

## أوضاع السجون في الأرجنتين تنتهك حقوق السجناء ذوي الإعاقة – لجنة الأمم المتحدة

GENEVA (16 April 2014) - Argentine authorities failed to ensure that a prisoner with disabilities was able to use prison facilities and services on an equal basis with other detainees and are obliged to take steps to rectify the situation, the UN Committee on the Rights of Persons with Disabilities (CRPD) has found.

Argentina is also obliged to take action to prevent similar violations, including making sufficient and reasonable adjustments when requested, to ensure persons with disabilities can access prison facilities and health care.

The CRPD's views came after considering a complaint by a prisoner serving a life term. While in pretrial detention, he suffered a stroke which resulted in a cognitive disorder, partial loss of vision and mobility problems requiring him to use a wheelchair.

The petitioner argued that prison conditions were affecting his physical and mental health. He said he could not maintain personal hygiene because he could not get to the bathroom on his own. He also said that he had not received the rehabilitation recommended by his doctors, as it required a 32-km journey by ambulance to a specialist centre that risked aggravating his spinal problems.

The Argentine authorities said that the allegations were generic and groundless, while his application to be held under house arrest was illogical as he would still need to travel to and from the rehabilitation centre.

In their views made public on 16 April 2014, the CRPD members wrote that the petitioner had not established that his rights were violated regarding health care and rehabilitation, nor could they conclude that travel to and from the rehabilitation centre posed a risk to his life.

The CRPD recognized that the Argentine State had removed a step that hindered access to the bathroom and shower, that lifts were working in the prison and that there was a call button to summon round-the-clock assistance. However, the Argentine authorities had not shown that these measures were sufficient, as they did not ensure that the prisoner could access a bathroom able to accommodate a wheelchair, nor could he get to the prison courtyard on his own.

This situation amounted to a breach of the State party's obligations to guarantee access and to ensure that a person with disabilities who is deprived of his/her liberty is held in reasonable conditions, as set forth in articles 9 and 14 of the Convention on the Rights of Persons with Disabilities,\* the CRPD said.

The Committee also held that the petitioner was being held in precarious detention conditions that were incompatible with Article 17 of the Convention.

The CRPD said Argentina was obliged to act to ensure he had equal access to services and facilities. The Committee also requested that the Argentine authorities make sure the petitioner can get adequate and timely health care as well as regular and full access to rehabilitation.

Regarding prisoners with disabilities in general, the CRPD said the authorities also had to ensure that a lack of accessibility did not cause physical or psychological suffering that may constitute cruel, inhuman or degrading treatment.

The CRPD monitors implementation of the Convention on the Rights of Persons with Disabilities by States Parties. It considered this case (CRPD C/11/D/2/2010) under the Optional Protocol to the Convention which gives the Committee the competence to examine individual complaints.