

International Disability Alliance (IDA)

Member Organisations:

Disabled Peoples' International, Down Syndrome International, Inclusion International, International Federation of Hard of Hearing People, World Blind Union, World Federation of the Deaf, World Federation of the DeafBlind, World Network of Users and Survivors of Psychiatry, Arab Organization of Disabled People, European Disability Forum, Red Latinoamericana de Organizaciones no Gubernamentales de Personas con Discapacidad y sus familias (RIADIS), Pacific Disability Forum

Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 49th Session (11-29 July 2011)

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations, based on references to persons with disabilities to be found in the State Report, List of Issues, and Replies.

COSTA RICA

Costa Rica ratified the Convention on the Rights of Persons with Disabilities and the Optional Protocol on 1 October 2008.

State Report

63. In one of its recommendations, the Committee requested Costa Rica to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and **disabled women**, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.

65. Work is currently in progress on the definition of a new strategy for women living in poverty. This strategy is based on the realization that poverty has a different impact on different people, depending on the sex and other circumstances of those concerned (age, ethnicity, location, **disabilities**) and that overcoming poverty is a prerequisite to enabling women to fully participate in civic life.

82. During this reporting period, which encompasses the 2002-2006 congressional session, a number of general and specific laws concerning other sectors of the population (young people, **persons with disabilities**, and girls, boys and adolescents) were passed. These laws benefit women belonging to those groups of the population, but no law dealing specifically with women as a group per se was passed, as shown in table 1.

90. A series of executive decrees and institutional directives were issued during this reporting period that help to strengthen the institutional structure for the establishment and enforcement of women's human rights. These provisions concern protection for adolescents and young people, **persons with some degree of disability**, girls, boys and adolescents, persons deprived of their liberty and indigenous peoples. Other decrees and directives refer to circumstances that primarily concern women, such as the prevention of violence, sexual harassment, access to the school attendance subsidy for the children of civil servants, family development, rural development and

poverty, and access to mortgages. These provisions are grouped according to the issuing public agency in table 3 below.

e) National Domestic Violence Prevention and Assistance System
118.

The System's achievements in 2002-2006 included the following:

- The National Council on Rehabilitation and Special Education (CNREE) has set up a programme for **abandoned adults with disabilities** and victims of violence. In 2005, the programme served 498 people nationwide.
- A handbook was prepared on **assistance for persons with disabilities** and victims of violence (source: INAMU, *Memoria Institucional: Administración, 2002-2006*).

Article 2 (c)

Action taken by the judiciary to uphold gender equality and equity

a) Technical Secretariat of the Judiciary

142. The following advances have been made in each of these modules:

- Two studies were conducted in order to analyse sentences handed down in relation to vulnerable population groups, such as older adults and **persons with disabilities**, from a gender perspective.

291. In 2005 Costa Rica began work on a national protocol for the repatriation of child and adolescent victims of trafficking and, on 25 October 2006, representatives of the Ministry of the Interior, Police and Public Security, the Ministry of Public Education, the Ministry of Health, INAMU, the National Migration and Aliens Directorate, the National Child Welfare Agency and CCSS signed the Declaration of Commitment to the Protocol.

305. In September 2005, an executive decree was issued which bars foreigners from entering the country if, in the last 10 years, they have been imprisoned for having intentionally done harm to a minor or for having committed violence against a **woman or a person with disabilities** (source: Fifth periodic report submitted by Costa Rica on fulfilment of its obligations under the International Covenant on Civil and Political Rights (CCPR/C/CRI/5), 2006).

481. Other bills on labour issues are currently on the agenda of the Legislative Assembly, including an amendment to the Labour Code regarding discrimination in employment which extends the prohibition to discrimination based on age, ethnic origin, gender, **disability**, religion, sexual preference and others, and a bill on protection of the rights of adolescents performing domestic work which provides for changes in article 97 of the Code on Children and Adolescents and the addition of an article 94 *bis* to provide greater protection to adolescent workers.

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Access to social security: a right not exercised by many women

Situation of female domestic workers

498. On the question of social security, the issue of female domestic workers arises once again, given that they are still the least insured group of workers in the country. Of all female domestic workers reported in statistics, only 28.2 per cent have health

coverage (compared with 57.9 per cent of the economically active population in the private sector), and 23.1 per cent have coverage for **disability**, old age and death (compared with 48.8 per cent of the economically active population in the private sector) (source: *XII Informe Estado de la Nación, 2006*).

576. According to CCSS, the percentage distribution of people who were eligible for pensions under the system of **disability**, old age and death benefits in 2004 was as follows: of 133 114 persons covered, 54.5 per cent were men, and 45.6 per cent were women. Men take their pensions at an average age of 65, and women at 64. As regards **disability**, of a total of 42 369 who are covered, 71.3 per cent are men, and 28.7 per cent are women; their ages average 59 and 55, in that order (source: *Indicadores y análisis de indicadores de género, Costa Rica 2005, CCSS*).

(a) The right to family benefits

Services to women living in poverty

585. One of the recommendations of the Committee was the request “to pay specific attention to households headed by women and to groups of women in a vulnerable situation, as well as to rural women, older women, indigenous women and **disabled women**, in drawing up and implementing programmes to combat poverty, and to seek to ensure their access to production resources, education and technical training.” This section is an attempt to respond to that recommendation.

682. Information provided by IMAS indicates that 3.12 percent of indigenous **women have some sort of disability** and that 56.64 per cent of that group have permanent physical limitations, which are all the more problematical because of these women’s difficulties in gaining access to health services. Affirmative action is therefore needed in order to help ensure that these women are able to exercise their right to health.

List of Issues

27. Please provide information on: (a) the implementation of the Growing Together Programme aimed at combating poverty among women (see para. 416); (b) the evaluation of the implementation of this programme, if any; (c) the reasons to suspend the programme referred to in paragraph 64 of the report, addressed to women living in poverty; and (d) measures envisaged by the State party to redress deficiencies in programmes to combat poverty among women (see paras. 589 and 590) such as difficulties to ensure adequate and prompt implementation. Regarding employed and unemployed women, please indicate whether the reform of the system of **disability**, old age and death benefits has been approved (see para. 577).

28. Please provide concrete information on the measures taken to ensure the inclusion of the rights of **women with disabilities** in national policies, including with regard to health care, education, employment and social security.

Replies

28. Please provide concrete information on the measures taken to ensure the inclusion of the rights of women with disabilities in national policies, including with regard to health care, education, employment and social security. Act No. 7600 on **Equal Opportunities for Persons with Disabilities** was a landmark in terms of national measures for **women with disabilities**. This piece of legislation was strengthened when the **Convention on the Rights of Persons with Disabilities** was ratified by Costa Rica’s Legislative Assembly on 8 August 2008. It was promulgated by the Executive Decree of 29 September 2008, which made it a law of the Republic (Act

8661) (see annex 19). The main approaches, principles and foundations of the **National Disability Policy** (2011-2021) include equal opportunities, gender equity and non-violence.

It should be mentioned at the outset that the levels of training and employment for **women with disabilities** are lower than those for **men with disabilities**. The measures implemented in various areas are as follows:

1. Right to health care. Costa Rica has the following policies and strategies: the National Health Policy, the National Health Plan for 2010-2021 and the National Strategic Health Plan for 2010-2015, which incorporate disability issues; the guiding principles of the National Strategic Plan on HIV/AIDS for 2006- 2010 and the National Policy on HIV/AIDS for 2006-2015 include respect for diversity and differences (sexual, ethnic, cultural, disability and others) and guaranteed access to services for vulnerable groups (everyone has access, but there is special emphasis on vulnerable groups, including **persons with disabilities**).

The national plan for the prevention of domestic violence against women (PLANOVI) incorporates the concept of **women with disabilities** as a vulnerable group. A national plan on physical activity is in preparation and will include **persons with disabilities** as a priority group. The national policy on sexual and reproductive health rights, a mainstream policy, is also in preparation (see annex 20).

2. Right to education. The following are national binding policies and strategies: the State Policy on Education, which includes policies on access to education for **students with special educational needs**. The central element in Costa Rican education is the provision of high-quality educational establishments which offer a comprehensive and **inclusive education**. Early stimulation services are available for **pupils with special educational needs**, so that they can then attend regular schools which have the necessary technical, financial and staffing support services.

The National Plan for State University Higher Education (PLANES) includes a section on coverage and equity which promotes projects to support and improve conditions for **persons with disabilities** at universities. The Interuniversity Commission for Access to Higher Education (CIAES) is responsible for coordinating policies on access to higher education, including admission and retention policies, and fosters equal access for **persons with special educational needs and/or disabilities**. The Programme of Services for Students with Special Educational Needs (PSED) seeks to achieve equality and non-discrimination in higher education.

Similarly, various entities are working to ensure that there is no discrimination against students, **including students with disabilities**, at institutions of higher education. Some of these entities are: the Advisory and Service Centre for Students with Disabilities (CASED) of the National University; the University Council; the Legal Office; the Office of the Ombudsman for Students; the Department of Student Affairs; the Equity and Gender Programme; and the Institutional Commission for Equal Opportunities of the State Distance-Learning University.

In this connection, the Ministry of Public Education provides support services for students enrolled in regular and special education. There are currently 22 special education centres situated in different regions of the country, providing services for persons with various types of **disability**, from birth to the age of 21 years.

The above information is significant, as in 2010, a total of 100,454 **students with disabilities** were enrolled in the various services of general basic education and diversified education and received direct assistance or support services. The number of **students with disabilities** enrolled in regular schools is also increasing, which reflects a trend towards more inclusive practices in the national education system.

Measures targeting access to education are mainly concerned with information technologies that give access to website applications so that visually impaired individuals can increase the font size and see the information provided. The efforts made to improve physical access include construction of ramps, adaptation of sanitary services, widening of entrances and installation of audible and visual alarm systems, in

addition to construction of elevators, in particular in the State Distance- Learning University and the Technological Institute of Costa Rica.

3. Right to work and employment

The legal framework includes the following pieces of legislation which protect the right to employment of **persons with disabilities**: the Labour Code; Executive Decree No. 30391, which established the Unit for **Equal Opportunities for Persons with Disabilities**; and lastly, the draft law on labour inclusion and protection for **persons with disabilities** in the public sector, which is being considered, under file No. 17.828, by the Permanent Committee on Social Affairs of Legislative Assembly.

The main measures implemented by the Costa Rican State, as reported by the Ministry of Labour and Social Security, include the work of the Ministry's Unit for Equal Opportunities, which mainly consists of providing advice and training to various social actors, including the Ministry's senior officials, on formulating and designing policies, strategies and/or measures on labour and **disabilities**, and to employees, professionals, students and the general public, on legislation relating to **disabilities**, fiscal incentives, equal opportunities, access, labour rights, labour inclusion and other issues.

4. Right to an adequate standard of living and social security

The measures taken have been designed to alleviate the situation of **persons with disabilities** living in poverty and neglect, mainly through financial support (subsidies) which the State provides to cover a number of basic needs. Social assistance programmes have been developed for this purpose by a number of institutions and various sources of financing. Some of them were established by Act No. 7972, which introduced a tax on cigarettes and spirits for the Social Protection Plan, the regular national budget, the Family Benefits and Social Development Fund, the Social Welfare Board and others.

These assistance programmes and the measures contained in them are carried out by the Inter-Agency Institute for Social Assistance (IMAS), which provides financial subsidies for persons living in poverty and for NGOs established by and working for **persons with disabilities** that require basic equipment for their functioning. At the local level, the main action taken by the municipalities has been for financial support services, physical access, information and advocacy for **persons with disabilities**.

In relation to physical access and information, some municipalities have implemented a services platform that provides preferential treatment for individuals who need it. Inspections are conducted to verify physical access to public and private institutions, public areas and community, health and education facilities; sidewalks have been improved.

Inclusion of **persons with disabilities** is pursued through annual fairs promoting microbusinesses run by women; training in business-related issues for **mothers of students and for adults with disabilities**; support for groups of **persons with disabilities**; recognition of athletes with disabilities; campaigns promoting the human rights of women; facilitation of incorporation of **persons with disabilities** into the labour market; donation of computer equipment and software for visually impaired persons, and training in the mainstreaming of **disability** and gender issues into municipal administration for local government officials.

In the last three years, INAMU has taken specific action within its various programmes and services to respond to the particular needs and requests of women with disabilities. This has enabled it to take part in training in a number of regions. The National Council on Rehabilitation and Special Education (the lead agency for disability issues) is involved in the 80 inter-institutional networks to prevent, address and monitor violence against women.

In 2008, INAMU established its **institutional commission on disability** (CIMAD) and has so far implemented two annual plans incorporating efforts to ensure **that women with disabilities** can enjoy full rights. Activities undertaken by INAMU in 2010 included two Costa Rican Sign Language courses for its employees; training **for visually**

impaired women in the human rights of women, and evaluation of the institutional infrastructure of IMANU offices throughout the country in order to analyse the main accessibility restrictions.

Recommendations from IDA

- Collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society
- Adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- Raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and violence.
- Introduce measures to promote the vocational training and employment of women with disabilities.
- Address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities living in institutions and the community.
- Ensure the provision of support services to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities. In particular, ensure that services and assistance are rendered to permit women in families with children with disabilities, as well as mothers with disabilities, to continue their careers with an appropriate work/life balance.
- Adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the CRPD.
- Adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).
- Adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above. Include inclusive education as an integral part of core teacher training curricula in universities to ensure that the values and principles of inclusive education are infused at the outset of teacher training and teaching careers.

