



Convention on the Rights of Persons with Disabilities

Distr.: General
28 April 2017
English
Original: Spanish
English, Russian and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues prior to the submission of the combined second and third periodic reports of Spain*

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

1. Please provide information on the specific measures adopted to guarantee that laws and policies, including the enforcement of Act No. 26/2011 on the adaptation of legal norms to the Convention on the Rights of Persons with Disabilities, its interpretation in accordance with the Convention and the effective implementation of the principles established in article 3 of the Convention. Please provide information on the efforts made to promote a satisfactory understanding of the concept of reasonable accommodation and the prevention of discrimination on the grounds of disability.

2. Please provide information on the measures taken to ensure the full and effective protection of the rights of persons with disabilities and their participation, including women and children with disabilities and their representative organizations, in all processes affecting them in relation to the implementation of the Convention.

B. Specific rights (arts. 5 to 30)

Equality and non-discrimination (art. 5)

3. Please provide information about the implementation of the Committee's recommendation relating to the implementation of Act No. 49/2007 of 26 December 2007 (see CRPD/C/ESP/CO/1, para. 14), about raising awareness of the system of arbitration among persons with disabilities.

Women with disabilities (art. 6)

4. Please elaborate on the inclusion of women with disabilities in laws and policies relating to gender equality, employment, health and social security, and on the incorporation of a gender perspective in legislation and policies on disability. Please provide information about the efforts made to abolish laws, policies and practices that prevent women with disabilities from enjoying their rights, and please also indicate what measures have been taken to ensure the full development, advancement and empowerment of women with disabilities.

Children with disabilities (art. 7)

5. Please provide information on legislative and other measures to protect children with disabilities from ill-treatment and to eradicate that practice, as well as to provide support

* Adopted by the Committee at its seventeenth session (20 March to 12 April 2017).



and necessary resources to the families of children with disabilities and to promote the adoption or foster care of children with disabilities in cases of abandonment. Please also provide information on policies and programmes to ensure the right of children with disabilities to express their own views (see CRPD/C/ESP/CO/1, para. 24).

6. Please provide information on the measures taken to ensure that children with disabilities have access, on an equal basis, to community programmes and services, including early warning services, and please provide data on the human and financial resources that have been allocated.

Awareness-raising (art. 8)

7. Please provide information on measures taken to spread knowledge of the rights and dignity of persons with disabilities at all levels, in accordance with the Convention, in particular in the education system, the judiciary and the legal profession, political parties, the civil service and mass media, in all official and co-official languages.

Accessibility (art. 9)

8. Please provide information on the financial and human resources used to implement legislation on accessibility and ensure fulfilment of the basic principles of non-discrimination and the universal access of persons with disabilities to publically available goods and services by 4 December 2014 at the latest. In this regard, please indicate whether there are plans to adopt the Second National Accessibility Plan, following the expiry of the deadline for its adoption in November 2014. Please also provide information on efforts made to amend any law that prevents persons with disabilities from enjoying access to housing, including the Condominium Act (Ley de Propiedad Horizontal).

9. Please provide information on measures taken to ensure that persons with disabilities are able to access all public services provided by the Administration, including social services, health, education, and online information and communications. Please also specify the provisions relating to accessibility contained in Act No. 39/2015 of 1 October on the Common Administrative Procedures of Public Administrations.

Right to life (art. 10)

10. Please explain what legal and other measures have been taken to recognize and protect the right to life of persons with disabilities on an equal basis with others, including in matters relating to medical treatment, particularly the withdrawal of treatment, nutrition or other life support without the consent of the person concerned (see CRPD/C/ESP/CO/1, para. 30).

Situations of risk and humanitarian emergencies (art. 11)

11. Please provide information concerning efforts to regulate protocols and procedures in situations of risk and humanitarian emergencies, and to ensure inclusion and accessibility for persons with disabilities, particularly hearing impairments. Please also provide information regarding initiatives to improve coordination on the inclusion of disabilities in the numerous public bodies responsible for civil defence and public health warnings.

12. Please indicate measures taken to ensure that the services and establishments available to migrants and refugees with disabilities are accessible and inclusive of disabilities.

Equal recognition before the law (art. 12)

13. Please provide information on measures taken for explicit recognition of the full legal capacity of persons with disabilities, and the adoption of laws and policies to replace systems of substitute decision-making with assisted decision-making, which respects the individual's autonomy, will and preferences (see CRPD/C/ESP/CO/1, para. 34). Meanwhile, please indicate which system has been decided on to provide appropriate monitoring and review of guardianship and trusteeship decisions, as well as a schedule for reviewing incapacity judgments made prior to the promulgation of the Act.

Access to justice (art. 13)

14. Please provide information on measures adopted to ensure access to justice for persons with disabilities, including legally incapacitated persons and those living in institutions, on an equal basis with others. Please indicate the measures taken to promote free legal assistance for persons with disabilities.

Liberty and security of the person (art. 14)

15. Please provide information about steps taken to revise legislation authorizing the deprivation of liberty on the grounds of disability, including articles 762 and 763 of the Civil Proceedings Act.

16. Please provide information on measures to ensure that persons with disabilities have the same trial guarantees as other persons in all legal proceedings. Please indicate how it has been ensured that the organic draft law to amend the Criminal Procedure Act for strengthening trial guarantees and regulating technological research measures safeguards the participation of persons with disabilities and provides reasonable accommodation.

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

17. Please indicate the measures used to take age, gender and disability into account in designing, developing, implementing and monitoring public programmes and policies on the prevention of violence, including in Organic Act No. 1/2004 of 28 December on comprehensive protection measures against gender-based violence. Please provide data on violence against women and girls with disabilities, including deaths, and on women and their children who are left with disability as a result of violence.

Protecting the integrity of the person (art. 17)

18. Please explain how the free and informed consent of all persons with disabilities is guaranteed for any medical intervention or treatment. Please also provide information on proposed measures to identify, prohibit and punish the non-consensual sterilization and/or forced abortion of persons with disabilities without their free and informed consent but with the consent of a third party.

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

19. Please provide information on efforts, including legislative reforms, to ensure that laws, policies and procedures, mainly those related to the recognition and identification of disability, including the Personal Autonomy Promotion Act, employ a human rights-based approach to disability, and to review the requirements for recognition of dependency and the system for evaluating it in order to bring them into line with the Convention. Please describe in detail the funding, the amount of resources used by Autonomous Communities and the proposed measures for making services and economic benefits for personal care available more quickly for accredited persons, making these available to more persons in need of them and guaranteeing equal coverage in all Autonomous Communities irrespective of the place of residence of the persons with disabilities. Please indicate how the generalized system of co-payment by individuals for support services is regulated, and what happens to persons with disabilities who are unable to provide the requisite contribution. Please confirm whether the elimination of co-payment in all Autonomous Communities is envisaged.

20. Please explain the measure to guarantee nationwide the recognition of the right of persons with disabilities to choose their place of residence and have access to a range of social services, community support and other services for daily living, including personal assistance on the basis of individual requirements, rather than in pre-determined quantities. Please indicate whether it is intended to regulate personal assistance and whether there is any distinction between that system and that of the caretaker.

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

21. Please provide information on progress made in the development of regulations under Act No. 27/2007 of 23 October, which recognizes sign languages in Spain and regulates the means of support for oral communication, in order to ensure access to information and basic social services for persons with disabilities on an equal basis with others. Please also provide information on efforts to give effect to the rights of persons with deafblindness.

Respect for home and the family (art. 23)

22. Please provide information on the legal and other measures proposed to ensure that all persons with disabilities are able to exercise their rights relating to marriage, family, paternity and maternity, on an equal basis with others, without discrimination and with their free consent. In this regard, please indicate the measures proposed to amend Act No. 15/2015 of 2 July on non-contentious jurisdiction.

Education (art. 24)

23. Please provide information on measures to ensure inclusive and good quality education under the law, including an explicit clause stipulating that students may not be rejected because of their disabilities, and including extracurricular facilities and activities. Please also provide information on the practical steps taken to transform the education system and on the measures, the financial and human resources available and the training provided to teaching staff in the different Autonomous Communities. Please provide information about students with disabilities at all stages of compulsory and post-compulsory education, including in segregated education systems (special education). Please indicate the guarantees in place to ensure that decisions on school placement for students with disabilities may be appealed quickly and efficiently, and the measures planned to increase the involvement of students and their parents (see CRDP/C/ESP/CO/1, para. 44).

Health (art. 25)

24. Please explain the measures adopted to ensure that persons with disabilities are able to access health care, including facilities, amenities and equipment, with specific amenities and equipment for women, as well as information and communications relating to the provision of health services. Please also explain the measures taken to eliminate existing differences between Autonomous Communities in regard to the distribution of resources for that purpose and plans for the regulations on pharmaceutical co-payment to take into account the additional costs of disabilities. Please also provide information about the measures that have been taken to train health personnel, including in sexual and reproductive health, on the rights and requirements of persons with disabilities.

Work and employment (art. 27)

25. Please provide information on legislative and other measures to promote an increase in the rates of activity and employment among persons with disabilities, and on the existence of programmes to increase the employment opportunities of women and men with disabilities in the open labour market and in businesses in the production sector.

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

26. Please provide information on initiatives to ensure that austerity measures in times of financial crisis do not have a negative and disproportionate impact on the rights of persons with disabilities to access general or disability-specific social protection measures, and ensure that persons with disabilities do not find themselves in a situation of exclusion or poverty.

Participation in political and public life (art. 29)

27. Please provide information on legislative and other measures designed to ensure that all persons with disabilities, with no exceptions, have the right to vote in secret with the

necessary reasonable accommodations. Please provide details about the measures to ensure that all persons with disabilities who are elected to a public position are provided with all required support, including personal assistance (see CRPD/C/ESP/CO/1, para. 48).

C. Specific obligations (arts. 31 to 33)

Statistics and data collection (art. 31)

28. Please provide details about the proposed development, in cooperation with persons with disabilities and the organizations that represent them, of a system of human rights-based indicators and a comparable and comprehensive system to collect disaggregated data and statistics.

International cooperation (art. 32)

29. Please provide information on national plans to implement the 2030 Agenda for Sustainable Development, with the explicit inclusion of the rights of persons with disabilities.

National implementation and monitoring (art. 33)

30. Please indicate how funding is guaranteed to ensure that the Spanish Committee of Representatives of Persons with Disabilities is able to carry out its functions as an independent monitoring mechanism in accordance with article 33, paragraph 2, of the Convention and the principles relating to the statute of national institutions for the promotion and protection of human rights (Paris Principles).
