



Convention on the Rights of Persons with Disabilities

Distr.: General
26 October 2015
English
Original: Spanish
English and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Chile*

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

Purpose (art. 1)

1. Please provide information on measures proposed to eliminate pejorative terms referring to persons with disabilities in legislation and other normative instruments currently in force in the State party, as well as to bring certification criteria into line with the human rights model set out in the Convention.

General obligations (art. 4)

2. Please provide information on progress made towards the implementation of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act (No. 20422).

3. Please provide information on progress made towards the preparation and implementation of the 2013-2020 National Action Plan for the Social Inclusion of Persons with Disabilities and the establishment of a subsecretariat on disabilities.

4. Please provide information on whether procedures exist for consultation with civil society, and especially organizations of persons with disabilities, on the adoption of policies and all matters of concern to them.

5. Please provide updated data on persons with disabilities disaggregated by type of disability, age, educational standard and employment, socioeconomic situation and other demographic characteristics.

B. Specific rights

Equality and non-discrimination (art. 5)

6. Please provide information on how the notion of reasonable (necessary) accommodation to facilitate the participation of persons with disabilities is applied in different areas, according to article 8 of the Equal Opportunities and Social Inclusion of Persons with Disabilities Act.

7. Please provide information on the measures taken to prevent and punish multiple, intersectional discrimination, particularly discrimination against women and girls with disabilities and indigenous persons with disabilities.

* Adopted by the pre-sessional working group at its fourth session (7-11 September 2015).



Women with disabilities (art. 6)

8. Please provide information on how the 2011-2020 National Equal Opportunities Plan includes women and girls with disabilities, as well as details of the measures implemented to foster their participation on equal terms in areas such as employment, education or politics.

9. Please provide information on how the National Service for Women includes women and girls with disabilities in its plans and policies.

Children with disabilities (art. 7)

10. Please provide information on measures adopted to prevent the abandonment and subsequent institutionalization of children with disabilities, in particular those who come from families with limited resources, live in rural areas or belong to indigenous communities.

11. Please provide information on measures taken to adopt legislation to provide full protection for children with disabilities as well as to ensure that children with disabilities can express themselves freely on issues that concern them.

Accessibility (art. 9)

12. Please provide information on plans to implement and monitor accessibility measures throughout Chile and on whether organizations of disabled persons participated in the formulation of those plans.

Situations of risk and humanitarian emergencies (art. 11)

13. Please supply information on measures adopted to include persons with disabilities in plans and policies aimed at disaster risk mitigation. Please explain how persons with disabilities who have complex needs are included in the early warning mechanisms during situations of risk and humanitarian emergencies and, in particular, how information is transmitted and at what stage of the mechanisms.

14. Please specify whether information relating to emergency situations and humanitarian risks is transmitted in formats accessible to all persons with disabilities, including through Chilean sign language interpreters and in real time.

Equal recognition before the law (art. 12)

15. Please provide information on measures to amend the Civil Code and repeal article 1447. Please also provide details of the measures adopted to ensure that persons with disabilities can exercise their legal capacity and enjoy the support required for decision-making.

Access to justice (art. 13)

16. Please provide information on legal reforms introduced to eliminate all restrictions on access to justice for persons with disabilities. Please also indicate whether judges and other personnel, including law enforcement officials in both the civil and criminal fields, have been provided with training on the rights of persons with disabilities.

Liberty and security of person (art. 14)

17. Please provide information on measures envisaged to eliminate the clause on exemption from criminal responsibility on the grounds of “mental illness” contained in article 458 of the Code of Criminal Procedure.

18. Please provide information on persons with disabilities who have been institutionalized without their consent on the grounds of psychosocial and/or intellectual disability.

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

19. Please provide information on how protection for persons with disabilities, in particular women and children with disabilities, has been included in the Domestic Violence Act (No. 20066), and on how such protection has been incorporated into the National Plan of Action on Violence against Women (2015-2018).

20. Please report on how many shelters and care and treatment centres are accessible to persons with disabilities and whether “disability” constitutes a separate category in the central registry of cases of violence against and murder of women.

Protecting the integrity of the person (art. 17)

21. Please give details of plans to abolish the rules permitting the forced sterilization of persons with disabilities.

Living independently and being included in the community (art. 19)

22. Please provide information on plans for the deinstitutionalization of persons with disabilities.

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

23. Please provide information on the number of sign language interpreters accredited in the State party. Please also indicate how training institutions that license interpreters work with organizations of deaf persons to ensure the quality of the services provided by professional sign language interpreters. In addition, please provide details of the development of training materials, such as an interactive, multimedia dictionary of Chilean sign language.

24. Please indicate whether persons with disabilities are guaranteed access to information in all areas of participation in private and public life.

Respect for home and the family (art. 23)

25. Please provide information on measures adopted to protect the right of persons with any type of disability to marry and start a family on the basis of free and informed consent and the principle of non-discrimination.

Education (art. 24)

26. Please provide information, disaggregated by age, gender and disability, on inclusion in the educational system at all levels and in all regions of the country; please give the data in both absolute figures and percentages of the total student population at each level. Please indicate the number of persons with disabilities who are in segregated special education compared to the number of students with disabilities in inclusive education.

Health (art. 25)

27. Please provide information on measures adopted to ensure that persons with disabilities, in particular women and girls, have access to all sexual and reproductive health services.

28. Please report on the adoption of new mental health legislation that is in line with the Convention and whether organizations of persons with disabilities are consulted at the drafting stage.

Work and employment (art. 27)

29. Please indicate whether the State party intends to add disability as a criterion for prohibiting discrimination in the area of employment.

30. Please provide information on complaints procedures and statistics on cases of discrimination on the grounds of disability, including the denial of reasonable accommodation, in the workplace, and the remedies available.

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

31. Please provide more information on the “Chile Solidario” programme and give details of the criteria used for supporting persons with disabilities; please also provide information on the extent to which persons with disabilities, particularly women and children, older persons and indigenous persons, are included within the objectives and lines of action of this programme.

Participation in political and public life (art. 29)

32. Please indicate whether the State party intends to eliminate voting restrictions for persons with disabilities who, amongst others, have been removed from the electoral roll “on grounds of dementia”.

C. Special obligations

Statistics and data collection (art. 31)

33. Please provide information on plans to include disability as a separate indicator of discrimination in registries and data collection.

National implementation and monitoring (art. 33)

34. Please provide information on whether the government body with responsibility for the implementation of the Convention and the independent mechanism in charge of supervising its implementation have been designated. Please also indicate whether organizations of persons with disabilities have been consulted with regard to those two procedures.
