

## **International Disability Alliance (IDA)**

Member Organizations:

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

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### **Suggestions for disability-relevant recommendations to be included in the Concluding Observations CEDAW Committee 51st session (13 February - 2 March 2012)**

The International Disability Alliance (IDA) has prepared the following suggestions for the Concluding Observations based on references to persons with disabilities to be found in the State report, list of issues, replies, and treaty body concluding observations (see annex).

#### **ALGERIA**

Algeria ratified the Convention on the Rights of Persons with Disabilities on 12 April 2009.

#### **Selected references to persons with disabilities in the State report and List of Issues:**

##### **State Report**

#### III. Information and publicity

The yearly celebrations of Human Rights Day, International Women's Day, International Children's Day, the International Day of the Family, the International Day of Older Persons and the **International Day of Persons with Disabilities** are renewed opportunities for using organized events to acquaint the general public with the various human rights instruments to which Algeria is a party.

#### **Changes to the right to vote by proxy**

The option of a man's being allowed to vote in place of his wife upon presentation of their family record book, which was a feature of the old Electoral Code, has been amended. That option is now hedged about with draconian restrictions. Under Ordinance No. 97-06 of 6 March 1997, the Electoral System Act, this option may be exercised only in the following cases:

- Chronically ill or disabled persons,

#### **b/ The Criminal Code**

\* *Theft and extortion*: Article 350 *bis* provides that where theft has been committed with violence or the threat of violence or where it has been facilitated by the vulnerability of the victim owing to age, illness, infirmity, physical or mental deficiency or **pregnancy**, the offender shall be liable to a term of imprisonment of two to ten years and a fine of 200,000 to 1,000,000 Algerian dinars.

\* Sur le plan de la formation des enseignants:

– élaborer un plan national de perfectionnement et de mise à niveau des enseignants prenant en compte la multiplicité des modes d'intervention et des possibilités de valorisation (formation à distance et par le biais des nouvelles technologies, stages bloqués, formation alternée).

- accorder la priorité, dans le plan de mise à niveau, aux enseignants du primaire accusant les **déficits les plus lourds**.
- améliorer les compétences des inspecteurs dans l'accompagnement des enseignants.

### 5.5 - Action to encourage school attendance

- A special allowance known as a school attendance bonus was increased from 2000 to 3000 Algerian dinars for every child attending school (orphans, **children with disabilities**, children from families that have been victims of terrorism, and children from economically disadvantaged families).

### - e / Associations and trade unions

Freedom of association for the defence of human rights features prominently in the Algerian Constitution. The individual or collective defence of those rights is safeguarded under article 32, and article 41 defines their scope: freedom of expression, freedom of association and freedom of assembly. Freedom of association extends to the protection of the rights of various categories of persons, including women, children, the sick, the **disabled**, consumers, and users of public services.

#### 1. Women in labour law

In addition, a woman worker is entitled to leave in order to enable her to follow her husband in the event of a change in his place of work, or to care for a **child who is under five years or age or has a disability** such that he or she requires constant care.

Under article 11 of Law No. 88-07 of 28 January 1988, the Workplace Health, Safety and Medical Care Act, "In addition to the provisions of law currently in force, the employer shall ensure that **women, minors and workers with disabilities** shall not be assigned work requiring an effort that is beyond their strength."

#### 2. Women and the social security system

Furthermore, women are entitled, on the same basis as men, to disability insurance benefits if they are compelled to take time off from work because of **disability**. They are also entitled to death insurance.

#### 4.2.2. Mental health

Mental disorders account for 6 per cent of all causes of **disability**. For the population as a whole, the incidence of **mental disorders** has been estimated at 0.5 per cent for both sexes taken together, 0.4 per cent for women and 0.6 per cent for men (EASF 2002). **Disabilities** affect 2.5 per cent of the population as a whole, 1.1 of women and 3.9 per cent of men (MICS 3 2006). According to the EASF survey, the figures are 2.34 per cent for the population as a whole, 1.09 per cent for women and 3.67 per cent for men. That same survey found that 6 per cent of **all disabilities were related to psychiatric disorders**.

A breakdown by age group reveals the important fact that it is mainly women over 60 years of age who are affected by **disabilities** (6.2 per cent for that age group, compared to 1.1 per cent for women between 20 and 59 years of age). For men in the 60-and-over age group, the incidence of **disability** exceeds the corresponding figure for women by a factor of more than three (19.8 per cent, compared to 6.2 per cent for women).

#### 4.3.4 Violence

Violence, especially violence against women and children, is an integral part of the Government's concerns in the health field.

The 2002 EASF survey, which was conducted as part of a pan-Arab project, found that psychological and physical abuse was the cause of 7.4 per cent of disabilities among women and 5.9 per cent of disabilities among men.

### [List of Issues](#)

Groupes de femmes défavorisées

34. Donner des informations sur la situation des **femmes handicapées** et des femmes âgées, notamment dans les zones rurales, en ce qui concerne l'accès aux services de santé, à l'éducation et aux mesures de protection sociale. Donner aussi des informations sur les femmes vivant dans la rue et les mères célibataires.

### [Replies to List of Issues](#)

Groupes de femmes défavorisées Réponse à la question 34

a) pension pour personnes handicapées à 100% : Les personnes handicapées à 100% au nombre de 198.862 au 31 décembre 2010 (dont 83.976 femmes) ont perçu une pension mensuelle de 4.000DA. Ces personnes bénéficient également de la couverture sociale.

b) l'accès au transport : 667.584 cartes de transport pour personnes handicapées (toutes catégories confondues) ont été établies durant l'année 2009. 472.283 personnes ont été transportées en 2009. L'enveloppe allouée à ce volet est de 110.000.000 DA.

c) l'accessibilité et la facilitation des moyens aux personnes handicapées :

Il y a lieu de noter qu'une commission a été créée à cet effet pour œuvrer à la facilitation d'accès des personnes handicapées à l'environnement bâti, aux moyens et infrastructures de transport, ainsi qu'aux moyens d'information et de communication.

d) insertion socio professionnelle des personnes handicapées: 3.182 jeunes handicapés ont bénéficié aussi bien d'une formation professionnelle, dont 1.307 filles et 1.875 garçons. Il s'agit ainsi de favoriser le droit des personnes handicapées à exercer un travail valorisant, notamment par la création de micro entreprises par le biais de l'octroi de micro crédits.

### **Recommendations from IDA:**

#### **Articles 2, 3, 4, 5**

- Collect adequate data on women and girls with disabilities and use disaggregated data and results of studies to develop policies and programmes to promote equal opportunities for them in society
- Adopt measures to ensure that women with disabilities are consulted and participate in leadership roles in policy development.
- Raise awareness and provide more information about women and girls with disabilities, who are often subjected to multiple forms of discrimination, especially with regard to access to education, employment, access to health care and protection from violence.
- Address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse, and adopt urgent measures to ensure that both services and information for victims are made accessible to women and girls with disabilities.
- Take steps to ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities (CRPD).

#### **Article 7**

- Repeal restrictions in Ordinance no 97-06 of 6 March 1997, the Electoral System Act (see State report) excluding persons who are chronically ill or disabled from the right to vote on an equal basis with others in accordance with Article 29 of the Convention on the Rights of Persons with Disabilities (CRPD), which comprises the latest international standards with respect to participation in political and public life. (This is confirmed in OHCHR thematic study on participation in political and public life by persons with disabilities which explicitly

states that there is no reasonable restriction nor exclusion permitted regarding the right to political participation of persons with disabilities, [A/HRC/19/36](#), 21 December 2011).

#### **Article 10**

- Introduce measures to coordinate the work of the Ministry of Solidarity and the Ministry of Education in order to optimise the implementation of inclusive education with the objective of streamlining education of *all* children, including children with disabilities, and all teacher training of both special schools and centres under the sole mandate of the Ministry of Education.
- Adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above. Include inclusive education as an integral part of core teacher training curricula in universities to ensure that the values and principles of inclusive education are infused at the outset of teacher training and teaching careers.

#### **Article 11**

- Ensure the provision of reasonable accommodation in employment and vocational training for women with disabilities, including accommodations for different types of disabilities.
- Ensure the provision of support services, including psychosocial support services, to assist families, including both mothers with disabilities, and mothers or women in the family who are the lead caregivers in their care for children with disabilities. In particular, ensure that services and assistance are rendered to permit women in families with children with disabilities, as well as mothers with disabilities, to continue their careers with an appropriate work/life balance.

#### **Articles 12 & 16**

- Adopt measures to ensure that all health care and services, provided to persons with disabilities, including all mental health care and services, is based on the free and informed consent of the person concerned, and that involuntary treatment and confinement are not permitted by law in accordance with the latest international standards.
- Adopt measures to ensure that all information, healthcare and services relating to sexual and reproductive health, both including physical treatment and psychological counselling, are made accessible to women and girls with disabilities, and that they are respectful of the dignity and integrity of persons with disabilities based on the free and informed consent of the individual concerned, and that consensual treatment such as the administration of contraception, or fertility treatments are not denied, while all non-consensual treatment, including that for which consent is given by a third party, is not permitted by law (including *inter alia* forced abortions, forced contraception, and forced sterilisation).
- Adopt measures to ensure that all education, information, healthcare and services relating to sexual and reproductive health, HIV and STIs, are made accessible women and girls with disabilities in age-appropriate formats.

#### **Article 15**

- Reform the law in accordance with Article 15, CEDAW and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify a person from exercising her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they

may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.<sup>1</sup>

## **ANNEX- Disability references in treaty body Concluding Observations with respect to Algeria**

CRC Committee Concluding Observations, 2005, [CRC/C/15/Add.269](#)

27. The Committee recommends that the State party make greater efforts to ensure that all children within its jurisdiction enjoy all the rights enshrined in the Convention without discrimination, in accordance with article 2, by effectively implementing the existing laws that guarantee the principle of non-discrimination. The Committee recommends that the State party adopt a proactive and comprehensive strategy to eliminate de facto discrimination on any grounds and against all vulnerable groups of children, and prioritize social and health services and equal opportunities to education for children belonging to the most vulnerable groups.

### Children with disabilities

53. Notwithstanding the provision prohibiting discrimination against children with disabilities and the State party's continuous efforts to support these children through targeted State welfare measures, including direct and indirect assistance, the Committee is concerned about persisting de facto discrimination. It notes with concern that equal opportunities for children with disabilities are jeopardized, for example, by their limited access to public buildings, government services and public transportation, and that social stigma, fears and misconceptions surrounding disabilities remain strong in society leading to the marginalization and alienation of these children.

54. In light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted by the Committee on its day of general discussion on the rights of children with disabilities (see CRC/C/69), the Committee recommends that the State party take all necessary measures:

- (a) To prevent and prohibit all forms of discrimination against children with disabilities and ensure that they have equal opportunities for full participation in all spheres of life by implementing the relevant domestic laws and including disability-related aspects in all relevant policy-making and national planning;
- (b) To collect adequate statistical data on children with disabilities and use disaggregated data in developing policies and programmes to promote equal opportunities for them in society, paying particular attention to children with disabilities living in the most remote areas of the country;
- (c) To provide children with disabilities with access to adequate social and health services, quality education, the physical environment, information and communication;
- (d) To raise awareness about children with disabilities, including their rights, special needs and potential, in order to change negative attitudes, mistaken beliefs and prejudices against children with disabilities by initiating and supporting public information campaigns; and
- (e) To ensure that professionals working with and for children with disabilities, such as medical, paramedical and related personnel, teachers and social workers, are adequately trained.

55. Furthermore, the Committee encourages the State party to pay particular attention to the rights and status of children with disabilities in the context of the African Decade of Persons with Disabilities 1999-2009.

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<sup>1</sup> See also report of Special Rapporteur on Torture, 28 July 2008, A/63/175, paras 73 and 44.