



## ORGANIZATION OF AMERICAN STATES

THIRD SPECIAL MEETING OF THE  
COMMITTEE FOR THE ELIMINATION OF  
ALL FORMS OF DISCRIMINATION AGAINST  
PERSONS WITH DISABILITIES (CEDDIS)  
November 21 and 22, 2013  
San José, Costa Rica

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FINAL REPORT

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## I. BACKGROUND

The Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities was adopted in Guatemala City, Guatemala, on June 7, 1999, at the twenty-ninth regular session of the OAS General Assembly, and entered into force on September 14, 2001. To date, 21 OAS member states have signed it and 18 have ratified it.

To follow up on the commitments undertaken in the Convention, Article VI thereof provides for the establishment of a Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (hereinafter “CEDDIS”), composed of one representative appointed by each state party and two alternates.

As of the date of this report, the Committee has held the following meetings:

### Regular meetings:

- First Meeting: February 28 to March 1, 2007. Panama City, Panama
- Second Meeting: July 28 to August 1, 2008. Brasilia, Brazil
- Third Meeting: April 26 and 27, 2010. San Salvador, El Salvador
- Fourth Meeting: November 27 to 29, 2012. Santiago, Chile

### Special meetings:

- First Special Meeting: May 4 and 5, 2011. San Salvador, El Salvador
- Second Special Meeting: April 25 and 26, 2012. Lima, Peru
- Third Special Meeting: November 21 and 22, 2013. San José, Costa Rica

The Third Special Meeting of CEDDIS was held to consider, among other matters, adoption of the simplified form for submitting the second compliance report of the *Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities* (CIADDIS) and the *Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities* (PAD); presentation of the final results of the rapporteur (Argentina) on the exercise of legal capacity by persons with disabilities; establishment of a working group to draft an instruction manual on supports and safeguards in light of the provisions of Article 12 of the United Nations Convention on the Rights of Persons with Disabilities; amendment of the Rules of Procedure of CEDDIS; and the exchange of inclusive national experiences.

In addition, as noted in operative paragraph 4 of resolution AG/RES. 2596 (XL-O/10), a period of time was set aside for civil society participation to enable it to provide the Committee with the information it deemed relevant on the measures taken by the states parties to the CIADDIS to comply with that instrument.

## II. PARTICIPANTS

1. Argentina

- Pablo Rosales (principal member). Attorney, independent expert
- Silvia Bersanelli (first alternate). President, National Advisory Commission for the Integration of Persons with Disabilities, CONADIS

2. Bolivia

- José Enrique Colodro Baldívieso (special accredited participant). Chargé d'affaires a.i. at the Embassy of Bolivia in Costa Rica

3. Brazil

- Fernando Antonio Ribeiro (first alternate). International Advisor to the Secretariat for Human Rights of the Office of the President of the Republic

4. Chile

- María Ximena Rivas (principal member), First Vice Chair of CEDDIS. National Director of the National Service for Disabilities, SENADIS

-Elia Puentes (second alternate). Legal Advisor of the National Service for Disabilities, SENADIS

5. Colombia

- Hernando José Mora González (principal member). Director, Center for Cardio-Neuromuscular Rehabilitation

6. Costa Rica

- Erick Hess Araya (principal member). Executive Secretary of the National Council for Rehabilitation and Special Education, CNREE
- Francisco Rodríguez Gutiérrez (first alternate). Representative of Organizations of Persons with Disabilities to the Board of Directors of the National Council for Rehabilitation and Special Education, CNREE
- Francisco Villalta Montes (second alternate). Representative of Mothers and Fathers of Persons with Disabilities to the Board of Directors of the National Council for Rehabilitation and Special Education, CNREE

7. Dominican Republic

- Magino Corporán Lorenzo (principal member). Director of the National Council for Disabilities, CONADIS

8. Ecuador

- Xavier Torres (first alternate). Vice Chair of the National Council for Disabilities, CONADIS, and Coordinator of National Federations of and for Disabilities of Ecuador
- Giovanni Rivadeneira (second alternate). Disability Ombudsman of the National Council for Disabilities, CONADIS

9. El Salvador

- Elvia Violeta Menjívar (principal member). Chair, National Council for the Comprehensive Care of Persons with Disabilities, CONAIPD

10. Guatemala

- Miriam Noemí Leal de Stwolinsky (principal member). Treasurer, Executive Board, National Council for Persons with Disabilities, CONADI
- Julio Roberto Bámaca Delgado (first alternate). Principal member of Organizations of Persons with Hearing Disabilities of the National Council for Persons with Disabilities, CONADI

11. Mexico

- María Patricia López Arciniega (special accredited participant). Director of Awareness-raising, National Council for the Development and Inclusion of Persons with Disabilities, CONADIS
- Rafael Barceló (special envoy). Representative for Political Affairs and Human Rights of the Embassy of Mexico in Costa Rica

12. Panama

- Ramón Alemán (principal member), Second Vice Chair of CEDDIS. Director of the National Secretariat for Disabilities, SENADIS
- Oris Salazar de Carrizo (second alternate). Advisor to the Office of the Director General of the National Secretariat for Disabilities, SENADIS

13. Paraguay

- Rocío Soledad Florentín Gómez (principal member). Minister, National Secretariat for the Rights of Persons with Disabilities, SENADIS
- Mirtha López Filippini (first alternate). Chief of Staff, National Secretariat for the Rights of Persons with Disabilities, SENADIS

14. Peru

- Irma Esther Beteta (second alternate). Head of International Cooperation, National Council for the Integration of Persons with Disabilities, CONADIS

Technical Secretariat of CEDDIS

- Evelyn Jacir de Lovo
- Mercedes Carrillo

Special guests

- Mabel Remón. National Coordinator, *National Program for Assistance to Persons with Disabilities in Their Relations with the Administration of Justice*, ADAJU, Argentina

### III. PROCEEDINGS

#### A. INAUGURAL SESSION

Opening remarks at the Third Special Meeting were given by María Ximena Rivas, First Vice Chair of CEDDIS; Luis Fallas, Deputy Ombudsman of the Republic of Costa Rica; Henry Jova, OAS National Representative in Costa Rica; and Erick Hess, Executive Secretary of the National Council for Rehabilitation and Special Education, CNREE, and principal member delegate from Argentina to CEDDIS.

A common thread in the statements was that it was indeed a privilege to have that regional forum of states parties, since the information collected and processed through the CIADDIS compliance reports, which the Committee was charged with evaluating, constituted one of the most reliable benchmarks of the situation of persons with disabilities in the Americas in view of the diversity of the countries participating in the process and the credibility of the national actors contributing to its preparation. Given the absence of sufficient statistical data and the difficulty in determining trends, it was a complex task to assess advances and obstacles at the hemispheric level. Hence the work carried out by CEDDIS was of great importance in systematizing data on the region.

The Committee was reminded that in June 2013 the OAS General Assembly had adopted the *Inter-American Convention against All Forms of Discrimination and Intolerance*, the first legally binding instrument that condemned discrimination based on nationality; age; sex; sexual orientation; gender identity and expression; language; religion; cultural identity; political opinions or opinions of any kind; social origin; socioeconomic status; educational level; migrant, refugee, repatriate, stateless, or internally displaced status; and disability.

Both the CIADDIS and the *Convention against All Forms of Discrimination and Intolerance* established that the states parties must adopt legislation, special measures, and affirmative action for the purpose of ensuring the exercise of the rights and fundamental freedoms of persons with disabilities. In that regard, it was emphasized that forums like the current meeting afforded an excellent opportunity for the states to review progress and obstacles in achieving the objectives of the CIADDIS and other conventions and to promote international cooperation.

## B. WORKING SESSIONS

THURSDAY, NOVEMBER 21, 2013

### ***First session: Presentation of the findings of the rapporteur on the exercise of legal capacity by persons with disabilities at the hemispheric level***

The principal member delegate from Argentina to CEDDIS, Pablo Rosales, began by placing in context the efforts made by the Committee since 2011 to map the measures being implemented for the exercise of legal capacity (whether traditional guardianship or emerging support measures) such that, after identifying the advances and difficulties in the region in ensuring the broad legal capacity enshrined in Article 12 of the United Nations Convention on the Rights of Persons with Disabilities (hereinafter “CRPD”), work would proceed on developing an instruction manual on supports and safeguards.

Pablo Rosales, the rapporteur appointed for that project, explained that on February 1, 2012, a questionnaire had been distributed to the OAS member state missions. It was intended for government officials in the judicial and legislative branches of government and for ministries, councils, or secretariats for social inclusion, social development, or infrastructure, or national offices whose organizational mission or role was related to disability policies, exclusively or as advisory bodies of the states (CONADIS or related entities) in order to collect the data needed to conduct a diagnostic assessment and draw up a preliminary regional proposal that would shed light on the principal difficulties encountered in those countries of the Americas that had ratified the CRPD in implementing Article 12 thereof, determining whether said obstacles were legislative, institutional, cultural, or financial in nature. That had been done as a result of the new paradigm shift that took place following the entry into force of the CRPD in May 2008, whereby the exercise and enjoyment of the rights characteristic of the protection model of most Latin American civil codes (which generally consisted of declarations of legal incapacity and the imposition of guardianships for persons with intellectual or mental disabilities) had to be replaced by a new system based on decision-making with supports and safeguards.



Mr. Rosales informed the plenary of the findings obtained as a result of processing the responses of 14 OAS member states: Argentina, Bahamas, Bolivia, Brazil, Chile, Costa Rica, Ecuador, El Salvador, Guyana, Mexico, Panama, Paraguay, Peru, and Uruguay. Those states reported on the following, among other matters: access to justice by persons with disabilities, the existing legal framework, training and awareness-raising for judicial officials, the applicability and effectiveness of the guardianship system for the exercise of legal capacity by persons declared legally incompetent, the impact in the countries of the region of the paradigm shift under Article 12 of the CRPD, and the legislative provision for supports.

In processing the data received, the rapporteur concluded the following:<sup>1/</sup>

1. As of the cut-off date for the questionnaire, the Brasilia Regulations were binding in only half of the states that responded.
2. Most of the states had rules protecting persons with disabilities, or the public at large, in their access to justice, even before the entry into force of the CIADDIS or the CRPD.
3. As a whole, the states use distinct, diverse means of determining disability, although a common thread between them was the ongoing use of medical classifications of disabilities, the International Classification of Functioning (ICF) being used by only half of the states. Five states reported that they used the ICF classification to establish disability, two used the International Classification of Impairments, Disabilities, and Handicaps (ICIDH); and two others, the International Classification of Diseases (ICD-10), with the remaining ones using other means. On a positive note, most of the states not currently using the ICF system said that they were in the process of offering training in that classification and introducing its use.
4. None of the states reported that a clear distinction was made in their internal norms between the concepts of mental and intellectual disability and none defined the concept of psychosocial disability. However, there were different definitions of disability, most of which were based on a model consistent with the aforementioned means for determining disability and, in general, comparing it with “normality” parameters. Some states had specific mental health laws or incorporated the concept of mental health into other general norms. In summary: (a) the concept of “disability” was defined in all states; (b) the definition was related to the means of determining disability, in the framework of the medical model and in relation to “normality” as a parameter, and in most cases no distinction was drawn between mental (or psychosocial) disability and intellectual disability; and (c) the concept of mental health was expanding and evolving in the region.
5. The states reported that they had detected various types of stereotypes and negative portrayals or perceptions that affected persons with disabilities in diverse areas,

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1. The rapporteur’s full text was distributed as a working document for the Third Special Meeting [CEDDIS/doc.1 (III-E/13)].

including the judicial. The main stereotypes identified by the reporting countries were: (a) the ingrained presence of the medical rehabilitative model; (b) inadequate recognition of the capacity to exercise rights; (c) lack of awareness of the value of and respect for human diversity; (d) the invisibility of persons with disabilities; and (e) standardized judicial proceedings and absence of official studies on those negative practices.

6. The region actively promoted training for judicial personnel through activities carried out within the judiciary or together with executive branch programs or entities (mainly in collaboration with CONADIS or similar bodies).
7. The states reported that providing information about the CIADDIS and the CRPD was a priority aspect of the training curriculum. Specifically, they also referred to: (a) sensitization to and recognition of the free will of persons with disabilities and the social model of disability; (b) the struggle against negative stereotypes against persons with disabilities in the public and private spheres so that diversity could be appreciated and embraced and discriminatory action identified; (c) accessibility of persons with disabilities; and (d) training based on workshop techniques.
8. Higher education was expanding and evolving in the region, although no information had been provided on the level of inclusion in terms of Article 24 of the CRPD, and it was reflected in the local availability of education, through regional university networks or international collaboration.
9. The architectural accessibility of judicial facilities remained an unmet need in the region since most states reported that barriers to accessibility existed for persons with disabilities. In some cases, there was no accessibility whatsoever; in others a difference existed between judicial facilities that predated the CRPD and the new facilities currently being built, which were accessible. Accessibility in judicial branch facilities had been evolving gradually, and the states involved in those processes reported that new construction was taking universal accessibility standards into account. Various states reported that they were working to ensure that every type of public facility would be accessible to persons with disabilities although, in general, the state did not have detailed inventories or accessibility reports for those facilities.
10. To a large extent, the states' web pages were generally not accessible, but a positive factor was that accessibility was mandatory under most states' regulations. At least 20 percent of the states lacked web accessibility but said that they were working on it.
11. Some states had sign language experts or reading tools accessible on a permanent basis (generally governed by law or regulations) and others provided those accessibility tools as requested in each specific case, through state financing. Other states were still deciding on a legal or organizational framework for those tools and even determining a government area for the protection of PWDs. For the time being,

no state reported that both tools were available throughout the judiciary, but the need to develop them was recognized.

12. With regard to judicial proceedings, in principle, as a general rule in all states, when a person with disabilities was involved in a court case he or she was represented by a third party, who in some cases was called a guardian and in others a mentor. In other cases, it could be a person close to the individual or a judicial body. In every state polled some type of legal advice or counsel was provided free of charge to persons with disabilities in the framework of the state, but these types operated through different means.
13. With regard to accessibility to court proceedings for persons with disabilities involved as defendants, witnesses, or jurors, none of the states reported that specific accommodations were made.
14. In court proceedings, if the judge or administrative personnel observed that one of the parties or a witness had some type of physical or intellectual disability, the states took various measures. Firstly, the measures taken by the judiciary were directly related to the greater or lesser visibility of the disability. The most common action taken was to determine whether or not the person required representation, with the proceeding suspended until a decision was made.
15. None of the states provided for safeguard or support measures for persons with disabilities under Article 12 of the CRPD. In some cases, the “support” requested was in the form of an expert or physician. In other cases the Brasilia Regulations were also applied.
16. With respect to persons with disabilities who were incarcerated, no special measures were taken in any of the states to facilitate the independence of such persons, including persons with mental or psychosocial disabilities and persons with sensory disabilities (the blind and the deaf). In particular, there was no architectural accessibility for persons with motor disabilities. The difficulties mentioned were diverse: (a) detention centers were not suitable for housing persons with disabilities; (b) detention centers did not have measures or structures adapted for persons with physical disabilities; (c) under federal systems, certain powers were exclusive to the provincial states, which made it difficult to arrive at uniform proposals; (d) ignorance of the conditions in which persons with disabilities were confined; (e) overcrowding and confinement in small quarters in which the number of inmates most often exceeded capacity; and (f) disadvantages among the deaf, who could not communicate with other inmates or with prison staff since as a rule no one knew sign language in those facilities.
17. As concerned the training mentioned in Article 13, paragraph 2, of the CRPD, most states offered training, based on a regulatory mandate or incorporated into the curricula of judicial schools, specifically regarding supports or in other cases work with stereotypes that lead to discriminatory conduct against persons with disabilities.

18. As for the capacity of persons with disabilities to act, most states said that they agreed with the change resulting from Article 12 and expressed the need to apply it gradually to overcome the negative stereotypes that remained about the capacity of said persons to exercise their rights. There was consensus among the states on the concrete implementation of Article 12, although it was also concluded that changes must be made to domestic law to better comply with that article. The majority of states proposed that such changes be made to the civil code.
19. On the scope of compatibility between the declaration of incapacity or guardianship and Article 12 of the CRPD, most of the states put forward different arguments to express the incompatibility of the two models, but those who considered that the representation model must be maintained seemed to be of one mind. Other states considered that there was a certain practical compatibility between the two models but that it was based on the need to make changes. According to another position, a declaration of incapacity or the imposition of guardianship was valid only if issued by a court to protect persons with disabilities or because in practice it had had positive results. Other states were of the view that the CRPD itself allowed for that interpretation. Some states proposed that the declaration of incapacity or guardianship should not be eliminated but rather maintained for very specific cases. In conclusion, it was observed that, as concerned acceptance of the Article 12 model and the perception of its concrete implementation, there was still ample room for a gradual approach to overcoming the inertia of decades of use and consolidation of the model based on representation through the declaration of incapacity or guardianship, which was accepted in several cases as a “successful model for the protection” of persons with disabilities.
20. In the event that substantive and procedural reforms were necessary, the states were asked how they considered the shift should be made from the elimination of guardianship or insanity to the broad capacity model under Article 12 of the CRPD, determining who (key political and technical actors) should take part in the design of proposals for any of those purposes. Three groups of proposals were mentioned: (a) substantive and procedural reforms; (b) maintenance of the declaration of incapacity or guardianship (proposals at odds with Article 12 of the CRPD) divided into two groups: (a.1) maintaining the declaration of incapacity or guardianship but regulating a procedure aimed at determining the circumstances of each specific case; and (a.2) maintaining the declaration of incapacity or guardianship but strengthening guidelines. In conclusion, full implementation of Article 12 of the CRPD did not seem to be a fully consolidated alternative in the region compared to the representation model, whose maintenance, albeit limited to specific cases, enjoyed a certain consensus for the time being.
21. Various states considered that transitional measures must be adopted to move from the representation model to the broad capacity model with supports, in keeping with Article 12 of the CRPD. Those proposed measures fell into the following groups: (a) a proposal for transition prior to implementation of the model under Article 12

through a revision of current legislation. The proposal called for a gradual process of change of internal legislation prior to the full implementation of the Article 12 model; another state considered it necessary to initiate prior legislative studies; (b) some states proposed the immediate implementation of Article 12, based on the normative hierarchy of the CRPD, which should be accompanied by appropriate training and ample dissemination of and promotion of rights. Nor was it considered necessary to make a transition to the social model but rather to understand what that model entailed. However, several states did not express any views on that question of the questionnaire in particular.

22. With regard to procedures for “making adjustments to the legal capacity to act” (or “providing supports for decision-making,” in the framework of Articles 12 and 13 of the CRPD, in some cases legislative amendments had a significant influence on judicial decisions. Normative changes in other states were made in national constitutions themselves or in the base documents that were the subject of training. In other cases no adjustments were made in legislation although that did not prevent them from being taken into account at the supralegal level of the Convention. However, none of the reporting states had regulated supports for persons with disabilities in accordance with Article 12 of the CRPD.
23. With regard to examples of best practices making it possible to replace the representation model or else apply it, but limiting it to specific cases, the states proposed the following examples: (a) mass campaigns to alter negative stereotypes detrimental to PWDs and their rights; (b) mainstreaming disability in all government programs and policies; (c) encouraging the elimination of stereotypes and of harmful practices affecting public officials; (d) disseminating information and raising awareness among all judges regarding the need to strengthen their positions about the presumption of the legal capacity to act, which favors all persons with disabilities, as well as all the implications of this strengthening for interpretation of the law; (e) listening to persons (or groups of persons) with disabilities; (f) working with persons with disabilities and their family groups in keeping abreast of paradigm shifts concerning the concept of autonomy and an independent life affected throughout the region by the practices set forth above; (g) discouraging and restricting security measures, in particular prolonged internment that is detrimental to persons with disabilities and those with mental problems; (h) limiting declarations of incapacity to extreme cases in the context of state institutions (legal units) that play an active role in protecting persons with disabilities (it was further proposed that “types of actions that call for greater attention in the supports and safeguards system be identified so that the institutions involved in those actions may receive priority attention and design appropriate protocols for care”); (i) inclusion of the rights of persons with disabilities and of diversity in curricula, raising awareness through the educational model; (j) training directed at public officials as well as the private sector; and (k) promotion of closer relations and coordination between the judiciary and persons with disabilities in judicial proceedings.

At the conclusion of the presentation, the delegations thanked and congratulated Rapporteur Pablo Rosales for his work and decided the following unanimously:

1. To adopt as an official document of the Committee the initial regional diagnostic assessment of the exercise of legal capacity by persons with disabilities, presented by the rapporteur, Pablo Rosales.
2. To establish up a working group to draft an instruction manual on the implementation of support measures with safeguards for the exercise of legal capacity by persons with disabilities. This working group will be made up of six countries: Argentina, Brazil, Costa Rica, Chile, Panama, and Peru.
3. The functions of the working group shall be the following:
  - a. To draft an instruction manual on supports and safeguards on the basis of the rapporteur's findings on legal capacity. The working group members shall work in collaboration with a multidisciplinary group of actors, namely, civil society representatives and professionals from diverse areas (anthropologists, sociologists, attorneys, and psychologists, among others) on the design of its recommendations;
  - b. To put the recommendations made in the manual into practice, i.e., endeavoring to translate them in concrete terms, through actions such as training of state judicial officials on support measures or provision of technical assistance to government entities in the framework of projects being implemented at national level that may have an impact on persons with disabilities; and
  - c. To establish relations with the Inter-American Commission on Human Rights (IACHR) to apprise it of the Committee's progress in this regard, so as to enable the Commission not only to disseminate the Committee's observations on the need to replace guardianship with other support measures but also to use them as a doctrinal source in its reports.
4. The working group was requested to submit to the Committee at its next meeting a work plan for production of the manual that would include, inter alia, the stages of work, activities to carry out in each stage, actors involved in each activity, expected results, and cost estimates. At the suggestion of the delegate from Brazil, it was established that the working group could meet separately before or after regular meetings of CEDDIS to expedite its work.

The aforementioned decisions are set out in resolution CEDDIS/RES. 1/13 (III-E/13),<sup>2</sup> adopted unanimously on November 21, 2013.

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2. See Appendix 1.

***Second session: Proposed adjusted form for submitting the second CIADDIS-PAD compliance report and roadmap for its evaluation***

***a. Background***

In her introductory presentation, Evelyn Jacir de Lovo, head of the Technical Secretariat of CEDDIS, reviewed the background to the design, pilot exercise on the use, and subsequent simplification of the form for submitting the second CIADDIS-PAD compliance report, in order to place the matter in context for the delegations of El Salvador, Guatemala, and Paraguay, who had recently become CEDDIS members.

She explained that the national officials entrusted with monitoring the CIADDIS and the PAD had recognized since 2008 the symbiosis between the two instruments since, whereas the CIADDIS contained programmatic provisions that laid the groundwork for the development of approaches to be taken by states parties to build inclusive societies, the PAD was responsible for planning the corresponding measures to be adopted to that end. Consequently, the PAD gradually came to be viewed as the operational framework for implementing the objectives of the CIADDIS.

As recognized by national authorities in the region, that symbiosis between the CIAADIS and the PAD meant that there was *reciprocity* between the two instruments, given the similarity of the objectives they pursued, the political forum from which they arose, and the fact that the same authorities were responsible for monitoring them as in most cases they were members of CONADIS and CEDDIS. That reciprocity had led the regional authorities in the disabilities area to conclude that the submission of two compliance reports on the same subject (progress in the construction of an inclusive society) by the same country constituted a duplication of efforts, time, and resources.

The regional authorities had held technical meetings to consider the possibility of having OAS member states submit a single compliance report for both the CIADDIS and the PAD. That was the starting point for a new methodology for measuring progress, which would rest on brand new parameters and indicators jointly applicable to both normative instruments.

Mrs. Jacir gave an account of the meetings held to design the form:

*i. Second Meeting of CEDDIS. Brazil, 2008*

That meeting noted that the first CIADDIS compliance reports were extremely diverse and lacked common, shared benchmarks for assessing data and classifying progress. As a result, a working group was established made up of the representatives of Argentina, Bolivia, Chile, Costa Rica, Mexico, Panama, and Venezuela, and a provisional report produced: “*Draft Parameters for Establishing Starting Points, Setting Goals, and Measuring Progress in Implementation of the Convention by the States.*”

On that occasion, CEDDIS made the following recommendations:

- Use, as an instrument for implementing and following up on the CIADDIS, the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities (PAD).
- Make comments on and/or submit alternative proposals to the provisional report: *“Draft Parameters for Establishing Starting Points, Setting Goals, and Measuring Progress in Implementation of the Convention by the States.”*
- ii. *First Meeting of Directors and Policy Makers following up on the PAD (CONADIS). Panama, January 2009*

At the First Meeting of CONADIS or related entities of the region, the representative of Chile presented the following documents:

- *“Inclusion Rate of Persons with Disabilities”*
- *“Proposed Parameters for Establishing Starting Points, Setting Goals, and Measuring Progress in Implementation of the Convention by the States”*

Those proposals were welcomed by the Secretariat responsible for follow-up to the PAD, SEDISCAP, as well as by other countries, and technical meetings were held: first in Brazil (May 2009), and then in Argentina (September 2009) and again Brazil (March 2010) to consider the proposals in greater depth.

- iii. *Third Meeting of CEDDIS. El Salvador, April 2010*

In April 2010, the CEDDIS members, many of whom were also CONADIS officers, adopted the document *“Reciprocal Ties between the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities and the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities,”* which lent conceptual and theoretical support to using the PAD as the instrument for implementing and following up on the Convention.

At that meeting, the Secretariat of the Committee was entrusted with coordinating the adoption of indicators and parameters with international and regional organizations in order to make the report more objective. That was accomplished with the advisory services of Ricardo Villa, who was the alternate delegate from Chile to CEDDIS and an official of Chile’s National Disability Fund. Mr. Villa had been selected to consolidate all inputs and instructions from the states and to use them to design an initial proposal, in view of his active participation since the 2008 meeting in Brazil.

That meeting also set up the Working Group on Parameters (Parameters WG) to provide feedback on Mr. Villa’s proposal.



- iv. *Second Meeting of Directors and Policy Makers following up on the PAD (CONADIS). Argentina, August 2010*

Presented at that meeting was the document “*Progress Reports on the Program of Action for the Decade of the Americas for the Rights and Dignity of Persons with Disabilities*,” a country-specific and global assessment, by PAD area, of the progress achieved since the processing of the first PAD compliance report in the alignment document, submitted by the countries in 2009 and ranked by means of assessment scales developed by SEDISCAP.

In the framework of Ricardo Villa’s advisory services, a proposed *Ranking of Activities by PAD Action Areas* was produced, with the participation of the countries attending, in order to establish levels of impact (“relative weight”) in the advances made toward the objectives and goals to be achieved, indicating the level of importance of the progress levels attained. The states made a number of suggestions and recommendations, which would subsequently be taken into account by the Parameters WG in adjusting the methodology.

- v. *Meeting of the CEDDIS Working Group on Parameters. Washington D.C., October 2010*

That meeting considered the document “*Proposed Methodologies for Following up on the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities*,” which laid out and readjusted the process for defining the methodology and establishing ideal goals shared by all states parties and possible goals set by countries according to their capacities.

The meeting reviewed the principal approaches taken to follow up on both UN and OAS conventions and technical documents, as well as the proposals presented by Chile.

It was noted that the highest level of synergy existed between the OAS instruments—the CIADDIS and the PAD—the latter as an instrument for implementing and following up on the Convention.

- vi. *First Special Meeting of CEDDIS. El Salvador, May 2011*

The members of CEDDIS, most of whom were also CONADIS members responsible for implementation of the PAD, had adopted a conceptual and methodological framework that would make it possible to move forward in the development and measurement of specific disability indicators as well as a timetable for the process. Efforts would begin to draw up final form based on said conceptual and methodological framework.

Having compiled sufficient inputs during the aforementioned meetings, work had begun on “putting together” or developing the new form for submitting the second CIADDIS-PAD report. In the process other subregional workshops had been held to introduce the final proposed indicators and to receive feedback from civil society. A workshop for the Southern Cone region was held in Argentina in September 2011; one for the Central American region in Costa Rica in October 2011; and another for the North American and English-speaking Caribbean region in November 2011.

Representatives from 11 states and more than 20 civil society organizations took part, with more than 60 people participating.

In December 2011, following those workshops, the consultant responsible for the form's design, Ricardo Villa, had presented the final form for the second CIADDIS-PAD compliance report, which was the result of all the inputs he had received from the states. Said form had been transmitted to CEDDIS the same month and was accepted as no comments were made regarding changes. In March 2012, the member states had been asked, through their permanent missions, to submit the report. A total of 13 states had submitted their reports in 2012-2013 (Argentina, Bolivia, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Haiti, Mexico, Panama, Paraguay, and Peru) and two others said they were in the process of completing them (Brazil and Guatemala).

During the Fourth Meeting of CEDDIS, held in Chile in November 2012, several delegations had shared their experiences with completing the new form. Various delegations said that they had encountered difficulties in collecting the information requested because the statistical or percentage data requested were not available or because said data were not systematized. It was also noted that some indicators might be redundant or ambiguous. Based on those considerations, the plenary had decided to review the form adopted in 2011 for submission of the second CIADDIS-PAD compliance report, with a view to reaching a consensus on a simplified revised version, which was ultimately the one that would be evaluated by the working groups.

To simplify the form, delegations had been asked to submit to the Technical Secretariat of CEDDIS a list of those indicators that should be eliminated or changed as they were considered to be ambiguous, redundant, or inapplicable to the region. It had been pointed out that suitability of the indicator should not be confused with the current inability of the state to respond to it because of a lack of data, since it was not impossible that the very existence of the indicator could lead the state to promote a measure or policy to subsequently collect the data needed to evaluate it, and in the medium term the state would be able to respond.

Mexico, Costa Rica, and Peru had presented proposals for adjustments. In September 2013, Rodrigo Jiménez, an expert selected by the CEDDIS officers, was contracted to edit the form, an exercise that was to take into account the comments received from the states and from the Technical Secretariat, who had followed the entire process. It had been decided that Mr. Jiménez would present the results of his work at the Third Special Meeting of CEDDIS.

***b. Presentation of the proposed simplified form***

Rodrigo Jiménez introduced certain changes into the form originally produced by Ricardo Villa, which had been adopted by CEDDIS in 2011, and the new proposed simplified form was distributed to the Committee as a working document for the Third Special Meeting [CEDDIS/doc.4 (III-E/13)].

After selecting a sample of several of the national reports presented in 2012, the consultant, Mr. Jiménez, concluded the following regarding the pilot exercise to complete the new form:

*i. Usefulness of the report nationally and internationally*

The usefulness of the national CIADDIS-PAD compliance report goes beyond the international obligation to report on compliance with these instruments, since the report achieves the following objectives:

- Monitoring of national plans carried out by the national lead entity in the area. The report makes it possible obtain information on the impact of public actions generated by this international obligation.
- Assessment of progress made in the human rights situation of persons with disabilities (which can be used by each country's ombudsman to monitor and evaluate, from an internal perspective, implementation of the CIADDIS).
- Shedding light on the best practices each country has been applying to meet its obligations and thus generate opportunities for international cooperation.
- Facilitation of national decision-making to channel resources or policies toward critical areas, among other things.

The CIADDIS-PAD compliance report may also constitute an instrument for citizen participation and oversight when organizations of persons with disabilities express their own views on progress made under the Convention and their recommendations to improve its implementation.

However, the following weaknesses were also noted:

- There was not any uniformity in the data provided by the states since responses were given to certain indicators on the basis of available information or according to each state's interpretation since the indicators were designed very broadly.
- Repetitive data were presented.
- Given the absence of available data in states, some data submitted were not relevant to the purposes of the report or no answers at all were provided.
- The data presented were not consistent with those reported in other international reports on disabilities.
- There should be a group of indicators on access to justice since mainstreaming this topic in other indicators makes the data reported repetitive.
- The dates of the qualitative or quantitative data reported were not given at times, which made it difficult to measure their relevance.
- Many of the indicators were not responded to and no explanation was given for the absence of information.

*ii. Specific observations resulting from analysis of the reports*

As the form adopted was configured, the states submitting it were to complete various sections. Listed below are the observations of the consultant, Rodrigo Jiménez, on how some of these sections were completed:

1. General aspects of the country (making it possible to understand the political-administrative, legal, social, and economic context in which the Convention is implemented). This includes: the political-administrative structure, total population, economically active population, population distributed by age/ethnicity/gender, literacy rate, school level of youths and adults, poverty/indigence/unemployment rates, and the government's total annual budget.

In this section, Mr. Jiménez identified the following problems:

- Some of the data requested were relevant in the first report but not necessarily so in subsequent reports. Certain information requested must therefore be eliminated in order to simplify the instrument.
- In the section on "political-administrative structure," some states' responses focused on territorial organization and others on the distribution of government functions, with no mention of the participation of the population with disabilities in those state structures. Nor was any description given of the place of the national disability entity in the political-administrative structure.
- A comparison must be drawn between general indices for the population at large and for the population with disabilities in order to measure existing parameters of inequality.
- The gender perspective was not included in the application of general indices and, requests for data differentiated by age, ethnicity, or region were interpreted in various ways.
- The responses given on education or poverty rates were not based on the same criterion, for example, some countries reported on literacy and others on illiteracy.

2. General information on disability (making it possible to measure the universe of persons with disabilities and their general characteristics). This includes: the percentage of the population with disabilities, their distribution by territory/gender/age/ethnicity/degree and type of disability, number of households with persons with disabilities, number of households with persons with disabilities that are accessible, number of persons with disabilities who attend regular schools, and number of persons with disabilities who attend special schools.

In this section, Mr. Jiménez identified the following problems:

- Some of the reports did not use the theoretical concepts correctly, for example, they confused handicap and disability.
- The percentages provided in the indicators were sometimes not closed.
- The responses in some reports contained non-inclusive language, which reinforces discriminatory roles and stereotypes.
- On occasion, the information provided in the section on general aspects of the country was not consistent with that in the section on general information on disability.
- Measurement criteria were established that lent themselves to different interpretations, such as “level.”
- In many cases answers were not provided, but no indication was given of why or of what could be rectified to obtain answers.
- In some cases, measurement dates were not the same. Some states gave figures for 2007 and others for 2011.

3. Constitutional and legal framework on equality and nondiscrimination, accessibility, and participation. This includes: information on any reservations or declarations made by the state party on any article of the CIADDIS; other ratified international instruments; a description of legal norms on equality and nondiscrimination; information on national institutions or mechanisms working to achieve equality and nondiscrimination, accessibility, and the participation of persons with disabilities and to guarantee their rights; judicial and administrative resources available to persons who consider that they have been victims of discrimination or that their rights have been violated; and the system for reparations and compensation for victims and for their rehabilitation.

In this section, Mr. Jiménez identified the following problems:

- International human rights law requires that domestic legislation be brought into line with international obligations under the Convention. It was necessary to focus on that obligation and to provide the requested information from that perspective.
- There appeared to be a lack of knowledge about basic rules concerning the hierarchy of laws and where human rights belonged in each country’s legal system.
- The legal area was not addressed according to its components, which were: (1) the formal component, i.e., legislative development; (2) the structural component, based on the interpretation and implementation of laws; and (3) the political cultural component, which comprises awareness of human rights and the obligation to respect them.

- From the responses given, it was impossible to measure two fundamental factors: (1) harmonization of internal law with international law; and (2) access to justice for persons with disabilities. Information was not provided on judicial officials and on the services they dispensed to ensure access to justice.

4. Civil society participation. This includes: national or federal, regional, and local mechanisms for the participation of organizations of persons with disabilities in the design, implementation, and evaluation of policies, plans, and programs for social inclusion and in the drafting of the second CIADDIS report.

With regard to that section, Mr. Jiménez noted that some states avoided answering the questions raised and submitted data that was not germane to the information sought. It was therefore necessary to narrow the questions down by offering simple choices in order to obtain more specific, uniform responses.

5. Ideal goals and possible goals until 2015, by area. This includes: the current situation in education, health, employment, social sensitization, accessibility, and political participation; goals until 2015 in the aforementioned areas; ideal goals by area; and actions under way to achieve the PAD goals in social well-being, participation in cultural/artistic/sports/recreational activities, and international cooperation.

In this section, Mr. Jiménez identified the following problems:

- Information on legal harmonization needed to be centralized in a separate section given that, as it was dispersed in each section, some of the responses could be redundant.
- The previous review document on the indicator's viability called for a subjective assessment by those who submitted reports. It was recommended that it be an internal working document and that a summary be made for each of the indicators to enable those assessing the reports to determine the validity of the information provided.
- The indicators could occasionally be interpreted broadly, which had led the reporting states to take different approaches in their answers.
- Even though some indicators could not be responded to because of a lack of information, some states responded anyway, with inappropriate information.

In light of the foregoing, the following recommendations were made to adjust the form:

- Facilitate data comparison by including the means of calculating indicators so that they are not open to interpretation, such as the poverty rate, unemployment rate, or indigence rate with their respective formulas (for example: number of households living in poverty ÷ total number of households).

- Reduce the amount of information requested in subsequent reports with regard to data such as external debt, gross domestic product (GDP), or average annual inflation rate.
- Narrow possible answers to questions by offering simple choices to facilitate systematization (for example: “yes/no,” “has/does not have”), leaving open the possibility for a state to give another answer when the pre-established one does not correspond to its situation.
- Prioritize indicators according to viability. In this regard, the Technical Secretariat cautioned that, although an indicator’s viability was always reduced when scant information was available on a matter, an indicator could be considered more or less important in terms of the ease in responding to it since nothing precluded the state from generating information after the fact.
- Incorporate other indicators according to the indivisibility and interdependence of human rights so as to address the matter in terms of a life free from violence and access to justice.

All adjustments made to the indicators on the form as a result of the recommendations proposed may be found in document CEDDIS/doc.2 (III-E/13), “*Matrix of Indicators in the Second CIADDIS-PAD Compliance Report*,” distributed as a working document for the Third Special Meeting.

*iii. Proposed methodology for evaluation*

The methodological roadmap proposed by Rodrigo Jiménez for processing the national reports comprises the following three stages:

1. Pre-evaluation stage

- Step 1: *Aim and purpose of the report’s evaluation*. Identify the background to the adoption of the CIADDIS and its relationship with the CRPD and with other international human rights instruments.
- Step 2: *Background to the report*. Become familiar with the prior reports submitted by the states as well as with the conclusions drawn and observations and recommendations made by CEDDIS on them.
- Step 3: *Resources available to evaluate the reports*. Take stock of the material, human, and financial resources as well as the time available to the Committee to evaluate the reports.

2. Evaluation process

- Step 1: *Classification of data*. Distinguish among the following categories: (i) qualitative and quantitative; (ii) documentary and on-site (iii) degree of credibility of the data.
- Step 2: *Data analysis*. Read and analyze the data according to the categories established on the agreed form. Compare the report with previous reports to measure the gradual nature of the enjoyment of human rights and with the regional standards presented by other states. Review general conclusions, observations, and suggestions offered by the Committee in previous reports.
- Step 3: *Data systematization*. Acknowledge setbacks in the enjoyment of human rights of persons with disabilities; identify obstacles to compliance with the obligations assumed under the Convention; identify progress in the enjoyment of human rights of persons with disabilities; and identify best practices that facilitate progress in implementing the Convention.
- Step 4: *Validation of the report's evaluation*. Validate the results of the evaluation with civil society represented by the diversity of the movement of persons with disabilities (physical, intellectual, sensory, and psychosocial).
- Step 5: *Drafting of general conclusions, observations, and suggestions*. Draft general conclusions, observations, and suggestions for the state that presented the report.
- Step 6: *Submission of results*. Submission of the general conclusions, observations, and suggestions stemming from the evaluation of the national reports to the OAS General Assembly.

3. Follow-up to the evaluation

- Step 1: *Dissemination of the recommendations*. Disseminate the recommendations by virtual means through either the Committee's official web page or social networks of the movement of persons with disabilities.
- Step 2: *Submission of the recommendations to the national officials responsible for the matter*. Make presentations to government officials of the Ministry of Foreign Affairs, national disability entities, and those responsible for meeting the obligations undertaken in the Convention.
- Step 3: *Promotion of citizen oversight*. Present recommendations to leaders of the state's movement of persons with disabilities.



- Step 4: *Incorporate the recommendations into public policy.* Urge national disability entities to incorporate the recommendations made by the Committee into their national disability plans.
- Step 5: *Promote mainstreaming of the recommendations into annual operating plans.* Request reports on implementation of the recommendations of CEDDIS in the annual operating plans of the institutions responsible for meeting the obligations established in the Convention.

**c. *Agreements on the matter***

Once Rodrigo Jiménez, the consultant, had concluded his presentation, the countries thanked and congratulated him for his work and initiated a discussion that highlighted the usefulness of the CIADDIS-PAD report as a tool for mapping and assessing the impact of national public policies, thus serving as a support instrument for the national disability agenda, compiling data that would help improve statistical systems, and, in particular, strengthening regional identity, given that those reports depicted the overall situation in the region and fostered international cooperation. Emphasis was placed on the importance of civil society participation in drafting the reports through means to be determined by the national lead entities.

The Vice Chair of CEDDIS, María Ximena Rivas, noted that it was extremely important to plan how to follow up on the Committee's observations on the reports by exploring, for example, the possibility of having CEDDIS representatives visit a country and personally deliver its recommendations to the senior authorities in the area, thereby drawing greater attention to the topic.

Once the dialogue among the countries had concluded, the following decisions were adopted:

1. The CEDDIS delegates pre-approved the proposed simplified form presented by Mr. Jiménez for submission of the national CIADDIS-PAD report, circulated as a working document for the meeting [CEDDIS/doc.3 (III-E/13)]. Final approval of the document will be subject to a second review by the CEDDIS members who, if they have comments on the proposal or wish to request changes thereto, will have until December 20, 2013, to so inform the Secretariat.

To this end, delegates were asked to consult document CEDDIS/doc.2 (III-E/13) "*Matrix of Indicators in the Second CIADDIS-PAD Compliance Report*," which sets out all of the changes made to the original proposal to simplify it. Countries that do not make observations will be deemed to have approved the proposal as presented.

2. The Technical Secretariat will distribute the final form for the second report, which will take into account the comments made on the proposal during the meeting as well as any inputs received from countries (if applicable).
3. The following countries agreed to adjust the second national CIADDIS-PAD report presented in 2012-2013 to bring it into line with the simplified form: Argentina, Brazil, Chile, Ecuador, Mexico, Panama, and Paraguay. Conversely, the following

countries said that they would transmit the request to their governments and would answer in due time whether or not they would adjust their reports: Colombia, Dominican Republic, El Salvador, Guatemala, and Peru.

4. The deadline for the countries mentioned in the preceding paragraph to resubmit their national reports is **June 15, 2014**. This decision was adopted unanimously.
5. The fifth regular meeting of CEDDIS, scheduled for late 2014, will be held to evaluate these reports.

***Third session: Adoption of Amendments to the Rules of Procedure of CEDDIS***

***a. Background***

According to Article 3.a of the Rules of Procedure of CEDDIS, the Committee is empowered to adopt and amend its internal rules of procedure with a view to achieving its objectives.

At the Second Special Meeting of CEDDIS, held in April 2012, a working group, composed of Argentina, Chile, Brazil, El Salvador, Panama, Guatemala, and Costa Rica, had been set up to review the Rules of Procedure of the Committee. It was to be responsible for conducting a detailed review of the Rules of Procedure of the Committee in order to identify gaps or provisions that needed to be changed or deleted, for subsequent consideration at a future meeting. Argentina was the only member of the working group to submit to the Technical Secretariat, in November 2012, proposed amendments to the Rules of Procedure, specifically to Articles 1, 2, 4, 5, 7, 9, 15, and 16. Those proposals had been referred to the Committee on November 22, 2012, as one of the working documents for the Fourth Meeting of CEDDIS.

At the Fourth Meeting of CEDDIS, held from November 27 to 29, 2012, the delegations had decided to use Argentina's proposals as the base document, and each country had been asked to use the third column of the matrix presented by Argentina to express its views on whether or not it agreed with the proposed amendment and/or to propose any changes it deemed relevant. Each country was to send the matrix with its comments to the Technical Secretariat of CEDDIS by March 31, 2013 (a deadline that was later extended by decision of the officers), after which time the Technical Secretariat would consolidate all of the views received and present them to the Committee at its next meeting so that they could be voted upon.

On May 28, 2013, the delegates of CEDDIS had been sent all of the proposals received up to that time (Argentina, Panama, and Peru). On June 13, 2013, Paraguay had reported that it agreed with all of the amendments proposed by Argentina. On August 12, 2013, the proposed amendments received had been transmitted once again to all Committee members, along with two new proposals received from Chile and Uruguay. On November 18, 2013, Brazil had submitted its proposed amendments to the Rules of Procedure.

All of the proposed amendments had been received and consolidated in a table that was distributed to the Committee [CEDDIS/doc.3 (III-E/13) Rev. 1], "*Proposed Amendments to the Rules of Procedure of CEDDIS*," and circulated as a working document for the Third Special Meeting.

***b. Adoption of changes to the Rules of Procedure***

In keeping with Article 15 of the Rules of Procedure of the Committee, decisions concerning amendment of the Rules of Procedure shall require the affirmative vote of at least two thirds of the members present.

The delegates worked on the basis of document CEDDIS/doc.3 (III-E/13) Rev. 1 and proceeded to examine the amendments proposed. The Vice Chair put each one of them to a vote.

Among the principal changes adopted were the following:

- Official approval of the acronyms CIADDIS and CEDDIS to refer to the Convention and the Committee, respectively.
- Officers may now be reelected to another two-year term, provided that the offices to which they are elected are different from the ones they held previously.
- If no consensus is reached in the election of officers, the decision shall be taken by a vote of two thirds of the members present.
- The convocation of special meetings requires the support of at least three countries.
- In the absence of a consensus on any decision, the matter shall be put to a vote, by a show of hands.
- The four-year limit on serving as a CEDDIS member is eliminated. The appointment shall remain in effect until the state that appointed the representative decides otherwise.
- Each delegation should preferably include a member of civil society.

Detailed information about the amendments adopted to the Rules of Procedure of the Committee, as well as the voting results in that process, is set forth in resolution CEDDIS/RES. 2/13 (III-E/13), contained in Appendix 2 to this report. As explained by the Technical Secretariat, these amendments will be subject to legal review by the OAS Department of Legal Services to ensure that they are not inconsistent with any provisions of the CIADDIS, and the Committee will be informed of the opinion received.

FRIDAY, NOVEMBER 22, 2013

Fourth session: Other business (part I)

**a. *Financial situation of the Committee and its Technical Secretariat***

Mercedes Carrillo of the CEDDIS Technical Secretariat recalled that at the Second Special Meeting of the Committee, held on April 25 and 26 in Lima, Peru, the Technical Secretariat had presented a budget estimate for the annual operations of CEDDIS and its Secretariat, totaling about US\$222,751.47, to cover, among other things, the following:

- Hiring of a full-time staff member to handle the heavy workload assigned by the Committee;
- Translation of CEDDIS documents;
- Publication of its observations or manuals;
- Specific advisory services for research, diagnostic assessments, or other products entrusted by the Committee;
- Holding of meetings.

During the Second Special Meeting of CEDDIS, the then Chair of the Committee, Vanda Pignato, had suggested to the delegates present that they divide the budget estimate for CEDDIS equally among all states parties that made up the Committee, which would amount to an approximate yearly contribution of US\$15,000 per state party, in order to guarantee greater operational flexibility for the Committee in the event that no external contributions were received. That proposal had been unanimously adopted by the plenary, and the delegations present said they were prepared to make their best efforts to seek support from their respective governments.

Thus, at its Second Special Meeting, CEDDIS had adopted resolution CEDDIS/RES. 3 (II-E/12) "*Contributions to the Specific Fund for the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities,*" in which it took note of the annual budget estimate for the operations of the Technical Secretariat and committed to take measures to obtain from each government on the Committee an equitable amount based on the annual budget estimate for the operations of CEDDIS and the number of states parties to the CIADDIS, with the amount of each annual contribution calculated at fifteen thousand (15,000) United States dollars per year.

Following the adoption of that resolution, the following contributions were received in 2012 and 2013:

2012		
DONOR	CONTRIBUTION	DATE
PERU	5,000	March 2012
EL SALVADOR	15,000	June 2012
ECUADOR	15,000	October 2012

2013 <sup>3</sup>		
DONOR	CONTRIBUTION	DATE
COLOMBIA	10,000	April 2013
PERU	15,000	May 2013

The delegates were informed that a total of US\$60,000 had been received in 2012-2013. As of the date of the current meeting, the amount of US\$17,410.80 had been executed for the following activities: meeting of CEDDIS officers in New York in September 2012; Fourth Meeting of CEDDIS, in Chile in November 2012; Third Special Meeting of CEDDIS, in Costa Rica in November 2013; and consulting services from September to November 2013 for editing the form for the second CIADDIS-PAD report.

***b. Follow-up to the initiatives proposed at the Fourth Meeting of CEDDIS (Santiago, Chile, November, 2012)***

***b.1 Presentation of the proposal to create a CEDDIS data bank of best practices (Chile)***

The Vice Chair of CEDDIS, María Ximena Rivas, presented a proposal on a data bank of best practices for the social inclusion of persons with disabilities, drawn up by the delegation of Chile.<sup>4</sup> That initiative had been conceived during the Fourth Meeting of the Committee as a tool for achieving the following objectives:

- Fostering international cooperation among the OAS member states and other states through the exchange of information among their public administrations and private entities, involving them as active players in a social awareness-raising process;

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3. On December 27, 2013, an additional contribution was made by Chile in the amount of US\$14,579.

4. The entire proposal put forward by Chile is available at: <http://ceddis.senadis.cl/>.

- Increasing the visibility and recognition of national efforts that could have a positive, effective impact on the social inclusion of persons with disabilities and on the promotion and protection of their rights; and
- Drawing attention to the commitment of the CEDDIS members and to the achievements made regarding the rights of persons with disabilities, thereby contributing to transparency and citizen participation.

The data bank of best practices was intended to constitute a catalog of successful, innovative experiences in the following categories: accessibility, awareness-raising, access to justice, job market inclusion, educational inclusion, innovation and new technologies, community-based health and rehabilitation, social sensitization, public or private management, and sports, leisure, and recreation.

Applications for best-practice consideration must indicate the relevance of the management problem to which the practice is applied, the results achieved over at least two years of implementation and/or evolution, sustainability over the medium and long terms, replication capacity in organizations with similar characteristics, the innovative nature of the practice, and the satisfaction level of the service's beneficiaries.

Best-practice applications would be considered by an evaluation committee made up of a CEDDIS officer and two representatives of its member states appointed at a regular meeting of CEDDIS. The Evaluation Committee would rotate every two years according to a schedule drawn up for that purpose by the Technical Secretariat. In keeping with the objective evaluation standards produced by the same body to that end, each member of the Evaluation Committee would prepare an evaluation report containing the principal elements evaluated for each practice, the results obtained, recommendations, and pertinent reasons for its inclusion. A score would be calculated on the basis of the report and, if it exceeded the threshold set in the evaluation standards, the practice or initiative would be approved and would therefore be included in the Data Bank of Best Practices of CEDDIS.

Following the presentation, the delegations congratulated the representatives of Chile for the creativeness of the proposal and made a few suggestions to complement it, inter alia, inclusion of civil society in the evaluation of best practices (Argentina), classification of best practices according to the list of rights set forth in the United Nations Convention (Brazil); inclusion of the category of older persons (Paraguay), delegation of the supervision of all activities related to the Data Bank of Best Practices to the First Vice Chair (Ecuador); and possibly acceptance of applications independently of whether they came from states or civil society (Guatemala).

The representative of Peru, Irma Beteta, commented that the proposal to create the Data Bank of Best Practices tallied well with an event held by CONADIS Peru, the "*International Meeting on Successful Inclusive Projects*," the second of which, held in 2010, had been sponsored by the OAS. Those meetings sought to give prominence to disability on the political development agenda through the exchange of experiences and public recognition of projects with inclusive approaches that had an impact at the local, regional, national, or international levels and could be replicated. Those meetings evaluated projects in six categories: education, social development, health, social sensitization, employment, and technologies. The delegate from Peru invited the countries of CEDDIS to

participate in the call for projects for the next of those meetings, which would be launched in 2014 in the framework of celebrations for the International Day of Persons with Disabilities. It might be possible to have the projects selected in that competition be included in the Data Bank of Best Practices of CEDDIS.

On the proposal of Ecuador, the Vice Chair put to a vote the decision to use CEDDIS funds to hire an expert who, through SENADIS Chile, would work to develop the Data Bank of Best Practices of CEDDIS and keep it up to date. The proposal was adopted unanimously.

***b.2 Presentation of a visibility strategy for the Committee (Costa Rica)***

The principal member delegate from Costa Rica to CEDDIS, Erick Hess, presented a proposal to promote greater visibility for the Committee and its activities. The proposal had three specific objectives:

- To strengthen the Committee's capacity to manage information effectively and proactively, as an instrument for sensitization, consciousness-raising, and implementation of the rights of persons with disabilities;
- To enhance the image of CEDDIS in relation to other OAS bodies and within the Latin American community; and
- To respond to the need to identify the level of impact the Committee's recommendations had on public policy processes.

Work on two components was proposed to achieve those objectives:

- i. A dissemination and communication component whereby participatory measures would be developed to publicize the various CEDDIS activities, including the findings of its evaluation of national reports, rapporteur's reports, general observations, resolutions, and international and civil society cooperation, etc.
- ii. A positioning component entailing measures intended to implement the Committee's request to the OAS Permanent Council in 2013 to establish an inter-American entity for consideration of the topic of disability in the region, like the inter-American committees or institutes that exist to address the topics, inter alia, of women, children, ports, and drugs, in order to give greater visibility to disability in the region, bolster cooperation initiatives and programs at the hemispheric level, and exert a greater impact on the implementation of the inter-American instruments on disability. That request had been addressed in resolution CEDDIS/RES. 3 (IV-O/12), adopted by the Committee in November 2012 at its fourth regular meeting.

The delegate from Costa Rica proposed presenting at the next CEDDIS meeting a breakdown of the activities to be undertaken under each component, with tentative implementation dates. The proposal was adopted unanimously.

Fifth session: Presentation of inclusive national experiences

**a. *Programs for the inclusion of persons with disabilities in the framework of the Convention on the Rights of Persons with disabilities and the “National Program for Assistance to Persons with Disabilities in Their Relations with the Administration of Justice” (Argentina)***

The alternate delegate from Argentina and President of CONADIS, Silvia Bersanelli, commented that her country had set up, through Law 25730, an exclusive fund for programs for the inclusion of persons with disabilities; said programs were designed to protect the rights covered in the CRPD. Non-exhaustive examples were given of the work conducted in Argentina in that connection. Among other initiatives, in order to provide care to children with disabilities (Art. 7), efforts were being made to enhance opportunities for early stimulation and child development; with respect to social awareness-raising (Art. 8), training was offered to promote and disseminate information about the disability conventions; regarding accessibility (Art. 9), efforts were under way to improve housing and institutional transportation and to build/adapt accessible places such as plazas or libraries; as concerns the right to live independently (Art. 19), municipal centers for the promotion of the rights of persons with disabilities had been established; to promote personal mobility (Art. 20), a data bank of technical aids had been developed; in the educational area (Art. 24), a bank of Braille machines had been created; as for health, habilitation, and rehabilitation (Arts. 25 and 26), networks of rehabilitation services had been developed; to promote labor market inclusion (Art. 27), efforts were being made with regard to the professional accommodation of work stations, strengthening of productive units, and support for entrepreneurs with disabilities; and lastly, to encourage participation in cultural life, recreation, leisure, and sport (Art. 30), attention was being paid to the accessibility of cultural and sports venues and ongoing support was being provided to athletes.

The next speaker was the National Coordinator of the *National Program for Assistance to Persons with Disabilities in Their Relations with the Administration of Justice* (ADAJUS), Mabel Remón, who described that program, which is aimed at strengthening the rights of persons with disabilities through appropriate procedures, communication, and information, thereby easing the various difficulties said persons encountered in participating in administrative or judicial processes owing to situations that were different in each case, for example, problems in gaining access to information on their rights and how to exercise them; inappropriate treatment by public officials involved in those processes; erroneous approaches in expert proceedings; and judicial actors' ignorance of current disability law, among other unfavorable situations. She explained that ADAJUS was intended for persons with disabilities, judicial personnel, penitentiary staff, security forces, public administration personnel, professional schools, and civil society organizations and indicated that the program's activities provided technical guidance or assistance to the program's beneficiaries as well as to the private sector requesting it in such areas as: legislative adjustments, persons with disabilities who were incarcerated, and appropriate intervention of expert bodies in processes involving persons with disabilities. The program was also involved in the production of manuals and intervention protocols and the promotion of interagency and international cooperation.



**b. “Accessible Electoral Process” Program<sup>5/</sup> (Costa Rica)**

The principal member delegate from Costa Rica to CEDDIS, Erick Hess, said that approximately 10 percent of the voter rolls in Costa Rica were made up of persons with disabilities and that the CNREE was working to reinforce universal accessibility standards in exercising the right to vote, obtaining information, and exercising the right to be elected, among other matters, so as to increase political participation by persons with disabilities as well as by the community at large.

Efforts were being made under that program to increase accessibility to web pages containing electoral information, voting stations, electoral bulletins, campaign materials, debates, and other partisan activities, ensuring that, among other tools, sign language interpretation was available. Work had been carried out in conjunction with organizations of persons with disabilities to make them aware of accessibility in the electoral process.

Another important component of that program was training. Measures had been taken to train persons with disabilities along with party members and other actors in the process and to raise their awareness of disability and inclusion. That was being done through the Supreme Electoral Tribunal (TSE).

**c. Virtual Platform on Disabilities<sup>6/</sup> (Ecuador)**

The Virtual Platform on Disabilities was a tool developed by CONADIS Ecuador with support from the Indo-American Technological University (UTI) and the backing of the Ministry of Labor Relations (MRL), through which access was available to data on the status of disabilities in Ecuador, types of disabilities, useful information on appropriate care, news, bibliographical resources, and research, among other information.

The platform also had a virtual classroom that provided online training on raising awareness of and understanding disability.

**d. Accessible Tumbes Pilot Program: “A commitment to the equality of persons with disabilities in Peru” (Peru)**

The alternate delegate from Peru to CEDDIS, Irma Beteta, reported that the present government had undertaken, as a state commitment, the implementation of public policies aimed at social inclusion in the struggle against poverty, giving priority attention to persons with disabilities in compliance with Law 29973, “General Law on Persons with Disabilities,” the CRPD, the CIADDIS, and other legislation currently in force. She pointed out that the pilot program “Accessible Tumbes” had been designed and launched during President Ollanta Humala Tasso’s term. It was steadily being improved upon and systematized by sections, with the so-called “Accessibility Circle” testifying to its implementation.<sup>7</sup>

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5. For additional information on this program, go to: <http://www.cnree.go.cr/guiaelectoral>.

6. For additional information on this program, go to: <http://www.plataformaconadis.gob.ec/>.

7. F1: Construction of the Institutional Platform (network); F2: Project Financing; F3: Census; F4: Implementation Phase (Operations Center, RRHH, process development); F5: Biopsychosocial Study

The work had consisted first of all of working with the Ministry of the Economy and Finance on the approval of an operating structure for disability expenditures and then on convening and empowering the priority sectors for the development of all individuals, namely, the education, health, and labor sectors, providing them with the respective technical assistance for formulating three performance-based budget programs (PPR<sup>8</sup>), which provided economic support for the subsequent process of implementation of the “Accessible Tumbes” Pilot Program, established through Supreme Resolution N° 085-2012-PCM. The delegate noted that that effort was a corollary of the political will of the national government and CONADIS of the Ministry of Women and Vulnerable Populations to attach priority in the social agenda to care for persons with disabilities and to provide the area with a vital share of the budget, which for that specific undertaking totaled approximately 4,300.00 nuevos soles (S/. 4,300.00).

This had therefore been a multisectoral undertaking in which interagency and interdisciplinary synergies had been established, which had made it possible to mobilize the public management chain, strengthen it so as to lend greater visibility to and ensure the establishment of Regional Offices for Persons with Disabilities (OREDIS) and Municipal Offices for Persons with Disabilities (OMAPED).

The Accessible Tumbes program had been developed in three phases:

- i. Regional census: A census was conducted of a population of 205,421. From that total, 22,387 persons were identified as having difficulties performing daily activities.
- ii. Biopsychosocial study carried out in the following provinces: Contralmirante Villar (592 persons with disabilities); Zarumilla (992 persons with disabilities), and Tumbes (3,249 persons with disabilities). According to the research results, the disability rate in Tumbes was 2.4 percent.
- iii. Response strategy: According to the results obtained, immediate response action was being taken (documentation, provision of biomechanical aids, medical care) and a regional disability policy was being developed jointly by the national government, the regional governments, and the municipalities in the Department of Tumbes. In designing national, regional, and local public policies, the data from that undertaking constituted a fundamental input to generate programs, projects, and initiatives to favor the inclusive development of persons with disabilities.

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(identification of PWDs); F6: Response Strategy (identification of gaps, projects, actors, etc.), F7: Project Close-out.

8. PPR-Health: *Comprehensive inclusion of PWDs*: S/. 12,596,741; Education: *Inclusion of children and youth with disabilities in basic and productive technical education*: S/. 29,215,922; and Labor: *Inclusion of youths with disabilities in the labor market*: S/. 850,300.

“Accessible Tumbes” sought to promote the process of mainstreaming disability in all aspects of human development. To that end, efforts were made to strengthen the human resources working in the target regions of the program, through OREDIS or the Social Development Offices. The program was currently starting to be replicated in six regions: Moquegua, Huánuco, Ayacucho, Junín, Ica, and Lambayeque.

Other national efforts in that regard included the Georeferencing System for Disabilities (SIGED) and the drafting of a guide on inclusive projects and another on strategic planning issues in disabilities, among other initiatives being carried out together with the pilot program.

In conclusion, Mrs. Beteta said that Peru was willing to provide, through CONADIS, technical assistance to interested countries on the strategic approach taken to advise the education, health, and labor sectors in the formulation of their performance-based budget programs and in the implementation of the “Accessible Tumbes” Pilot Program and the “*Soy Capaz*” [I Can] Program. That technical assistance included the dissemination of methodological tools developed through the process, for example, the *Systematization Studies for the Accessible Tumbes Pilot Program*, the *Guide on Successful Inclusive Projects*, and manuals and information materials on regulatory frameworks and awareness-raising, as requested.

Sixth session: Other business (part II)

**a. Adoption of the resolution “Vote of Thanks to the People and Government of the Republic of Costa Rica”**

CEDDIS, acknowledging the hospitality, warm welcome, and kind attention extended by the Government of the Republic of Costa Rica before and during the meeting, adopted resolution CEDDIS/RES. 3/13 (III-E/13)<sup>9</sup> to express its thanks to the people and Government of the Republic of Costa Rica, and especially the National Council for Rehabilitation and Special Education (CNREE), for their generous hospitality and effective support, which helped ensure the success of the Third Special Meeting of CEDDIS.

**b. Venue for the next meeting of CEDDIS**

A CEDDIS meeting was planned for the first quarter of 2014 to continue consideration of the items considered at the Third Special Meeting and to elect Committee officers. In addition, a second meeting was planned, tentatively for the last quarter of 2014, to evaluate the national CIADDIS-PAD compliance reports.

The delegations of Ecuador and Panama offered to host the Committee’s next meeting. It was considered that said meeting would be held in Ecuador, to be confirmed by the Committee’s officers in early 2014.

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9. See Appendix 3.

**Dialogue with civil society**

In accordance with Article V of the CIADDIS, the Committee set aside a period of time for the participation of representatives of organizations of persons with disabilities, in order to hear their concerns, recommendations, and inputs. The dialogue between civil society and the CEDDIS representatives was initiated following the presentations.

The observations made by civil society may be found in Appendix 4 to this report.

**Closing of the Third Special Meeting**

The working sessions having been concluded and all the agenda items discussed, the Vice Chair of the Committee, María Ximena Rivas, thanked the delegations for their participation in the Third Special Meeting of CEDDIS and declared the meeting closed.

IV. RECAPITULATION OF THE AGREEMENTS ADOPTED DURING THE WORKING SESSIONS OF THE THIRD SPECIAL MEETING OF CEDDIS

A. SECOND CIADDIS-PAD REPORT

1. The CEDDIS delegates pre-approved the proposed simplified form presented by Mr. Jiménez for submission of the national CIADDIS-PAD report, circulated as a working document for the meeting [CEDDIS/doc.3 (III-E/13)]. Final approval of the document will be subject to a second review by the CEDDIS members who, if they have comments on the proposal or wish to request changes thereto, will have until December 20, 2013, to so inform the Technical Secretariat. To that end, delegates were asked to consult document CEDDIS/doc.2 (III-E/13), “*Matrix of Indicators in the Second CIADDIS-PAD Compliance Report*,” which sets out all of the changes made to the original proposal to simplify it. Countries that do not make observations will be deemed to have approved the proposal as presented.
2. The Technical Secretariat will distribute the final form for the second report, which will take into account the comments made on the proposal during the meeting as well as any inputs received from countries (if applicable).
3. The following countries agreed to adjust the second national CIADDIS-PAD report presented in 2012-2013 to bring it into line with the simplified form: Argentina, Brazil, Chile, Ecuador, Mexico, Panama, and Paraguay. Conversely, the following countries said that they would transmit the request to their governments and would answer in due time whether or not they would adjust their reports: Colombia, Dominican Republic, El Salvador, Guatemala, and Peru.
4. The deadline for the countries mentioned in the preceding paragraph to resubmit their national reports is June 15, 2014. This decision was adopted unanimously.

B. INSTRUCTION MANUAL ON SUPPORTS AND SAFEGUARDS

1. The Committee adopted as an official document of the Committee the initial regional diagnostic assessment of the exercise of legal capacity by persons with disabilities, presented by the rapporteur, Pablo Rosales.
2. A working group was established to draft an instruction manual on the implementation of support measures with safeguards for the exercise of legal capacity by persons with disabilities. The working group is made up of six countries: Argentina, Brazil, Costa Rica, Chile, Panama, and Peru.
3. The functions of the working group shall be the following:
  - a. To draft an instruction manual on supports and safeguards on the basis of the rapporteur's findings on legal capacity. The working group members shall work in collaboration with a multidisciplinary group of actors, namely, civil society representatives and professionals from diverse areas (anthropologists, sociologists, attorneys, and psychologists, among others) on the design of its recommendations;
  - b. To put the recommendations made in the manual into practice, i.e., endeavoring to translate them in concrete terms, through actions such as training of state judicial officials on support measures or provision of technical assistance to government entities in the framework of projects being implemented at national level that may have an impact on persons with disabilities; and
  - c. To establish relations with the Inter-American Commission on Human Rights (IACHR) to apprise it of the Committee's progress in this regard, so as to enable the Commission not only to disseminate the Committee's observations on the need to replace guardianship with other support measures but also to use them as a doctrinal source in its reports.

C. DATA BANK OF BEST PRACTICES

CEDDIS funds will be used to hire an expert who, through SENADIS Chile, will work in coordination with the Technical Secretariat of the Committee to develop the Data Bank of Best Practices of CEDDIS and keep it up to date.

D. STRATEGY FOR VISIBILITY

A breakdown will be presented of the activities to be undertaken under each component of the Committee's strategy for visibility and positioning, with tentative implementation dates (Costa Rica).

E. CEDDIS MEETINGS IN 2014

The next meeting of CEDDIS will be held in Ecuador, tentatively in March or April 2014, to consider the following matters:

1. Election of CEDDIS officers for the period 2014-2016
2. Presentation of the work plan of the working group to prepare the instruction manual on supports and safeguards
3. Presentation of proposed activities for positioning the Committee (Costa Rica)
4. Presentation of inclusive national experiences

A second meeting will be held, tentatively in the last quarter of 2014, to evaluate the national CIADDIS-PAD compliance reports.

F. ACCESSIBILITY

Francisco Jiménez, alternate delegate from Costa Rica to CEDDIS, reiterated that it was important for any activities taking place in the framework of the Committee's meetings, especially the presentation of inclusive national experiences, to meet accessibility standards in keeping with Article 24 of the Rules of Procedure of the Committee, which reads as follows:

*Article 24. Accessibility*

*In its activities, the Committee shall adopt appropriate measures to ensure proper and full access by persons with disabilities to all reports, communications, services, and facilities, to enable it to better perform its functions.*



APPENDIX 1

THIRD SPECIAL MEETING OF THE  
COMMITTEE FOR THE ELIMINATION OF  
ALL FORMS OF DISCRIMINATION AGAINST  
PERSONS WITH DISABILITIES (CEDDIS)  
November 21 and 22, 2013  
San José, Costa Rica

OEA/Ser.L/XXIV.3.3  
CEDDIS/RES. 1/13 (III-E/13)  
November 2013  
Original: Spanish

CEDDIS/RES. 1/13 (III-E/13)

REGIONAL DIAGNOSTIC ASSESSMENT OF THE EXERCISE OF  
LEGAL CAPACITY BY PERSONS WITH DISABILITIES

(Adopted at the first plenary session, held on November 21, 2013)

THE COMMITTEE FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION  
AGAINST PERSONS WITH DISABILITIES,

Meeting in the city of San José, Costa Rica, in the framework of its Third Special Meeting,  
held on November 21 and 22, 2013,

CONSIDERING:

That at the First Special Meeting of CEDDIS, held in San Salvador, El Salvador, in May 2011, the Committee adopted the “*General Observation of the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities on the need to interpret Article I.2(b) in fine of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities in the context of Article 12 of the United Nations Convention on the Rights of Persons with Disabilities*” as a criterion for interpreting the exercise of the legal capacity of persons with disabilities;

That during the special meeting of the Committee on Juridical and Political Affairs of the OAS Permanent Council on persons with disabilities, held on November 17, 2011, CEDDIS appointed the principal member delegate from Argentina to CEDDIS, Pablo Oscar Rosales, as special rapporteur to prepare a diagnostic assessment of the advances made and difficulties encountered by countries in ensuring recognition and exercise of the right to legal capacity of persons with disabilities in keeping with Article 12 of the United Nations Convention on the Rights of Persons with Disabilities and the General Observation of CEDDIS on the matter;

That on February 1, 2012, the Technical Secretariat of CEDDIS distributed to all permanent missions of the OAS member states a questionnaire intended for government officials in the judicial



and legislative branches of government and for ministries, councils, or secretariats for social inclusion, social development, or infrastructure, or national offices related to disability policies, in order to collect the data needed to conduct the initial diagnostic assessment referred to in the preceding paragraph; and

That in 2012 a total of 14 states responded to the questionnaire: Mexico, Panama, Costa Rica, Ecuador, Peru, Paraguay, Uruguay, Argentina, El Salvador, Bolivia, Chile, Brazil, Guyana, and The Bahamas;

HAVING SEEN document CEDDIS/doc.1 (III-E/13), "*Regional Diagnostic Assessment of the Exercise of Legal Capacity by Persons with Disabilities*" with the findings derived from processing the questionnaires received, presented by the special rapporteur in the framework of the Third Special Meeting of CEDDIS; and

RECALLING that at its First Special Meeting in 2011, the members of CEDDIS decided that, once the regional diagnostic assessment had been completed, a working group would be established to draft the instruction manual on the implementation of support measures with safeguards for the full exercise of legal capacity by persons with disabilities, which were intended to replace guardianships imposed as the result of declarations of incapacity,

RESOLVES:

1. To adopt as an official document of the Committee the initial regional diagnostic assessment of the exercise of legal capacity by persons with disabilities, which is attached to the present resolution.

2. To establish a working group to draft an instruction manual on the implementation of support measures with safeguards for the exercise of legal capacity by persons with disabilities, made up of Argentina, Brazil, Costa Rica, Chile, Panama, and Peru.

3. To establish the following functions of the working group:

- a. To draft an instruction manual on supports and safeguards on the basis of the rapporteur's findings on legal capacity. The working group members shall work in collaboration with a multidisciplinary group of actors, namely, civil society representatives and professionals from diverse areas (anthropologists, sociologists, attorneys, and psychologists, among others) on the design of its recommendations;
- b. To put the recommendations made in the manual into practice through actions such as training of state judicial officials on support measures or provision of technical assistance to government entities in the framework of projects being implemented at national level that may have an impact on persons with disabilities; and

- c. To establish of relations with the Inter-American Commission on Human Rights (IACHR) to apprise it of the Committee's progress in this regard, so as to enable the Commission not only to disseminate the Committee's observations on the need to replace guardianship with other support mechanisms but also to use them as a doctrinal source in its reports.
4. To request the working group to report to the Committee at its next meeting on the progress made in drafting the instruction manual.
5. To express appreciation to the OAS member states that responded to the questionnaire which served as the basis for conducting the regional diagnostic assessment of the exercise of legal capacity by persons with disabilities.
6. To congratulate the special rapporteur, Pablo Oscar Rosales, for his hard work in making this diagnostic assessment and his outstanding commitment to the matter.



THIRD SPECIAL MEETING OF THE  
COMMITTEE FOR THE ELIMINATION OF  
ALL FORMS OF DISCRIMINATION AGAINST  
PERSONS WITH DISABILITIES (CEDDIS)  
November 21 and 22, 2013  
San José, Costa Rica

OEA/Ser.L/XXIV.3.3  
CEDDIS/ RES. 2/13 (III-E/13)  
November 2013  
Original: Spanish

CEDDIS/RES. 2/13 (III-E/13)

AMENDMENTS TO THE RULES OF PROCEDURE

(Adopted at the third plenary session, held on November 21, 2013)

THE COMMITTEE FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION  
AGAINST PERSONS WITH DISABILITIES,

Meeting in the city of San José, Costa Rica, in the framework of its Third Special Meeting,  
held on November 21 and 22, 2013,

CONSIDERING:

Article 1 of the Rules of Procedure whereby matters not provided for in said rules shall be  
resolved by the Committee itself;

Article 3.a of the Rules of Procedure whereby the Committee is empowered to adopt and  
amend its internal rules of procedure with a view to achieving its objectives;

Article 25 of the Rules of Procedure whereby the Rules of Procedure may be amended by the  
Committee in accordance with Article 15 thereof; and

That, in keeping with Article 15 of the Rules of Procedure, decisions concerning amendment  
of its rules shall require the affirmative vote of two thirds of the Committee members present at the  
meeting; and

TAKING INTO ACCOUNT document CEDDIS/doc.3 (III-E/13), "*Proposed Amendments to  
the Rules of Procedure of CEDDIS,*"

RESOLVES:

To adopt the following amendments to the Rules of Procedure of the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities:<sup>1</sup>

Article 1. Scope of the Rules of Procedure<sup>2</sup>

These Internal Rules of Procedure (hereinafter “Rules of Procedure”) shall govern the organization and modus operandi of the Committee for the Elimination of All Forms of Discrimination against Persons with Disabilities (**CEDDIS**), established pursuant to Article VI, paragraph 1, of the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities (**CIADDIS**).

The Committee shall fulfill its functions in accordance with the Convention, these Rules of Procedure, and in any additional respects not covered by them, the Rules of Procedure of the Permanent Council.

The matters not provided for in these Rules of Procedure shall be resolved by the Committee itself.

Article 2. Composition of the Committee

The Committee shall comprise one representative and two alternates appointed by each state party to the Convention **and their appointment shall remain in effect until such time as the state that made the appointment decides otherwise** ~~for a period of four years with no possibility of reelections.~~<sup>3</sup>

The members shall ~~serve in their personal capacity, perform their functions autonomously~~<sup>4</sup> be persons of high moral character and be technically well-versed and experienced in the various issues addressed in the Convention, among others, expertise on human rights, disability issues, and public policy.

In the absence of the principal representative, alternates shall have the same prerogatives.

The states parties shall promote in the appointment of their representatives, primarily, the participation of people with disabilities, pursuant to Article V of the Convention, and their families, **as well as the appointment of at least one representative of civil society.**<sup>5</sup>

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1. New language shown in bold.
  2. Acronyms approved unanimously.
  3. Approved unanimously.
  4. Approved by Argentina, Bolivia, Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, and Peru (13/14).
  5. Approved unanimously.

The states parties shall provide the OAS General Secretariat with the names and personal data of their representatives, such as their postal and e-mail addresses and their telephone and fax numbers, as soon as they have been appointed. Each state party shall notify the OAS General Secretariat immediately of any change in the appointment of its representatives on the Committee.

#### Article 4. Officers of the Committee

The Committee shall elect<sup>6</sup> a chair and two vice chairs from among its members, taking into account the principles of gender equity and equitable geographic representation. The chair and the vice chairs shall serve for a two-year term and may not be reelected **to the same post**<sup>7</sup> for an additional term, **although they may be elected to different posts.**<sup>8</sup> If the chair is temporarily absent or prevented from serving, his or her place shall be taken by the first vice chair. If the chair and/or vice chairs are permanently absent or prevented from serving, the Committee shall elect new officers, as the case may be, to occupy those posts.

#### Article 6. The Committee Technical Secretariat<sup>9</sup>

The OAS General Secretariat shall serve as Technical Secretariat of the Committee, through the **Secretariat for Legal Affairs** ~~Department of Social Development and Employment of the Executive Secretariat for Integral Development~~, which shall lend the Committee the support it requires to perform its functions, pursuant to Article VI, paragraph 7, of the Convention.

#### Article 7. Functions of the Committee Secretariat<sup>10</sup>

The Secretariat shall perform the following functions, under the supervision of the Committee chair **and vice chairs**:

- a. Support the preparation of a draft work schedule to be submitted to the **Committee officers chair** for consideration;
- b. Support the preparation of the draft agenda and working procedures for each meeting, to be submitted to the **Committee officers chair** for consideration;

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6. The process for electing both the chair and the vice chairs remains the same; the proposal supported by Brazil and Peru to rotate the officers by alphabetical order is not approved as it did not obtain a sufficient majority.
  7. The possibility of being reelected as an officer in the same post was voted upon with the following results: In favor: Colombia, Dominican Republic, El Salvador, Guatemala, and Panama (5/14). Against: Argentina, Bolivia, Brazil, Chile, Costa Rica, Ecuador, Mexico, Paraguay, and Peru (9/14). The impossibility of being reelected to the same post was therefore retained.
  8. The possibility of being reelected as an officer to a different post was voted upon with the following results: In favor: Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Mexico, Panama, and Paraguay (9/14). Against: Argentina, Bolivia, Brazil, and Peru (5/14). Reelection as an officer to a different post was approved.
  9. Approved unanimously.
  10. Changes approved by: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, El Salvador, Guatemala, Paraguay, and Peru (10/14).

- c. Distribute the notices convening Committee meetings, along with any other pertinent documents;
- d. Provide secretariat services to the Committee and any working groups established, including in the preparation of reports drawn up by the Committee pursuant to Article VI, paragraph 5, of the Convention;
- e. Keep custody of all the Committee's documents and archives;
- f. Disseminate, via e-mail, Internet, or any other channel, Committee-related information and public documents, as well as the reports of the states parties and the report referred to in Articles VI, paragraphs 3 and 5, of the Convention, once they are authorized for public use in accordance with these Rules of Procedure, in formats accessible to persons with disabilities;
- g. Serve as the central point of coordination and contact for dispatching and exchanging documents and communications among the representatives of the states parties on the Committee, via their respective permanent missions, the OAS organs, and other organizations or institutions;
- h. Apprise the chair **and the vice chairs** of the communications it receives for submission to the Committee for its consideration;
- i. Prepare summary minutes of the Committee meetings and store them in its archives;
- j. Advise members of the Committee on the performance of their functions, when so requested;
- k. Foster and organize technical cooperation programs, in coordination with other international organizations and cooperation agencies, to support states parties in their efforts to implement the Committee's recommendations; and
- l. Any other functions assigned to it by the Committee, or which pertain to the OAS General Secretariat for the effective performance of its functions.

#### Article 8. Headquarters

The Committee shall be headquartered in Washington, D.C., in the United States of America.

Pursuant to Article VI, paragraph 2 of the Convention, the Committee's meetings shall be held at its headquarters, unless a state party offers to hold them elsewhere.

**The requesting state shall arrange for the logistics and the budget needed to implement the agendas and objectives of the Committee meeting, without detriment to possible cofinancing through the CEDDIS contributions fund.<sup>11</sup>**

Article 9. Meetings<sup>12</sup>

The Committee shall hold at least one session every two years. Plenary meetings of the Committee shall be public **unless, owing to special circumstances, the officers decide that they should be closed.** Any groups formed shall hold closed meetings unless otherwise agreed **and their decisions shall be included in a report that will be shared with the plenary.**

**A state party may request the convocation of a special session with the support of at least three other states parties.**

**Civil society representatives may attend regular and special meetings of the Committee.**

Article 15. Decisions<sup>13</sup>

~~Each member of the Committee shall be entitled to one vote.~~ **The Committee shall take its decisions by consensus.**

If consensus cannot be reached, the issue will be put to a vote **at the request of any Committee member, in which case each principal member of the Committee or, in the absence of the principal member, the alternate shall be entitled to one vote.**

**All votes shall be by a show of hands and each member's vote shall be recorded.**

If the decision concerns adoption of the report referred to in Articles VI, paragraphs 3 and 5, of the Convention, ~~or~~ amendment of these Rules of Procedure, **or the election of officers,** the decision shall require the affirmative vote of two thirds of the Committee members present at the meeting.

In all other cases, a decision shall be reached by a simple majority of the Committee members present at the meeting.

Article 16. Communications and Distribution of Documents<sup>14</sup>

Communications between the OAS General Secretariat and the Committee, including the dispatch of documents for the latter's consideration, shall be conducted via e-mail **through the**

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11. Approved by Argentina, Bolivia, Brazil, Chile, Costa Rica, Colombia, Ecuador, El Salvador, Guatemala, Panama, Paraguay, and Peru (12/14).

12. Changes approved by: Argentina, Bolivia, Brazil, Chile, Costa Rica, Colombia, Ecuador, El Salvador, Guatemala, Mexico, Panama, and Peru (12/14).

13. Changes approved unanimously.

14. Changes approved by Argentina, Bolivia, Brazil, Chile, Costa Rica, Colombia, Ecuador, El Salvador, Guatemala, Panama, and Peru (11/14).



**Secretariat of the Committee** ~~to and from the respective state party's permanent mission to the OAS.~~

**Notices of convocation to regular meetings and special meetings of the Committee, offers to host meetings, requests for national reports, the submission of draft resolutions, nominations for officer positions, and appointments received, among other things, shall be transmitted by the Technical Secretariat with a copy to the permanent mission of the state party to the OAS.**

The reports of the states parties referred to in Articles VI, paragraphs 3 and 6, of the Convention, as well as any other document or information, shall be remitted to the OAS Secretary General via the permanent missions, by e-mail, fax, or ordinary mail.

APPENDIX 3

THIRD SPECIAL MEETING OF THE  
COMMITTEE FOR THE ELIMINATION OF  
ALL FORMS OF DISCRIMINATION AGAINST  
PERSONS WITH DISABILITIES (CEDDIS)  
November 21 and 22, 2013  
San José, Costa Rica

OEA/Ser.L/XXIV.3.3  
CEDDIS/RES. 3/13 (III-E/13)  
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CEDDIS/RES. 3/13 (III-E/13)

VOTE OF THANKS TO THE PEOPLE AND GOVERNMENT  
OF THE REPUBLIC OF COSTA RICA

(Adopted at the sixth plenary session, held on November 22, 2013)

THE COMMITTEE FOR THE ELIMINATION OF ALL FORMS OF DISCRIMINATION  
AGAINST PERSONS WITH DISABILITIES,

CONSIDERING that the Third Special Meeting of the Committee for the Elimination of All  
Forms of Discrimination against Persons with Disabilities (CEDDIS) was held on November 21 and  
22, 2013, in the city of San José, Costa Rica; and

ACKNOWLEDGING the hospitality, warm welcome, and kind attention extended by the  
Government of the Republic of Costa Rica before and during the meeting,

RESOLVES:

1. To express its appreciation to the people and Government of the Republic of Costa Rica for their generous hospitality and for their decisive and effective support, which helped ensure the success of the Third Special Meeting of CEDDIS.
2. To thank the National Council for Rehabilitation and Special Education (CNREE) and its staff for their outstanding efficiency, dedication, and professionalism, which were a valuable logistic contribution before and during the Third Special Meeting of CEDDIS.
3. To express its thanks to the national representatives of Costa Rica to CEDDIS and to the local support team for the welcome and cordiality extended.



THIRD SPECIAL MEETING OF THE COMMITTEE FOR THE ELIMINATION OF ALL FORMS  
OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES

San José, November 21 and 22, 2013

CIVIL SOCIETY REQUESTS

I. CONCEPTUAL NATURE OF THE INTER-AMERICAN CONVENTION  
ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION  
AGAINST PERSONS WITH DISABILITIES

- Ensure that information is accessible through the use of sign language, subtitles, images, and/or any other system of pictograms so as to help familiarize persons with disabilities with the Committee's activities and the Convention's contents.
- Consider in the information the large number of signing persons and of different organizations for the deaf, due to the differences that exist between the deaf and the hearing-impaired community.
- Ask CEDDIS to adopt a resolution urging the states to develop public policies in favor of persons with disabilities, including such populations as indigenous persons with disabilities, rural persons with disabilities, and persons with disabilities deprived of liberty, groups of deaf persons as a socio-linguistic community, using as a model plan of action one that includes, inter alia, such aspects as: the use of Innovation Social Inclusion Technologies (ISIT), dog training, inclusive education to improve the participation of the population with disabilities, decent housing, care providers, and employment, with a focus on equity for individuals.
- Provide a context for and endorse the concept of person with disabilities, as well as the concept of disability established in paragraph "e" of the Preamble to the CRPD.
- Provide a context for and define the topic of chronological and mental age of persons with mental and cognitive disabilities.
- Encourage government transmission of the message enabling persons with disabilities to organize and be able to influence public policies.

II. STRUCTURE AND OPERATIONS OF CEDDIS

- Urge states to earmark a specific amount of their budgets to the operations of CEDDIS and its Technical Secretariat.

- Create a disability department within the Organization of American States (OAS), with the Technical Secretariat of CEDDIS coming under that department instead of the department in charge of human development and employment so as to avoid the risk of dilution of the topic of disability.
- Establish the Inter-American Disability Institute to lend stability to the topic; and ensure that projections for it are such that it will remain within the OAS structure until 2030.
- Suggest to the General Assembly, through CEDDIS, that the CIADDIS be amended to bring it into line with the CRPD on such matters as:
  - Individual autonomy; and
  - The independent life of this population.
- Strengthen mechanisms for electing Committee members from the community of persons with disabilities.
- Establish processes for overseeing and monitoring implementation of the Convention.
- Strengthen training activities on the contents of the Convention.
- Establish an observatory on violation of the human rights of persons with disabilities.
- In that observatory, set up a separate section on best practices in the states parties as they apply to the CIADDIS.
- Article 3 (b) of the Rules of Procedure of CEDDIS encourages the participation, although not the membership, of civil society in this body, thus enabling the organizations and civil society itself to play a real and effective role.
- Standardize and systematize the questions on implementation for the entire population with disabilities, thus generating organic participation.
- Have CEDDIS in its agreements, with a view to implementation of the Convention, submit a report to the General Assembly, in which civil society would participate.
- Improve the accessibility of the website of the Organization of American States (OAS) to enable the population with disabilities to become informed.
- Generate statistics on compliance with the reports of CEDDIS and civil society.
- Produce an instrument that sets minimum standards for how persons with disabilities can deal with emergency situations and natural disasters, both before and after their occurrence.

III. QUESTIONS CEDDIS IS REQUESTED TO PUT TO THE STATES PARTIES TO THE INTER-AMERICAN CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST PERSONS WITH DISABILITIES

*a. Implementation and follow-up to the Convention*

- Is there a government body charged with implementing the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities?
- Is there a coordination mechanism for the adoption of measures in different sectors and at different levels?
- Is there an independent mechanism for promoting, protecting, and monitoring the implementation of the Convention?
- Does the Convention afford opportunities for organizations of and persons with disabilities to become integrated and participate fully at all levels of the follow-up process? How is this done?
- Who appoints the CEDDIS representatives and how are they selected?

*b. Reports*

- Who decides on the guidelines applicable to the contents of the reports?
- Is the report drafted in an open and transparent manner, taking into account the participation of organizations of and for persons with disabilities?