



Convention on the Rights of Persons with Disabilities

Distr.: General
25 August 2016

Original: English

Committee on the Rights of Persons with Disabilities Sixteenth session

Summary record (partial)* of the 273rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 17 August 2016, at 3 p.m.

Chair: Ms. Cisternas Reyes

Contents

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

Initial report of the Plurinational State of Bolivia

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

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of the present document* to the English Translation Section, room E.6040, Palais des Nations, Geneva (trad_sec_eng@unog.ch).

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.16-14411 (E) 220816 250816



* 1 6 1 4 4 1 1 *

Please recycle



The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by parties to the Convention under article 35

(continued)

*Initial report of the Plurinational State of Bolivia (CRPD/C/BOL/1;
CRPD/C/BOL/Q/1 and Add.1)*

1. *At the invitation of the Chair, the delegation of the Plurinational State of Bolivia took seats at the Committee table.*
2. **Ms. Velasco Condori** (Plurinational State of Bolivia), introducing her country's initial report (CRPD/C/BOL/1), said that persons with disabilities had received little attention from previous Governments and had constituted an invisible sector of society. However, that situation had changed completely in 2006, when policies and programmes in favour of persons with disabilities had begun to be implemented. As a result, such persons had acquired the same rights, responsibilities and opportunities as other citizens and private institutions had incorporated the concept of social inclusion into their policies and programmes.
3. The rights of persons with disabilities were formally enshrined in Act No. 4024 of 2009, which approved the Convention on the Rights of Persons with Disabilities and its Optional Protocol. Likewise, the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities had been ratified and adopted in 2002. The General Persons with Disabilities Act No. 223, which had been adopted in March 2012, sought to promote, protect and safeguard the rights of persons with disabilities. It also established guidelines for public policies in the areas of health, education, sport and employment, among others.
4. Chapter 4 of the General Persons with Disabilities Act provided for special service units aimed at persons with disabilities. It also established disability as a cross-cutting issue, instituted social monitoring, set out the competencies and functions of autonomous departmental legislative assemblies and municipal councils, and granted a participatory role to persons with disabilities.
5. Act No. 3925 eliminated the State funding of political parties and used the resources thus made available to establish the National Solidarity and Equity Fund for persons with disabilities, which implemented programmes to enhance the quality of life of such persons in the areas of health, education, employment, housing and legal support.
6. The Act on the Elimination of Racism and All Forms of Discrimination aimed to eradicate the use of pejorative terms to describe persons with disabilities and to ensure that appropriate language was used. Training programmes had also been conducted to raise police officers' awareness of disability issues and to prevent them from abusing persons with disabilities when conducting their duties.
7. Conditions of accessibility had been enhanced in various ways. Passengers with disabilities were granted preferential treatment on public transport and could not be refused access to public transport vehicles. Under the General Transport Act No. 165, accessibility at airports had been improved and infrastructure had been modified to reduce physical barriers and improve signage for persons with disabilities. Likewise, Financial System Supervisory Authority Decision No. 796/2012 aimed to enhance accessibility in financial institutions by reducing architectural obstacles and improving signage. Accessibility in the area of housing for persons with disabilities and their families had also been improved.
8. The Ministry of Justice had trained legal officials in working with persons with disabilities and taken measures to improve the accessibility of its facilities. Free legal assistance had been granted to persons with disabilities who were unable to afford it.

Furthermore, the Ministry of Justice had identified and granted legal assistance to persons with disability who had been deprived of their freedom. The Pardons for Persons Deprived of Liberty Act also addressed the concerns of persons with disabilities.

9. One of the most important representative organizations for persons with disabilities was the Bolivian Institute for the Blind, which registered blind persons and produced educational materials in Braille to enhance that community's educational opportunities and inclusion in the labour market. The Institute also provided training in reading Braille and the use of computers. General Education Act No. 70 stipulated that the State must implement educational policies that provided ongoing care for persons with disabilities, while article 10 of General Persons with Disabilities Act No. 223 stipulated that the State guaranteed the right of persons with disabilities to have access to education.

10. The Ministry of Health and Sports worked to monitor and ensure compliance with Act No. 475 on Health Service Provision, which granted persons with disabilities the right to free health care and prescriptions. The disability, rehabilitation and biopsychosocial enablement unit of the Ministry was responsible for the Central National Register of Persons with Disabilities. The Ministry was working to boost the number of comprehensive community rehabilitation centres and had set up 30 such centres to date. It also paid benefits to persons listed on the Register.

11. The Ministry of Labour, Employment and Social Welfare ran a vocational training project that aimed to equip persons with disabilities with the skills required to enter the labour market. Legislation due to be adopted in the near future aimed to increase job security for persons with disabilities and establish quotas to ensure that at least 4 per cent of public sector employees and 2 per cent of private sector employees were persons with disabilities.

12. Women with disabilities were strongly represented at a senior level in representative organizations for persons with disabilities. For instance, three of the four most senior posts at the Bolivian Confederation of Persons with Disabilities were occupied by women. Moreover, many other such organizations employed women with disabilities at the director level.

13. Disability had been made a cross-cutting issue by new legislation that sought to safeguard the rights of persons with disabilities in the areas of transport, landownership and education, among others, and to provide them with identity cards recognizing their disability status.

14. The Government's Social and Economic Development Plan 2015-2020 established a strategy for the social inclusion of persons with disabilities that guaranteed them access to, inter alia, health and education services and reduced fares on public transport. Moreover, a service operating under the Supreme Electoral Court enabled persons with disabilities to acquire birth, marriage and death certificates free of charge.

15. Legislative changes introduced in recent years safeguarded the rights not only of persons with disabilities but also of their family members and carers. Community-based rehabilitation was achieved through the combined efforts of persons with disabilities and their families and communities. Through such joint work, persons with disabilities were prevented from being marginalized, isolated and discriminated against and were able to enjoy their rights as full and equal citizens.

16. **Ms. Quan-Chang** (Country Rapporteur) said that the adoption of a new Constitution in 2009 had been an enormous step forward for the State party and its people. It set an example to others in the region in terms of recognizing ethnic and cultural diversity. Persons with disabilities, however, continued to face major challenges to the full recognition of their rights. The Constitution cast them as persons in need of protection,

which translated into a lack of programmes to promote their rights and a widespread belief among civil servants and professionals that the lives of persons with disabilities were worth less than those of other people. The extent and diversity of the State party's territory made it difficult to ensure that basic services reached remote and rural areas, where many lived in extreme poverty and persons with disabilities were often marginalized and vulnerable. There was a lack of reliable and up-to-date information on the number of persons with disabilities, but that should never be used as an excuse for a State failing to meet its obligations to guarantee them the full exercise of their rights.

17. As one of the lowest-income countries in the world, with a United Nations Development Programme (UNDP) human development index of 0.662, the State party faced considerable and understandable challenges in implementing social protection programmes to enable persons with disabilities to live with dignity. The State party should base its approach to disability rights on the 2030 Agenda for Sustainable Development. Adopting the 2012 General Persons with Disabilities Act No. 223 had been a positive step, but significant challenges to implementation remained. Organizations of persons with disabilities reported that the Act was barely being applied. They had called for urgent action to rectify the situation and ensure that the rights set out in the Convention were recognized. She emphasized that lack of economic resources should not be used as a reason for restricting the rights of persons with disabilities.

18. The Committee had received reports that, earlier in 2016, police had used violence against a demonstration by persons with disabilities claiming their rights. Protestors had journeyed by wheelchair from Cochabamba to La Paz, where police action had left many injured. No attention had been paid to their demands. It was to be hoped that dialogue between the Committee and the State party would reveal genuine commitment to meet those demands and to listen to the voices of persons with disabilities. The Committee would make recommendations to guide the State party in meeting the challenges it faced and finding the best way to move forward.

19. **Ms. Suxo Iturry** (Plurinational State of Bolivia) said that her delegation would take note of all the comments made by members of the Committee, along with the alternative reports submitted, and was fully committed to the process. The Patriotic Agenda 2025 covered many of the points set out in the 2030 Agenda for Sustainable Development, particularly the eradication of extreme poverty, the universalization of services and access to education and health. The country was working to overcome the legacy of the colonial era, with the exploitation, violence and abuse that that had entailed, and was making every effort to tackle challenges to development. As stated in the 1993 Vienna Declaration and Programme of Action, the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind. Despite its low income, her country was doing everything possible to meet its commitments and to make improvements in sectors that had been neglected for years. Redistribution of wealth, the benefits system, public investment and wage increases were helping to provide the poorest in society with more resources and to improve their circumstances. The Government would take on board the Committee's suggestions as it continued its journey towards decolonization, building a fairer society and improving its public policies.

Articles 1-10

20. **Ms. Degener** commended the State party on its initial report, which was honest and analytical and provided useful statistics. Identifying gaps between international norms and the current situation in practice was exactly the point of the dialogue process. Although the country was moving towards a rights-based approach to disability, some of its legislation was not in line with the Convention. Moreover, disability prevention activities, such as offering genetic counselling, should not be presented as measures of how well the

Convention was being implemented, as they did not serve to protect the rights of persons with disabilities. Did the State party have plans to review and revise its national disability policy accordingly?

21. The report provided very little information on discrimination against persons with disabilities and she wondered whether the State party had any laws or programmes in that area. Information was also lacking on the subject of girls and women with disabilities and the double discrimination they faced. In particular, she wished to know what action the State party intended to take to deal with sexual violence against women with disabilities. With regard to children with disabilities, she would be grateful for further information on issues such as registration, living arrangements and access to education. She wished to know whether children with disabilities were abandoned, or at risk of violence, and what the situation of indigenous children with disabilities was.

22. **Mr. Basharu** asked to what extent organizations of persons with disabilities had been involved in the preparation of the State party's initial report and whether the process had included persons with disabilities from indigenous groups. Referring to paragraph 125 of the report, he asked what steps were being taken to ensure that children with disabilities, including those in indigenous communities, could participate fully in society. Had the activities undertaken so far by the State party served to change social attitudes towards persons with disabilities and were the media involved in such activities on a regular basis?

23. **Mr. Ruskus** said that he welcomed the adoption by the State party of a definition of disability that was consistent with the Convention but would like further information on its effects in practice and how it was being incorporated into other legislation. According to information that the Committee had received, many people lacked disability certification and consequently support, which denied them their rights and dignity, and he wished to know whether the State party was moving towards a support model, particularly in remote and rural areas.

24. **Mr. Babu** asked what policies, legislative measures and practical action were in place to enable persons with mobility challenges to move around freely, for instance in buildings and on public transport.

25. **Mr. Tatić** said that he would welcome further information on organizations run by and for persons with disabilities and how their work was funded and supported. He asked how many complaints of discrimination based on disability had been made, what the outcome of any complaints had been and how cases of discrimination were tackled in practice. He also asked whether any court cases had resulted in custodial sentences for persons convicted of such discrimination, as provided for in the Criminal Code. With regard to accessibility, he asked what monitoring mechanisms were in place to ensure that standards were followed. In that connection, he would like to know what support services would be provided for a wheelchair user arriving in La Paz and whether the public transport system, hotels and government buildings were accessible.

26. **Ms. Peláez Narváez** asked how the State party supported organizations of persons with disabilities, financially and otherwise, in their work, observing that there had been very little representation of the State party of late in international disability forums. She also asked whether any specific organizations existed for women with disabilities or whether women were represented among the leadership of other organizations. Lack of awareness of sexual and reproductive rights among women with disabilities, particularly in rural areas and indigenous communities, gave cause for concern and suggested that action was needed in that sphere. The situation of children with disabilities was also worrying, not least because universal birth registration was not guaranteed. Early diagnosis was vital in ensuring that children with disabilities received the necessary support to enable them to obtain access to education on an equal footing with their peers. Given the prevalence of

sexual abuse of children, particularly girls, and women with disabilities, she asked how many victims sought legal remedy and how the State party planned to address the issue.

27. **Mr. Langvad** said that he wished to know whether there were any plans to bring the legal definition of disability into line with the definition given in the Convention, since, at present, it reflected the medical model of disability and was too vague to allow the Convention to be implemented effectively. He would like to be informed of any other initiatives undertaken to promote the effective implementation of the Convention, such as disability awareness training for public officials. It would also be helpful to know whether denial of reasonable accommodation would be incorporated into the legal definition of discrimination and whether there were any plans to ensure that multiple and intersectional discrimination, including discrimination against women with disabilities and indigenous persons with disabilities, was legally recognized. He would be grateful if the delegation would inform the Committee of any steps taken to ensure that children with disabilities were not subjected to corporal punishment. He would also like to know what measures had been taken to ensure that accessibility requirements were taken into account in the public procurement process, especially in the area of public transport.

28. **Ms. Kingston** said that she, too, had concerns regarding multiple and intersectional discrimination, in particular discrimination against persons of African descent with disabilities. She wished to know what measures had been taken to combat discrimination against women and children with disabilities, especially in remote areas, and to reduce the high rates of maternal and infant mortality among persons with disabilities in such areas. She would also like to know whether the State party had developed awareness-raising campaigns to prevent and eliminate all forms of discrimination against children with disabilities, as had been recommended by the Committee on the Rights of the Child in its concluding observations on the fourth periodic report of the Plurinational State of Bolivia in 2009 (CRC/C/BOL/CO/4).

29. **Mr. Lovász** said that he would be grateful for further information, including any relevant statistics, on the positive discrimination measures mentioned in the State party's report. It would also be helpful to know whether any special allowances, for example preferential consideration for employment, were made to benefit persons with disabilities in the public procurement process.

30. **Mr. Pyaneandee** asked whether the Government was prepared to review its legislation and policies in consultation with civil society organizations. It would also be helpful to know whether organizations of persons with disabilities would be consulted in relation to the recent protests and, if so, when.

31. **Mr. You Liang** said that he would like to know to what extent persons with disabilities were included in poverty reduction strategies. He wished to know what channels were open to persons with disabilities who claimed that their rights had been violated. In that regard, he would like more information on the roles played by the Ombudsman's Office, organizations of persons with disabilities and the media. It would also be helpful to know whether it was easy for persons with disabilities to obtain identity cards recognizing their disability status and what support services were provided for babies with disabilities.

32. **Mr. Parra Dussan** said that he wished to know whether the preparation of the State party report had brought any specific legislative deficiencies to the Government's attention. He would also like to know what steps had been taken to harmonize the domestic legal order with both the Convention and the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.

33. **Ms. Quan-Chang** said that the criteria used to certify disability in the Plurinational State of Bolivia reflected the medical model of disability rather than the social model on which the Convention was based. Under those criteria, only 53,000 persons with disabilities,

or less than 1 per cent of the population, had received disability certificates. Given the poor conditions in which the majority of persons with disabilities lived, she wished to know whether there were any plans to give greater weight to certification criteria informed by the social model, which would allow a larger number of persons with disabilities to obtain disability certificates and thus to exercise the rights to which they were entitled. She would also like the delegation to address the issue of infanticide, which, according to reports received by the Committee, was sometimes practised in remote areas against babies with disabilities. She wished in particular to be informed of any prevention or awareness-raising strategies introduced to eliminate the practice.

34. **The Chair** said that she, too, was concerned that the medical model of disability predominated in the State party. She wished to know how the Government planned to resolve the ongoing conflict on the issue of benefit payments for persons with disabilities. She would also appreciate further information on the implementation of Sustainable Development Goals No. 5 and No. 10 from the perspective of persons with disabilities.

The meeting was suspended at 4.35 p.m. and resumed at 5 p.m.

35. **Mr. Salguero Aramayo** (Plurinational State of Bolivia) said that he was not aware of any specific cases of infanticide in remote areas. If the Committee was prepared to share the details of the reports that it had received, it could rest assured that they would be thoroughly investigated. With regard to the terminology of disability, domestic legislation evolved in step with international standards. The terminology used in General Persons with Disabilities Act No. 223 of 2012, for example, was fully in line with the definitions given in the Convention and the Government was prepared to revise other legislation with a view to addressing issues of terminology. Various legislative acts had recently been introduced to protect the rights of vulnerable groups. They included Comprehensive Act No. 348 of 2013, which dealt with the rights of women, and the Code for Children and Adolescents (Act No. 548 of 2014).

36. Civil society organizations played an important role in political life and were consulted in the development of new policies. Organizations of persons with disabilities were supported through the process of obtaining official status. Five categories of disability were currently represented by national organizations. The Government had conducted a monitoring exercise to ensure that autonomous departmental and municipal governments were fulfilling their obligations to protect the rights of persons with disabilities. Transport companies were obliged to meet certain accessibility standards before they were permitted to bid for contracts through public procurement. The Government's various initiatives to support persons with disabilities were coordinated by the Directorate-General for Persons with Disabilities attached to the Office of the Deputy Minister of Equal Opportunities under the Ministry of Justice.

37. **Mr. Villca Nina** (Plurinational State of Bolivia) said that the Ministry of Health and Sports was making efforts to improve the system for the evaluation and classification of persons with disabilities, and that had been established as a priority in the sector. Although the current system was based on a biomedical model, methodological and conceptual changes were being made to move towards a more modern evaluation system, with the support of the World Health Organization and the Pan American Health Organization. In 2013, the Intercultural Community Family Health Programme (SAFCI) had been established to help combat social exclusion. Efforts were being made to provide health care in the furthest reaches of the country and, of the country's 339 municipalities, 306 now had community doctors who made home visits to persons with disabilities. Work was under way on the development of a new strategy for community-based rehabilitation. The four pillars of SAFCI were prevention, promotion, comprehensive care and rehabilitation for persons with disabilities. Act No. 475 provided for free health care for persons with

disabilities, ranging from primary care in community health centres to tertiary hospital care. Under the Act, the cost of medication and assistive devices was covered.

38. **Ms. Velasco Condori** (Plurinational State of Bolivia) said that further replies would be provided in writing.

Articles 11-20

39. **Ms. Pavey** said that she would welcome additional information on what services were provided for migrants, internally displaced persons and refugees and whether special measures were in place for persons with disabilities within that population. Welcoming the State party's participation in the regional quality assurance initiative of the Office of the United Nations High Commissioner for Refugees, she asked whether the initiative included a disability perspective.

40. **Mr. Tatić** said that he would be grateful for more information on specific cases of discrimination based on disability, the legal remedies pursued and any criminal convictions for such discrimination. He would be interested to know whether special training had been provided to teams that provided emergency assistance and rescue services, such as firefighters, first-aid personnel, civil guards and the army, on how to evacuate persons with disabilities in the event of fires, floods, earthquakes or other natural disasters. Regarding access to justice, he requested information on the physical accessibility of court buildings, access to information and communication for persons with disabilities taking part in court proceedings, and the reasonable accommodations provided for prisoners with disabilities sentenced in accordance with due process. While acknowledging the economic dimension of the right to live independently and be included in the community, the Committee would be interested in specific information on the support and allowances available to persons with disabilities who required assistance with daily activities.

41. **Ms. Peláez Narváez** said that, although the Constitution provided that men and women could exercise their sexual and reproductive rights without any discrimination, and the General Persons with Disabilities Act guaranteed the right to life of persons with disabilities and the right to form a family, she was concerned that, if an individual did not have the capacity to take his or her own decisions, responsibility for deciding on sterilization would be assumed by close family members or, in their absence, by more distant relatives. The possibility that another person could take a decision on behalf of a woman with disabilities concerning her reproductive capacity was contrary to the Convention. What plans did the Government have to remedy the situation and ensure that persons with disabilities were given the capacity to make their own decisions on such matters?

42. **Ms. Degener** noted that the law relating to legal capacity was not in line with the Convention, as persons with disabilities were deprived of the right to sign contracts, marry or take part in legal proceedings on the grounds of their impairment. Under the Convention, persons with disabilities must be regarded as equal before the law and they could not be stripped of their human rights on the basis of their impairment. Substituted decision-making regimes must be replaced with supported decision-making, based on the will and preferences of the person concerned. Persons with disabilities must have equal access to justice and be allowed to testify in court and fully participate in the justice system as plaintiffs, defendants, witnesses, judges and lawyers. However, according to the State party report, persons with cognitive impairments were considered unfit to stand trial, were often placed in institutions, if deemed dangerous, and were denied the right to due process. Although some legal reforms were planned, they did not go far enough, as they merely addressed derogatory language. She wondered whether there were any plans for true reform of the law and practice in that regard and whether organizations of persons with disabilities would be involved in the process. Noting with concern that persons with disabilities could

be interned, with or without their consent, in a specialized establishment or private home, despite the fact that the Convention prohibited forced institutionalization, she asked whether there were any plans to abolish such laws and practices.

43. **Mr. Langvad** asked what measures were taken to ensure inclusive and accessible sexual and reproductive health services and information for women and girls with disabilities.

44. **Ms. Kingston** said that she would welcome an update on steps taken to strengthen the National Office for the Prevention and Eradication of Any Form of Gender or Generational Violence and how women with disabilities had been involved in that process. She understood that women with disabilities, including indigenous women with disabilities in rural areas, were not routinely issued with birth certificates or identification documents, which meant that they could not obtain access to public institutions, social services or social protection mechanisms. The delegation should provide information on how many women had been registered, where gaps had been identified and what policies were planned to address those gaps.

45. **Mr. Lovász** asked how the Government ensured that deaf and hard-of-hearing persons had full and fair access to justice. What kind of safeguards were in place to ensure the quality and reliability of communication in judicial procedures, such as standards and registration procedures for sign language interpreters based on qualifications and practice? Welcoming the fact that 4,000 Bolivian Sign Language dictionaries had been distributed, he said that the Committee looked forward to further improvements in that regard. He wondered whether there was a sign language version of the Convention.

46. **Mr. Basharu**, noting that, according to the State party report, the Office of the Deputy Minister of Civil Defence had no specific protocols for dealing with persons with disabilities, asked what steps had been taken since the submission of the report in 2013 to ensure that persons with disabilities, including indigenous persons with disabilities, were included in protocols for humanitarian emergencies. He wished to know what practical steps were being taken to inform and educate persons with disabilities about their right to independent living and whether the State party had plans to support persons with disabilities who wished to live independently in the community.

47. **Mr. Pyaneandee** said that the Committee had received information that the right to freedom of expression of the persons with disabilities who had taken part in the recent protests had been violated. He asked whether the State party intended to remedy the situation by providing access to justice and effective redress. He invited the delegation to comment on reports that many of the protesters had been threatened with being sent to prison for 10 years.

48. **Mr. Al-Tarawneh** asked what the State party was doing to adopt a strategy to promote the rights of persons with disabilities to live independently and be included in the community, to develop community-based services such as the provision of personal assistants, to make existing services inclusive, and to systematically provide information to persons with disabilities and their families on how to claim support services and assistance that would enable them to live independently in accordance with their own choices.

49. **Ms. Quan-Chang** expressed concern that a drink-driver who had run into protesters at the recent demonstrations by persons with disabilities, killing two and injuring several more, had not been prosecuted but had simply had her driving licence withdrawn. The same value was clearly not placed on the lives of persons with disabilities; the consequences for the drink-driver would surely have been much more severe had the victims not had disabilities. She invited the delegation to comment on that case. She wondered whether there had been any investigations or charges brought against law enforcement personnel in connection with the excessive use of force against persons with disabilities in those protests.

50. She would welcome additional information on the situation of persons with disabilities placed in institutions. She was concerned that there was no independent authority to supervise such institutions and wondered whether there were any plans to extend the mandate of the national mechanism for the prevention of torture to cover institutions of persons with disabilities or to create a new protection mechanism.

51. **The Chair** asked what action the State party was taking on public policy to achieve Sustainable Development Goal 16 and ensure access to justice for all individuals, including persons with disabilities, through procedural accommodations, for example. She would be interested to know which persons with disabilities were declared not criminally responsible and when and why that happened. She wondered what action had been taken in response to the recommendation by the Committee against Torture to establish a special independent complaints mechanism for receiving reports of torture and ill-treatment.

The discussion covered in the summary record ended at 5.45 p.m.