals and staff working with habilitation and rehabilitation programmes and for internally and externally recruited professionals. These programmes have been implemented in the departments of Antioquía, Valle del Cauca and Cauca and include a diploma course at the Colombian School of Rehabilitation, which trains health professionals in the habilitation and rehabilitation of visually impaired persons, and an online diploma for early childhood teachers, taught in coordination with the National Pedagogical University.

165. Measures taken for the promotion, availability, knowledge and use of assistive devices and technologies designed for persons with disabilities as they relate to habilitation and rehabilitation include coverage under the Compulsory Health Plan of orthopaedic devices and orthotics necessary and essential for the performance of certain procedures. Cochlear implants, replacement of cochlear prosthetics and post-implant rehabilitation are also covered for children aged under three who are profoundly deaf in both ears, whether or not they have learned to speak. External lenses are provided once a year, on prescription or through an optometrist, for defects that reduce visual acuity.

166. The Ministry of Health transfers resources to local authorities to enable them to purchase assistive devices not included in the benefits plan and distribute them on prescription to persons with disabilities, according to their specific needs.

167. The Ministry of Health is working with professional associations, manufacturers, SENA, local authorities, health service providers and persons with disabilities to amend Resolution No. 1319 of 2010 adopting the Manual of manufacturing best practice for the production and adaptation of customized medical devices such as prosthetics and external orthopaedic orthotics. SENA is developing a training course, certified by the International Society for Prosthetics and Orthotics (ISPO), for orthotics and prosthetics manufacturers in order to ensure the availability of accessible, high-quality technology for supplying orthotics and prosthetics in the country.

168. The National Police has contracts for the supply of assistive devices and technologies for persons with disabilities. Armed forces health establishments have professionals and technicians who teach persons with disabilities how to use and handle technical aids.

169. INCI, in association with public and private universities, has promoted the development and use of apps for visually impaired persons. It is also promoting the use of free and commercial apps among visually impaired persons.

170. With regard to international cooperation in the exchange of assistive technologies, a project for strengthening the comprehensive rehabilitation system in Colombia has been implemented with JICA. This project was conceived under the new public policy on disability and social inclusion.

171. The Korean International Cooperation Agency (KOICA) is implementing a project to set up the Armed Forces and National Police Social Inclusion Centre.

172. Cooperation agreements for the transfer of know-how on the management of war-related trauma are being implemented, through the Ministry of National Defence, with the United States Southern Command and the Mayo Clinic.

## **Article 27**

### **Work and employment**

173. Article 26 of Act No. 361 of 1997 guarantees employment stability for persons with disabilities, whose contracts may be terminated only with the authorization of the labour office.

174. Act No. 1429 of 2010 promotes employment for persons with disabilities through such measures as tax incentives and deductions for employers who recruit persons with disabilities, guaranteed equality in competitive recruitment processes, pension guarantees and the possibility of concluding agreements with educational institutions to train persons with disabilities and encourage entrepreneurialism. With regard to public bidding processes, the Constitutional Court<sup>19</sup> has ruled that in a public competition or tender, the deciding factor should be affirmative action, namely, giving preference to bidders, at least 10 per cent of whose employees are persons with disabilities.

175. Act No. 101 of 2006 on workplace harassment protects persons with disabilities, while Act No. 789 of 2002 and its implementing Decrees Nos. 2585 and 933 of 2003 aim to increase employers' participation in the training of apprentices by paying a benefit to employers who train disabled apprentices. Act No. 1221 of 2008 and its implementing decrees promote working from home (telecommuting) and create incentives for hiring persons with disabilities.

176. The Government is reviewing the interpretation of article 26 of Act No. 361 of 1997, since some sectors understand it as referring to disabled persons, but it may mean both persons with disabilities and persons who are temporarily incapacitated for work. The Constitutional Court<sup>20</sup> sees it as offering greater employment stability by guaranteeing that all workers (including those with disabilities) can keep their jobs, even against their employer's wishes, if there is no justified reason for their dismissal.

177. Through the partnership between the *Compensar* family compensation fund and SENA, 54 adults with cognitive disabilities have been certified as operational assistants in logistical support services. Twenty apprentices are currently being trained and 322 persons with cognitive disabilities and their families enrolled in the *Enlaces* programme are receiving life skills training funded with resources allocated under the General Education Act.

178. The Productivity Pact and Ventures programmes are providing seed capital and technical assistance to business ventures launched by persons with disabilities in different parts of the country.

179. Pursuant to its occupational inclusion policy, SENA is trying to ensure that job-training processes are appropriate for all individuals, regardless of their status, and that they can choose them freely. To this end, it is producing a profile of each region that analyses the region's employment situation and social and productive forces in order to ensure consistency with the labour market and employment opportunities. Through SENA,

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<sup>19</sup> Ruling T-684 of 2011, presiding judge Mauricio González Cuervo.

<sup>20</sup> Ruling T-470 of 1997, presiding judge Alejandro Martínez Caballero.

the Ministry of Labour is implementing programmes for persons with disabilities designed to foster an entrepreneurial culture. SENA is also implementing job placement processes in order to identify decent new jobs on the labour market for the vulnerable population. Persons with disabilities have access to the following services: occupational guidance, curriculum vitae recording, profiling, job placement, recruitment and monitoring of vacancies.

180. Through the Agora programme, INCI is promoting occupational inclusion by supporting the training of 2,357 blind and partially sighted persons on 141 SENA courses. Under this programme, 430 SENA instructors have been trained, 197 microbusinesses have been established, 93 visually impaired persons have found jobs and advice has been given on 29 business plans.

181. A cooperation agreement with the Corona Foundation for executing the Productivity Pact programme is currently being implemented. It involves analysing existing legislation on the occupational inclusion of persons with disabilities in the light of the Convention, proposing alternatives for removing barriers to access and holding a training workshop on the occupational inclusion of persons with disabilities for at least 100 labour inspectors and other civil servants in Bogotá, Medellín, Cali and Pereira. Colombia's foreign trade bank, Bancóldex, is supporting business development through external circular No. 005 of 22 April 2013 addressed to entities of the banking and financial system, which encourages such entities to open credit lines for businesses (of any size and in any sector, except agriculture) set up by persons with disabilities and for companies in which disabled persons own at least 20 per cent of the share capital.

## **Article 28**

### **Adequate standard of living and social protection**

182. The free housing programme administered by the Ministry of Housing through the family housing subsidy gives priority to vulnerable persons, including persons with disabilities.

183. For the formulation and development of social interest or priority interest housing projects, housing construction regulations have been drawn up to ensure that such housing is habitable, structurally sound and durable and that urban and architectural conditions guarantee a comfortable, ergonomic home for beneficiary households, especially older persons and persons with disabilities.

184. UARIV provides humanitarian assistance to victims in general and disabled victims in particular that is designed to protect their right to an adequate standard of living temporarily, until such time as they cease to be vulnerable. The victims care, assistance and comprehensive reparation (MAARIV) model implemented through the Care, Assistance and Comprehensive Reparation Plan (PAARI) is designed to identify people's needs in terms of assistance and comprehensive reparation measures. It was launched on 11 March 2013 and by 22 April of that year had assisted a total of 977 persons with disabilities.

185. Thematic roundtables are organized locally so that inputs can be received from different sectors (academia, government, business, etc.) to ensure that accessibility is taken into account in programme and policy design. Measures have been taken giving persons with disabilities access to appropriate and affordable services, devices and other assistance, including the availability of programmes covering additional disability-related expenses.

186. Subsidies are provided for older persons with disabilities, while promoting their use of care centres for older persons and their participation in activities under the National Policy on Aging and Older Persons. Act No. 1315 of 2009 enacted quality standards for

ensuring the decent treatment of older persons in residential care institutions, including universal accessibility measures.

187. The Ministry of Labour is implementing the *Colombia Mayor* programme for the social protection of older adults, designed to protect older persons who have no pension or who are destitute and/or living in extreme poverty.<sup>21</sup>

188. The Government is seeking to guarantee protection mechanisms for vulnerable older persons and the economically active population by promoting a voluntary savings scheme, known as periodic economic benefits (BEPS) and aimed at persons with low incomes who are unable to pay into a pension plan but are able to set aside for their old age an amount smaller than the contribution to the General Pension Scheme. Under this policy, when the person reaches pension age, the State awards him or her a bonus based on the amount saved and the person opts for a permanent income below the current monthly legal minimum wage that reduces the risk of not having an income in old age.

189. A subsidized pension contribution programme was created to protect the General Pension Scheme contributions of persons experiencing socioeconomic difficulties. As stipulated in article 28 of Act No. 100 of 1993, this is a temporary, partial measure, under which the beneficiary pays part of the pension contribution and the remaining part is covered by a subsidy from the Pension Solidarity Fund.

190. The Family Welfare Institute is working to restore rights (counselling, advice and financial support for family capacity-building) for children with disabilities or with illnesses requiring special care who are vulnerable or at risk.

191. Various academic research projects have been carried out on disability and its connection with poverty. For instance, Colombia's National University has a Master's degree in disability and social inclusion.

192. The National Anti-Poverty Agency is implementing the *Red Unidos* strategy for combating extreme poverty, which brings together 26 State bodies involved in the provision of basic social services for people living in extreme poverty. Actions and performance indicators have been formulated in relation to disability and rehabilitation, namely, community-based rehabilitation and access to technical aids. Persons with disabilities are also included under the headings of family, health and income generation.

193. Through the Social Income Department and in response to Act No. 1532 of 7 July 2012, the Administrative Department for Social Prosperity (DPS) is executing the pilot programme "More families in action and disability" with a view to implementing the conditional monetary transfers model aimed at supplementing the income and helping

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<sup>21</sup> This programme currently has 627,428 beneficiaries, but the Ministry of Labour hopes to achieve universal coverage over the next five years. The aim is to reach all 2.4 million adults aged over 65 throughout the national territory who currently have no protection. In 2011, 5,805,270 subsidies totalling US\$ 362,033,000 were provided. From January to August 2012, 4,704,556 subsidies totalling US\$ 293,875,000 were provided.

In implementation of the *Colombia Mayor* programme, in accordance with the redesign of welfare programmes envisaged in the National Development Plan and pursuant to article 53 of Act No. 1485 of 2011 on the gradual conversion from 2012 onwards of subsidies in kind to monetary subsidies, and also in response to the Family Welfare Institute's request to bring forward the date of the conversion, the Ministry of Labour transferred the departments of Atlántico, Bolívar, Boyacá, Caquetá, Casanare, Cesar, Huila, Meta, Norte de Santander, Santander and Tolima to the new system at the end of 2011 and Bogotá in 2012. The decision to bring forward the date of the conversion was enforced by Resolution No. 5746 of 20 December 2011. As a result of this process, 145,028 allowances were allocated under the *Colombia Mayor* programme.

improve the quality of life of poor and vulnerable families who have dependent children, adolescents or young people with disabilities.

194. At the national level, people are being linked up to the SISBEN (System for the Identification of Potential Social Programme Beneficiaries) database, making it possible to identify the poorest groups in Colombia. By cross-referencing this database with other databases, particularly the Register for the Location and Characterization of Persons with Disabilities (RLCPD), it is possible to identify and profile persons with disabilities, the correlation between their disability and their level of poverty and what they need in order to improve their living conditions.

## **Article 29**

### **Participation in political and public life**

195. Article 22 of Act No. 1618 of 2013 refers to participation in political and public life and gives the Ministry of the Interior responsibility for establishing the requirements that must be met for the creation, functioning, strengthening and sustainability of organizations of disabled persons and for their representation in local, national and international bodies, as well as for the adoption of all decisions affecting them.

196. Organizations of movements of persons with intellectual disabilities and their families carry out training activities for families and self-advocates capable of participating in political bodies. The organization *Fundamental Colombia* carries out training activities designed to empower persons with mental and psychosocial disabilities, make them aware of their rights and ensure their political impact.

197. The Ministry of the Interior issues decrees during electoral periods, reiterating that persons with disabilities are guaranteed this right to participate in public life, pursuant to article 16 of Act No. 163 of 1994.<sup>22</sup>

198. The National Civil Registry prepares ballot papers in Braille to ensure that persons with disabilities are able to vote in elections for President, mayors and governors, members of Congress, deputies and town and city councillors.

199. Persons with disabilities are allowed to enter polling places accompanied. However, not all places provided for the electoral process are sufficiently accessible to ensure the mobility and participation of persons with disabilities.

200. The Ministry of the Interior is overhauling the voter registration system (SIDEPAR) so that it will provide qualitative and quantitative information on the participation of persons with disabilities.

201. Act No. 1618 of 2013 and the new disability policy (currently being formulated) include a component on participation in public life.

202. The National Disability Observatory analyses the indicators and other data to be taken into account for measuring the level of disabled persons' participation in local and national political and public life.

203. Under Act No. 1145/2007 organizing the National Disability System, organizations of persons with physical, auditory, visual, mental or multiple disabilities and parents of persons with cognitive disabilities are represented on the National Disability Council, as

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<sup>22</sup> Accompaniment to vote. Citizens suffering from disabilities and physical ailments that prevent them from managing on their own may exercise the right to vote by being accompanied into the voting booth. Persons aged over 80 years or suffering from acute vision problems may also exercise this right.

well as on departmental, district, municipal and local disability committees, and each of these bodies has a disabled spokesperson on the corresponding social policy council.

204. The Ministry of Health works with local authorities to manage projects aimed at strengthening organizations of persons with disabilities and their participation in local disability committees.

205. To strengthen social organizations and local committees of persons with disabilities, the Ministry of the Interior provides training on public issues, project formulation, fundraising strategies and how to work in partnerships and networks.

206. UNARIV has registered 11 organizations of victims with disabilities in seven departments and the Capital District. The comprehensive participation protocol also provides participation opportunities for victims with disabilities.

207. Organizations of persons with intellectual disabilities and their families are helping to build the Families for Change network by creating training opportunities for self-advocates — persons trained to know their rights. The network currently comprises 16 organizations in 12 cities in Colombia.

208. INCI has partnered with the University of the Andes Action Programme for Equality and Inclusion (PAISS), Foro por Colombia and the Higher School of Public Administration to provide training in public participation and public oversight; to date, 291 visually impaired persons have been trained. The Institute has also been assisting organizations in participation processes.

209. Under an agreement with INCI, the Ministry of Health helped the National Coordinating Council of Visually Impaired Persons (CONALVI) hold the second national meeting of visually impaired women, which was attended by 190 persons.

210. The Family Welfare Institute is strengthening associations and organizations of persons with disabilities by means of the Family Support and Strengthening Unit (UNAFI) strategy, which helps persons with disabilities take part in shaping local authorities' disability policies.

211. Different public sector bodies are providing technical assistance at the local, municipal, district and departmental levels to support the creation and functioning of local disability committees, which must include representatives of disabled persons' organizations.

## **Article 30**

### **Participation in cultural life, recreation, leisure and sport**

212. The following measures have been taken in Colombia to recognize and promote the right of persons with disabilities to take part on an equal basis with others in cultural life: the National Consultation Programme,<sup>23</sup> the National Incentives Programme,<sup>24</sup> the award of

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<sup>23</sup> The aim of the programme is to stimulate and publicize cultural processes, projects and activities of general interest that help democratize the access of persons and institutions to different cultural goods, services and events, in a framework of recognition and respect for the cultural diversity of the Colombian nation. Thematic area 6 of the programme involves the promotion of equal cultural opportunities for persons with disabilities. This is an annual process and 195 projects were approved between 2006 and 2012.

<sup>24</sup> This programme provides incentives for artistic creation, research and the training of cultural workers, as well as the circulation of cultural goods and services, to ensure the nation's cultural sustainability. Various approaches are used for this, from prizes recognizing completed and unpublished works by creative workers, artists and researchers and designed publicly to promote new

a national prizes for cultural and artistic organizations of and for persons with disabilities, introduced in 2009, the award of a national prize for cultural management and the award of a research fellowship, introduced in 2011.

213. Article 11 of Act No. 1393 of 2010 on the value added tax (VAT) on mobile telephony, which supplements article 470 of the Tax Statute, stipulates that at least 3 per cent of such VAT resources must be allocated to encouraging, promoting and developing sport, recreation for sportspersons with disabilities and the cultural and artistic programmes produced by cultural managers and creators with disabilities. Thematic area 7 on cultural and artistic programmes produced by cultural managers and creators with disabilities recognizes the right to share in these resources by presenting projects aimed at the social inclusion of persons with disabilities. Such recognition is confirmed in article 17 (16) of Act No. 1618 of 2013.

214. The National Reading and Writing Plan aims to increase the supply of and access to books in non-conventional settings close to young children and to strengthen public libraries. Action has been taken to ensure that persons with disabilities can effectively enjoy cultural rights through reading and writing.

215. INCI, INSOR and the Ministry of Culture reached an agreement on increasing the participation of persons with disabilities, especially sensory disabilities, in cultural processes.

216. Family compensation funds promote the training and strengthening of artistic groups that include persons with disabilities and their participation in regional and national events.

217. As part of the inclusive comprehensive rehabilitation model, the armed forces implement physical activity and mobility programmes and programmes for active and productive living and interaction with one's environment.

218. The Ministry of Information and Communication Technologies developed the first version of the *Incluir* prizes, aimed at identifying ideas or proposals for the digital inclusion of persons with disabilities and at promoting initiatives by independent inventors, research centres or groups, companies and universities, among others.

219. INCI and the Ministry of Culture signed an agreement under which 200 libraries in the country's 32 departments were provided with Braille and ink printed materials and DAISY digital talking books through the National Reading Plan. In cooperation with the Ministry of Information and Communication Technologies, 21 educational institutions and six libraries were supplied with specialized technology.

220. The Vice-Ministry of Tourism in the Ministry of Trade, Industry and Tourism arranged for a national market research project to be carried out for persons with disabilities, the findings of which will make it possible to identify the action that needs to be taken in this sector to promote the provision of tourism services and opportunities tailored to the characteristics and expectations of persons with disabilities. Article 19 of Act No. 1618 of 2013 called for tourism practices to be facilitated in order to meet the requirements of universal accessibility and for tourism businesses to introduce special rates for persons with disabilities.

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works that enrich Colombia's cultural heritage, to creative and research fellowships designed to increase training opportunities for individuals or legal entities working in the cultural sphere and for communities that have made outstanding achievements in their field, giving them the necessary financial and logistical support to follow training programmes at universities in Colombia and abroad so that they can pursue their projects.

221. The Administrative Department for Sports, Recreation, Physical Activity and Use of Free time (COLPORTES) spearheaded the production of two manuals on accessibility of sporting and recreational venues: the guide to accessible universal design and the universal guide to accessible design. It has also funded infrastructure projects for building accessible sporting and recreational venues nationwide. Article 18 (1) and (8) of Act No. 1618 makes it compulsory to take measures to ensure the accessibility of sporting and recreational venues.

222. INCI has promoted the participation of visually impaired persons in national surveys to establish the country's position on the inclusion of a copyright exception for blind and partially sighted persons.

223. Among measures taken to promote deaf culture, the language festival held in association with the Ministry of Culture, the Capital District and Colsubsidio to disseminate linguistic diversity in Colombia offers workshops, conversation groups, discussions and lectures.

224. A "Colombia on Film" programme was launched to make cinema accessible to persons with sensory disabilities. It was piloted in the five cities with the largest number of persons with sensory disabilities, showing five short films with subtitles, audio description and Colombian Sign Language (LSC) interpretation.

225. The process of teaching librarians how to manage and use the new materials and how to assist users in order to ensure effective access and inclusion, especially for users with sensory (auditory and visual) impairment, began in 2011.

226. The Ministry of Trade, Industry and Tourism has arranged for the LSC Basic Level I course to be taught to the tourism police.

227. The Ministry of Information and Communication Technologies produced the television programme "*Gesto a Gesto*" (gesture for gesture), made by and for Colombia's deaf and hearing-impaired population with assistance and training from non-hearing-impaired professionals. Sections of the programme address the communication concerns and needs of the deaf community, understood as hearing impaired persons, their families, their social and/or educational circle and/or their fellow workers. The programme is broadcast by public television channel *Canal Institucional*.

228. Measures taken to support the participation of persons with disabilities in sports include the following:

- The Third Parapan American Games, in which 1,750 disabled athletes participated, involving 32 championships and 31 regions of the country;
- Cofunding for the Colombian Paralympic Committee, five federations of sportspersons with disabilities, two conventional sports federations with a paralympic sports component and five departmental sports bodies;
- Economic recognition for excellence in sports for 28 athletes with disabilities.

229. To ensure that children with disabilities have equal access to participation in play, recreation, leisure and sporting activities, including those activities in the school system, COLPORTES spearheaded the drafting of the 2013 guidelines for encouraging and developing the inclusion of persons with disabilities in physical education, recreation, physical activity and social and community sport. As part of the "0 to forever" early childhood comprehensive care policy, an early childhood recreation strategy with a differential approach was designed and an early childhood social inclusion index was introduced in order to mainstream the differential approach in public policy.



230. The National Police has special schemes and educational centres for the children of active and retired police personnel, and children with disabilities are guaranteed equal access with other children to participation in play, recreation and leisure and sporting activities.

### **Article 31**

#### **Statistics and data collection**

231. Among measures to collect disaggregated information, including statistics and research data, in November 2010, the Ministry of Health took over responsibility for the modernization and management of the Disabled Persons Register (RLCPD) from the National Statistics Department.

232. Once the Ministry took over its management, a digitized version of the Register, linked to the Integrated Social Protection Information System (SISPRO)<sup>25</sup> and accessible via Internet from any part of the country, was designed and introduced. By 31 March 2013, 95 per cent (1,063) of municipalities had produced a disabled persons register, identifying 974,500 persons with disabilities, or 37 per cent of the number of persons with disabilities recorded in the 2005 population census. The benchmark used by the Disabled Persons Register is the number of persons who declared in the 2005 census that they had a permanent disability.

233. Linking the Register to SISPRO has made it possible to coordinate different information sources, yielding important additional information for decision-making on how to develop public policies and the relevant plans, programmes and projects.

234. Article 5 (5) of Act No. 1618 of 2013 stipulates that the State has an obligation to implement mechanisms for keeping the Disabled Persons Register up to date, while article 13 gives local authorities responsibility for including in their development plans action to improve the Register and to mainstream disability in other social protection schemes and in their administrative records.

235. Similarly, with the participation of the Sectoral Liaison Group, a body that includes civil society representatives, work is under way to design the questions on disability to be included in the Eighteenth National Population Census and the Seventh National Housing Census, to be held in 2015.

236. The National Planning Department, in conjunction with the National Statistics Department, determines and funds the information needs of the longitudinal social protection survey for Colombia, as well as designing strategies for monitoring the surveyed population.

237. INSOR produces updated statistics on the inclusion of deaf persons, annual bulletins and comparative studies, all of which permit disaggregation by age and gender.

238. The Family Welfare Institute has mainstreamed disability in the mission information system for the protection area. In 2013, the Institute's different information systems were consolidated into the *Cuéntame* mission system for prevention.

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<sup>25</sup> SISPRO is a system that collects health, insurance and welfare information from various sources. "Insurance" means the set of insurance schemes regulated by the State and financed by employees' and employers' contributions that protect people against the economic risks associated with health, old age and unemployment. "Welfare" is defined as the set of State interventions aimed at reducing poverty. Details of the system can be accessed via the following link: <http://www.minsalud.gov.co/consultaInformacion/paginas/home.asp>.

239. Between 2010 and the first quarter of 2013, 3,443 persons with disabilities were registered in the databases of the Armed Forces Health Department and coordination was instituted with the Ministry of Health to update the information in the Disabled Persons Register.

240. As part of the “Inclusive mayors and governors” competition, the *Colombia Líder* foundation, in coordination with the Saldarriaga Concha Foundation, disseminated the Disabled Persons Register widely in the country’s departments, districts and municipalities in order to expand its coverage and promote use of the information contained therein.

241. Pending actions include: (a) designing and testing, with the participation of the Sectoral Liaison Group, the questions on disability to be included in the Eighteenth National Population Census and the Seventh Housing Census; (b) training staff of the Armed Forces and National Police Health Subsystem to use the Disabled Persons Register and organizing the Armed Forces Health Department’s data-generating units.

242. The National Disability Observatory, conceived as a technical mechanism for collecting, researching, analysing and generating information to help monitor the efforts made by institutional stakeholders and other sectors, is in the process of being established. The following indicators, obtained initially from the information provided by the Disabled Persons Register, have been defined and prioritized: prevalence of persons with disabilities by gender and age, percentage of school-age children with disabilities who attend educational establishments, percentage of persons with disabilities enrolled in the General Social Security Health Scheme, percentage of persons with disabilities by type of rehabilitation, timeliness of habilitation/rehabilitation, percentage of persons with disabilities by sector of economic activity, percentage of persons with disabilities by level of monthly income, percentage of persons who received employment training after becoming disabled, percentage of persons with disabilities on the Single Register of Members by type of affiliation, percentage of persons with disabilities receiving public services in the home and percentage of persons with disabilities participating in social groups.

243. To ensure use of the Register, the Ministry of Health, by agreement with INSOR, has produced promotional videos aimed at the hearing-impaired population. It has also produced a video version of the entire registration form in Colombian Sign Language, to make it easier for persons with disabilities to access the data-generating units set up to input disability information in each municipality.

244. The Ministry of Health has developed a SISPRO geographical model,<sup>26</sup> which enables predefined, geo-referenced reports to be produced on the abovementioned variables; anyone can consult these reports online.

245. INSOR has an observatory on hearing-impaired persons, through which it publishes information adapted to the language models used by such persons.

246. PROFAMILIA included a chapter on disability in the design and application of the National Population and Sexual and Reproductive Health Survey.

247. Pending actions include the design of systems for disseminating census information to make it easier to consult and analyse such information.

248. It is hoped that the restructuring of the System for the recording of public participation data (SIDEPAR) will yield qualitative and quantitative data on the participation of persons with disabilities.

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<sup>26</sup> Integrated Social Protection Information System, <http://sispro.gov.co>.

249. To ensure the full participation of persons with disabilities in the process of data collection and research in the different departments and districts, representatives of disabled persons on local disability committees have taken part in technical assistance processes conducted by National Statistics Department and subsequently by the Ministry of Health. Some organizations of and for persons with disabilities have also become users of the “Disability Cube”, accessing the technology platform and obtaining official information tailored to the interests and expectations of such searches.<sup>27</sup> In the case of the armed forces, authorization must be obtained from the Armed Forces Health Department before information can be accessed. Persons with disabilities and their families also take part in the psychosocial interview and the registration process for programmes in which personal and family data are collected.

250. With regard to the standardization of variables, Act No. 1618 of 2013 stipulates that the disability variable must be included in all records. In the regulatory process involving civil society to be coordinated by National Disability Council, guidelines for harmonizing disability information will be drawn up in accordance with the International Classification of Functioning, Disability and Health (ICF).

## **Article 32**

### **International cooperation**

251. The National Strategy for International Cooperation 2007–2010 set out the country’s needs in three areas: (a) achieving the Millennium Development Goals; (b) combating the global drug problem and protecting the environment; and (c) reconciliation and governance. One strategy line was international cooperation in support of the Government’s efforts to adopt a rights-based approach to the implementation of actions to promote social, economic, political and cultural development, under which the Strategy proposes the implementation of actions aimed at recognizing and safeguarding the economic, social and cultural rights of persons with disabilities.

252. The Strategy is aimed at enhancing Colombia’s importance and leadership at the international level, based on an inclusive agenda consistent with the country’s foreign policy and development priorities. It identifies six areas in which Colombia is seeking international cooperation: (a) integrated risk management and sustainable rebuilding of communities affected by natural disasters; (b) equal opportunities for democratic prosperity; (c) economic growth and competitiveness; (d) environment and sustainable development; (e) governance; and (f) victims, reconciliation and human rights. In this last area, Colombia is requesting that international cooperation be directed towards safeguarding victims’ rights through actions permitting restoration of their rights, assistance, comprehensive reparation and effective participation, differentiated by ethnic group, gender, type of disability and age. Priority is being given to cooperation in support of areas of work related to humanitarian assistance, returns, relocation and local integration, socioeconomic stabilization of resettled populations and institution-building of national and local bodies so that they provide comprehensive, appropriate care to victims, including persons with disabilities.

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<sup>27</sup> The Cube is a tool for consulting statistical information on the data of persons entered in the Disabled Persons Register. It allows not only Disabled Persons Register information to be consulted but also information from other databases, such as those on membership of the Social Security Health Scheme, provision of health services and welfare programmes. Information can be consulted via the Internet from anywhere in the world. Internet connection to other sources is possible via Excel, using the following information: server: cubos.sispro.gov.co; user: sispro/discapacidad; password: sispro.

253. Thirteen projects aimed at persons with disabilities and supported by international cooperation are registered in the Official Development Assistance (ODA) information system and began operations in 2009. The international resources earmarked for these projects total US\$ 1,095,241 and the sources of cooperation providing technical and financial support for them are the Governments of Belgium, Germany, Japan, Spain and the United Kingdom and United Nations agencies such as the Office of the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Children's Fund (UNICEF).

254. The Presidential Agency for International Cooperation (APC Colombia) concluded three counterpart agreements to support the execution of international cooperation projects for persons with disabilities. These projects were implemented by the Corona Foundation and the Fundación Arcángeles in 2012 and 2013 and received a US\$ 1,208,254 input from APC Colombia.

255. With regard to South-South cooperation, Colombia has received requests from member countries for technical cooperation in connection with successful experiments in providing care to persons with disabilities. Three projects are being implemented, two with the Government of Paraguay and one with the Government of Bolivia, in which INSOR, FENASCOL and the District College of the Republic of Bolivia are sharing their expertise.

256. Title III, article 5 (6) of Act No. 1618 of 2013 stipulated that the State has an obligation to ensure that international cooperation is inclusive and accessible by persons with disabilities and is aimed at improving their situation in coordination with APC Colombia or whichever agency is acting in its stead. Chapter IV, article 8(5), also stipulated that national and international cooperation plans, programmes and projects of relevance to persons with disabilities must include the disability variable and comprehensive care for the families of disabled persons in order to guarantee the effective exercise of their rights.

257. With regard to the Millennium Development Goals and the Post-2015 Development Agenda, Colombia sent a government representative and a representative of disabled persons' organizations to the regional consultation on disability and development entitled "The way forward: a disability-inclusive development agenda towards 2015 and beyond".

258. Successful international cooperation experiences include: the contribution of Japanese cooperation to institutional and community capacity-building, with the active participation of the Government, non-governmental organizations and civil society at the national and local levels. Colombia is also a member of the Ibero-American Technical Cooperation Network, a horizontal cooperation initiative that promotes exchanges of experience and cooperation among countries of the Ibero-American community.

259. In the context of the Community-based Rehabilitation (CBR) Network for the Americas and the Caribbean, a Colombian network of RBC networks is being created, with five offices in the country's main regions and a joint working process among public institutions, non-governmental organizations and disabled persons' organizations.

260. In 2008, the Inter-American Development Bank (IDB) called on the Corona Foundation to form a partnership for working on the issue of occupational inclusion for persons with disabilities. SENA, APC Colombia and the Saldarriaga Concha Foundation joined this initiative, known as the Productivity Pact.

### **Article 33**

#### **National implementation and monitoring**

261. In Colombia, the coordination mechanism for implementing the Convention is the National Disability System, operating through the National Disability Committee. The

independent monitoring, protection and promotion mechanism is made up of the Attorney General's Office, the Ombudsman's Office, the Comptroller's Office and representatives of disabled persons' organizations. In coordination with the Department of Public Health, the Ministry of Health acts as liaison between the two mechanisms.

262. The National Disability System is the national coordination mechanism. It comprises the National Disability Council and the Sectoral Liaison Group, bringing together representatives of the Offices of the President and Vice-President, all Ministries and associated bodies and representatives of organizations of and for persons with disabilities. The local level, as explained in the general report on the decentralization of the Colombian State, comprises the local disability committees.

263. Article 30 of Act No. 1618 of 2013 provides for the creation of an independent mechanism to promote, protect and monitor the effective exercise of the rights of persons with disabilities, the implementation of the Convention and the functioning of departmental, district and municipal authorities. The Ministry of Justice and Law will provide it with an independent budget and will report every six months at least and every two years at most on the Government's action to comply with its obligations under the Convention.

264. Measures taken to involve civil society, in particular persons with disabilities and their representative organizations, in the monitoring process and in the preparation of the report include:

- Strengthening social networks of organizations of and for persons with disabilities.
- The "Legal action: equality and rights for all" project, a strategy for expanding access to justice for persons with disabilities, implemented jointly by the Saldarriaga Concha Foundation, the University of the Andes PAIIS programme, INCI and some universities present in the regions where the project is being implemented.
- Processes for strengthening disabled persons' organizations and their participation, promoted by public sector, private sector, civil society, international cooperation and academic institutions, among others.
- Development of an educational game, "Playing Convention Poker", for teaching different stakeholders about the Convention. The game was designed by the Fedar Foundation and the *Pensar desde la Diferencia para Sumarnos a lo Colectivo* network and reproduced and disseminated by the Ministry of Health, with an additional version in Braille being sent with INCI support to the different organizations of visually impaired persons in the country and to other organizations. Both formats have been distributed to local disability committees, which are allowed to reproduce them.

265. INSOR has made videos in Colombian Sign Language, published information on its Facebook page and invited organizations of hearing-impaired persons to take part in a teleconference organized with the help of the Family Welfare Institute and the Ministry of Health, in which deaf persons from different parts of the country participated. The methodology for and the number of bodies, by sector, that participated in the drafting of this report are described in annex 1 (Excel file).

266. With regard to the integration of disability on the agenda of all governmental agencies, the following is noteworthy: the new national disability and social inclusion policy drafted in the context of the National Disability System and included on the Government's agenda through CONPES takes the Convention as its benchmark and is binding on all governmental agencies at all levels.

267. The percentage participation of each sector is the following: organizations for persons with disabilities: 15 per cent; organizations of persons with disabilities: 31 per cent; caregivers and families: 12 per cent; civil servants: 17 per cent; academia: 8 per cent; others: 4 per cent; employers: 5 per cent; and Sectoral Liaison Group-National Disability Council: 8 per cent.

268. Under the programme for strengthening local authorities, the National Participation Department provided technical assistance to the mayors and local authorities of 500 municipalities in including the issue of disability in their development plans.

269. The Ministry of the Interior is publicizing Act No. 1618 of 2013 through the Department for Democracy, Public Participation and Community Action. During the second half of 2013, information will be disseminated in the country's 32 departments, special districts and the Capital District.

270. The strengthening of civil society has had a lasting impact on public policies on children, education, employment, health, transport and other sectors where the participation of persons with disabilities is possible or necessary.

271. As described in the common core document, all governmental agencies belong to the National Disability System and are bound by Act No. 1618 to guarantee the rights of persons with disabilities. The regulatory process will help strengthen existing mechanisms and help implement any outstanding measures for guaranteeing the rights of persons with disabilities.

272. With regard to budget allocations for national implementation and monitoring in Colombia, public policy interventions in the disability area are financed through various sources of funding aimed at building local administrative capacity and making public spending decisions more efficient. These include: (a) the General Participation System, made up of the resources that the State is mandated by articles 356 and 357 of the Constitution to transfer to territorial entities (departments, districts and municipalities) to fund education, health, water supply and sewerage services and for general purposes such as caring for vulnerable persons (displaced persons, persons with disabilities, older persons), for which they are responsible by virtue of Act No. 715 of 2001; (b) the Intergovernmental Transfers System, which makes it possible to increase local authority social spending, increase returns on the investments made by local authorities, encourage local authorities' fiscal efforts, build local government management capacities and make public spending decisions more efficient. In education, for instance, local authorities disburse an additional 20 per cent according to the profile of children in the education system (CONPES social policy document 159, 24 January 2013); (c) the National Royalties Scheme (municipal and departmental), which funds projects prioritized by departments and municipalities — mainly social impact projects that are self-sustaining and do not give rise to recurrent expenditure; and (d) revenues from gambling and sales of spirits in the country's departments, which are also a potential source of funding for disability-related activities. In this context, local authorities may decide independently how to allocate these resources, in accordance with social policy priorities.

273. The programmes of national bodies are funded by the national budget through investment projects. These projects are the means by which Ministries and their associated agencies implement their programmes, including those aimed at persons with disabilities or required to make reasonable accommodation for disabled persons.

274. International cooperation resources disbursed through national projects and programmes coordinated by APC Colombia, municipalities' own resources (operating budget) and contributions from family compensation funds also help finance initiatives for persons with disabilities.

275. The Ministry of Health contributes resources from its annual budget for the functioning of the coordination mechanism. The law stipulates that the Ministry of Justice and Law must provide the resources required to guarantee the functioning of the independent mechanism.

276. Given the need to quantify the amounts allocated to the social inclusion and care of persons with disabilities, Colombia needs to adapt its budgetary and financial tools to permit a detailed, specific breakdown of the investments and budgets earmarked for disability at the national and local level.

277. The resources allocated by the Colombian Government to the implementation of the Convention between 2009 and 2013 total US\$ 872,643,090.67, calculated according to the average representative market rate for 2012 (COP 1,797.79 = US\$ 1).

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