



Rights of people with disabilities

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Implementation of recommendations from the previous period

In 2018, a total of 10 countries submitted recommendations regarding the rights of people with disabilities: Mexico, Venezuela, Uruguay, Indonesia, Peru, Afghanistan, Niger, Portugal, Chile, and Cyprus. Four of these countries recommended ratifying the Optional Protocol to the Convention on the Rights of People with Disabilities (CRPD), which has not yet been ratified. Countries also recommended the adoption of standards aimed at protecting and guaranteeing rights for this population, especially in the areas of education and health.

In Colombia, there has been some progress in the recognition of people with disabilities. This includes the issuing of Decree 1421 of 2017 and Law 1996 of 2019, as well as rulings for the fulfillment of constitutional rights that have contributed to the application of these regulations. Despite advances in the legal recognition of the rights of people with disabilities, there are still several obstacles that limit the effective enjoyment of these rights.

Current status

Ratification of the Optional Protocol to the CRPD. Ratifying the Optional Protocol strengthens the provisions of the CRPD in terms of guaranteeing the rights of people with disabilities. Ratifying this Protocol contributes to the Colombian State's awareness of its obligation to guarantee, monitor, control, and follow up on the fulfillment of these rights, and to reduce the stigma and self-stigma experienced by this population group.

The denial of reasonable adjustments is not considered a form of discrimination. Specific actions have not been taken to guarantee access to reasonable adjustments, nor are there mechanisms to register complaints in cases involving the denial of reasonable adjustments. To date, no specific legal norms have been regulated or issued on the topic of reasonable adjustments for employment. This means that there are no clear criteria or conceptual bases for employers regarding the design and implementation of reasonable adjustments to the different objects, spaces, and scenarios that people with disabilities use as employees. Any modifications made are the result of good faith and willingness from employers to comply with the CRPD. However, these adjustments are generally considered arbitrary, insufficient, and of limited value.

Socialization and appropriation of Resolution 1904/2017, issued by the Ministry of Health and Social Protection nationally, with all public entities and healthcare providers.

Resolution 1904 of 2017 responds to a request made by the Constitutional Court before the Ministry of Health to ensure that people with disabilities can make decisions about their sexual and reproductive health. Guaranteeing this right requires access to timely and accessible services with a differential approach for people with disabilities. This should be complemented by the implementation of Law 1996 of 2019 that recognizes the legal capacity of all people with disabilities who are of legal age.

Recommendations

1. Ratify the Optional Protocol to the CRPD.
2. Define the scope of obligations for employers relative to the adoption of reasonable adjustments in labor contexts and relevant disciplinary procedures, and strengthen guidelines, activities, and tools for the placement and strengthening of people with disabilities in the labor market.
3. Through health service providers, the Ministry of Health should guarantee that people with disabilities have access to information about their sexual and reproductive rights and receive sufficient support, making reasonable adjustments to services and establishing safeguards so that people with disabilities can fully enjoy these rights.