



## **Recommendations on strategic priorities on the situation of persons with disabilities from Latin America and Caribbean experts**

On 14 – 15 May 2013, the “Expert meeting to define strategic priorities for the regional agenda regarding the situation of persons with disabilities” was held at ECLAC’s headquarters in Santiago, Chile. Forty experts and 30 observers from governmental, non-governmental, regional and international organizations from Latin America and the Caribbean were convened to analyze the situation of persons with disability in the region and to define the strategic priorities of the regional agenda.<sup>1</sup>

The work programme of the conference focused on themes structurally related to the protection and the full exercise of the right to live a life of independence, non discrimination and social participation: effective exercise of rights; inclusive education; productivity and labour inclusion; social protection, care and independent life; and institutional and community strengthening of the implementation of the Convention on the Rights of Persons with Disabilities. During the last panel, the preliminary proposal of strategic priorities (which was created via an online consultation whose participants included 22 specialists and organizations of persons with disabilities), was examined and discussed at length. The priorities which were produced by consensus are presented as followed to include disability in the sustainable development agenda post-2015.

### **GENERAL RECOMMENDATIONS FOR GOVERNMENTS**

- Ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol by all countries of Latin America and the Caribbean, and the elimination of any reservations subscribed by countries of the region.
- Affirm the responsibility and duty of care of the four powers of the State (Legislative, Executive, Judicial and Electoral), and ensure the enforceability and justiciability of the human rights of persons with disability: civil, political, economic, social and cultural.
- Generate instances of monitoring of the compliance with the provisions of the Convention in line with the recommendations of Article 33.
- Revise current national legislations in order to assure their consistency with the principles of the Convention, at both a macro and sectorial level in areas of great relevance such as: education, health, social protection, the labor market, the home and urban development.
- Assure that national laws and policy guidelines are regulated and that the actions to be carried out are clearly defined.
- Include in the guidelines of implementation of the Convention, measures that strengthen the legal capacity of persons with disability and remove all barriers that prevent their complete access to justice, without which it is impossible to exercise all other rights.
- Include in the guidelines for implementation of the Convention, specific and explicit references to persons with disabilities who belong to indigenous peoples and afro-descendant communities, as well as women and children.

<sup>1</sup> See: <http://biblioguias.cepal.org/content.php?pid=263260&sid=3803306>.



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- Affirm the right to political participation of all persons with disability, including children, in line with Recommendation 1 (2009) of the Committee of Experts on the Rights of Persons with Disabilities.
- Ensure that all persons with disability, their family, the education system, the system of social protection and all institutions involved in educational and workplace inclusion know and understand the Convention.
- Promote strategies of horizontal cooperation in order to share positive experiences of persons with disability in different areas, including the creation and update of databases of projects with good practices and innovative models of work and care of persons with disabilities.
- Encourage synergy amongst existing institutions whenever possible rather than creating new instances.
- Create and ensure budgetary assignments that assure the implementation of pre-defined activities and actions, and generate concrete processes for their auditing.
- Prohibit the use of persons with disability in fundraising campaigns and initiatives.
- Create indicators for the follow-up of inclusion processes in all areas, taking into account those already existing in the region created by the Organization of American States and the International Labour Organization.

#### **GENERAL RECOMMENDATIONS FOR THE INTERNATIONAL COMMUNITY**

- Incorporate to the documents and the underlying principles of the Global Pact of the United Nations: Convention 159 of the International Labour Organization and the Convention on the Rights of Persons with Disabilities.
- Include the issue of the persons with disabilities together with specific objectives in the post 2015 Millennium Development Goals (MDGs) and the Sustainable Development Goals.
- Request that donor organizations of the international community maintain broad and wide-ranging criteria of accessibility and inclusion of persons with disabilities in their operations of international cooperation, including finance, credit and lending.

#### **SPECIFIC RECOMMENDATIONS FOR GOVERNMENTS**

##### **A. Effectiveness and full enjoyment of the rights of persons with disabilities**

- Give particular attention to the implementation of articles 12, 13, 16, 18 y 29 of the Convention.
- Establish channels through which persons with disabilities (with necessary support) can present complaints on human rights issues and laws which are not fully applied or whose compliance is not compulsory.
- Assure that all persons with disability and their families know their rights and how to exercise them.
- Include the issues of disability in all of the guidelines of human rights and their protection at national level.
- Create governmental entities to respond to situations of violations of the rights of persons with disabilities, including reasonable adjustments.
- Give special attention to persons with disabilities in their immigration proceedings, assuring that they enjoy the same rights and are not discriminated against in the receiving country.

##### **B. High quality inclusive education**

- Ensure the implementation of article 24 of the Convention and all of its principles.

- Establish a system of inclusive education at all educative levels in every country and eliminate the barriers to education found in legislation and education policies which promote exclusion on the basis of disability.
- Assure that all schools, public and private, have a system that permits the detection of disability and offers appropriate responses from early childhood.
- Guarantee that children with disabilities have access to regular education, assuring quality through assistive devices and personal support, curricular adaptations and systems of evaluation that would be necessary.
- Design and implement performance indicators concerning Inclusive Education.
- Assure the resources necessary for high quality inclusive education, beginning with kindergartens for young children, using amongst others the funds hitherto reserved for special education.
- Give priority to the implementation of reasonable adjustments and to its immediate compliance.
- Promote digital access for persons with disability, in line with the latest technical specifications.
- Assure that educational institutions have national sign language interpreters for deaf and deafblind students as well as Braille materials and raised characters to permit a truly inclusive educational experience.
- Promote access to higher education.

### **C. Employment and productivity inclusion**

- Ensure the implementation of article 27 of the Convention and all of its principles.
- Promote positive actions of labour market insertion as a temporary measure, with respective monitoring, especially in state institutions.
- Assure access to quality employment.
- Give priority to the implementation of reasonable adjustments and to its immediate compliance.
- Work with families, entrepreneurs, trade unions and business associations, the organizations for persons with disabilities and government employees to assure full understanding of the capabilities of persons with disabilities, highlighting that labour integration is not an act of charity.
- Create training programs for work, specifically within the workplace, a strategy that has generated very good results in Europe, especially for persons with learning disabilities.
- Convert sheltered employment systems into social enterprises.
- Promote the provision of loans for micro-enterprises to persons with disabilities and their families.
- Promote the inclusion of persons with disabilities in trade unions.

### **D. Social security and protection**

- Ensure the implementation of article 28 of the Convention and all of its principles.
- Implement universal non-contributive pension systems for persons with disabilities in order to assure the payment of a monthly amount that is no less than the minimum wage.
- Regulate the equal access of persons with disabilities to basic public services such as clean drinking water, including measures such as subsidies.
- Integrate the coverage of medications, medical devices and therapy in the coverage of basic social security and assure the provision of medical services and rehabilitation at affordable costs.
- Develop mental health policies in accordance with the norms established in the Convention.

### **E. Independent living and care**

- Give particular attention to the implementation of articles 9, 19, 20, 21, 22 and 23 of the Convention.
- Promote the deinstitutionalization of persons with learning and/or psychosocial disabilities and the closing of asylums.
- Create and/or maintain public programs of support and care services for persons with disabilities, free of charge, whenever possible.
- Create and/or maintain training programs and support services for independent life for the persons with disabilities.

#### **F. Institutional and community strengthening**

- Ensure the implementation of articles 29 and 30 of the Convention and all of their principles.
- Reform the national mechanisms of monitoring and enforcement of the Convention in order to transform them into independent state entities with their own budgets.
- Support the organizations of persons with disabilities so they can increase their participation in all domains including political affairs.
- Promote the creation of associative networks of organizations of persons with disabilities.
- Create instances of legal assistance for persons with disabilities and their organizations.

#### **G. Data collection and processing of information**

- Ensure the implementation of article 31 of the Convention and all of its principles.
- Implement a single system of information and identification for the population with disabilities that serves to determine appropriate policy actions and services.
- Review the methodology, the respondents and the questions of the census and home surveys that identify persons with disabilities, with the direct participation of the organizations of persons with disabilities.
- Homogenize statistics between the different countries in the region.
- Assure that information about persons with disabilities is disaggregated by sex and age.
- Link statistics about persons with disabilities with those of other vulnerable groups including migrants, indigenous peoples and afro-descendants, women victims of violence, and identifying the persons with disabilities within these groups.
- Harmonize the definition of different types of disability and the different supports needed by each one.
- Assure the production of quality information in a timely manner.

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