

***International Convention on the Rights of Persons with Disabilities***

***Replies of the Algerian Federation of Disabled People and its member associations to the list of issues relating to the initial report of Algeria***

***30th July 2018***

**Report Drafting Committee :**

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1. **Presentation of the Algerian Federation of Disabled People: FAPH**
* The Algerian Federation of People with Disabilities wants to be a development NGO supported by people with disabilities themselves, working in the field of disability to build a national movement for the defense and promotion of rights and for a citizenship of people with disabilities on equal opportunities with all citizens.
* For this, the Federation motivates, animates, structures and ensures the formation of networks of disabled people, networks of women with disabilities, families of children with disabilities, associations of persons with disabilities to strengthen their capacity to engage and become actors of access to rights (right to schooling, right to vocational training, right to work, right to quality care, right to leisure, ...) with reference to the International Convention on the Rights of Persons with Disabilities (CRDPH).
1. **Introduction :**
* The following associations participated in this report: Association of Children with Spina Bifida in Bejaia, Association of Parents of Invalid Children with Brain Motors in Batna Wilaya, Association of Parents of Children with Mental Illness, Team FAPH, Network of Paraplegics of the Wilaya of Bejaia to whom the list of issues was sent as soon as it appeared. The associations then gave their opinions and answers.
1. **The most important points that concern us:**
* Compliance with the CRPH of the entire legal arsenal, in particular the definition of disability as contained in Law 02-09 of 08 May 2002.
* Allow people with disabilities who need more support to access social protection and an adequate standard of living.
* Facilitate access to Inclusive Education for the thousands of unregistered children with disabilities who continue to be deprived of their equal right to education with others.
* Set up accompaniment and support services guaranteeing concrete and continuous access to the right to inclusive education for disabled children girls and boys (auxiliary of school life, adapted school materials, etc.)
* Set up benchmark workstation services to support employers recruiting people with disabilities.
* Facilitate the access of persons with disabilities to diversified vocational training and train teachers with skills in the areas of disability (counselor to the professional insertion, agent of insertion, auxiliary of life ...)
* Enable and facilitate all public and private economic actors to develop equipment for people with disabilities to cover their needs which are numerous and diversified (example: probes for intermittent self-probing used by paraplegics and children with Spina Bifida.)
* Increase the number of physical medicine and rehabilitation services to facilitate access for the greatest number of people with disabilities.
* Put in place a national strategy for accessibility to the environment, transport, communication and information for people with disabilities, including people with psychosocial disabilities and people with intellectual disabilities. Implement action plans planned over five years and budgeted for their implementation.
* Establish multidisciplinary and inclusive care structures for children with cerebral palsy.
1. **List of issues relating to the initial report of Algeria**
2. **Object and general obligations (Articles 1 to 4)**
3. ***Indicate :***

 ***a) If steps have been taken to fully harmonize national legislation, in particular the Family Code and the Civil Code, with the Convention and to ensure that the definition of disability in Law No. 02-09 of 8 May 2002 on the protection and promotion of persons with disabilities fully reflects the human rights-based approach to disability;***

***b) If Law No. 02-09 concerns all persons with disabilities.***

***2. Following the adoption of the laws listed in paragraph 48 of the State Party's report (CRPD / C / DZA / 1) concerning persons with disabilities, specify:***

1. ***If steps have been taken towards the adoption of a comprehensive policy and a national action plan with their own budget appropriations to implement the legislation mentioned above;***
2. ***Please specify whether the assessment of disability and the issue of issuing an identity card or passport, documents which often mention the person's disability under the heading "special signs", have been reviewed with a view to ensuring their conformity with the general principles of the Convention;***
* The FAPH notes that up to the moment no action has been taken to fully harmonize Algerian legislation, in particular the Family Code and the Civil Code with the CRPH. The definition of disability in Law 02/09 of 08 May 2002 (art 02) is still in force, frequently cited by the Ministry of National Solidarity as the legal anchor of reference of all the decrees of application of this law which came into being after the ratification of the CRPH by Algeria 1. The CRPH is never mentioned in the explanatory memorandum when these texts are drafted.

Law 02-09 of 8 May 2002 does not cover all situations of disability such as psychosocial disability and intellectual disability. Only "mental retardation" as people with trisomy 21 is taken into account. For other disability situations, they are labeled "mentally ill" dependent on the field of health.

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See, for example, "the interministerial decree of March 6, 2011 relating to the technical standards of accessibility of the disabled to the built environment and equipment open to the public" and "the executive order n ° 14-214 of July 30, 2014 laying down the procedures for the reservation of workstations, the determination of the financial contribution and the granting of grants for the fitting out and the equipment of workstations for disabled persons ".

* The FAPH notes that there is still no action taken to adopt a comprehensive policy for the inclusion and social participation of people with disabilities and no budgeted action plan for the implementation of the CRPD. No financial amount has been declared or disseminated by the State (in all the successive financial laws, no financial amount for the implementation of the CRPH is included).
* The FAPH is concerned that for many years the assessment of disability continues to be done by the awarding of a percentage awarded by a specialist doctor in "orthopedics" which uses a **schedule dating from 1963** setting disability rates relating to accidents at work and occupational diseases which gives percentages in relation to the severity of the degree of incapacity for work for the calculation of the invalidity pension granted to injured or sick workers. People with disabilities then become 60%, 100%, etc. Moreover, although disability no longer appears on identity cards and passports that are now biometric, it still appears in the digitized data of the person (microchip) in the "special signs" part. However, it continues in some wilayas to be mentioned on the driving license (which is not yet biometric) obtained by people with disabilities.
* FAPH deplores the fact that the National Council of Persons with Disabilities since its creation (Decree No. 06-145 dated April 26, 2006) has still not developed a national strategy for the promotion of the rights of persons with disabilities and their social participation. Chaired by the Minister of Solidarity, associations of disabled people with a very small minority can not make their voices heard. In addition, this council has never been consulted by the government when developing its general policy. Since its creation, this council has never produced reports on the situation of disabled people in Algeria, and the State only describes its composition, its members and its commissions, but not its evaluation.

**Recommandations :**

* Harmonize and update the definitions of disability in laws and policies, in particular the definition of disability in Law 02 - 09 of 02 May 2002 which must also take into account the psychic handicap and the intellectual disability and make them conform to the approach Convention-based human rights agenda with a short-term timetable allocated to this process.
* Develop a comprehensive policy for the inclusion of persons with disabilities and the promotion of their rights by allocating a budget and establish a disability assessment scale developed in accordance with the CRPD with the objective of the social participation of persons with disabilities and their inclusion.
* The Algerian State must ensure that administrations no longer mention the disability on the driving license issued to drivers with disabilities and no longer mention disability as a special sign in the personal data digitized (microchip) in the passport and the identity card.

* To bring into compliance with the CRPD the decree of creation of the National Council of Persons with Disabilities, to entrust its presidency to a personality of the civil society having competences in the field of the handicap and which represents the handicapped persons, to widen it in all the situations of disability (psychosocial handicap, intellectual disability, ...) and women's associations, strengthen its autonomy, structure it at the local level and develop a national strategy for the promotion of their rights and their social participation. This council must draw up an annual and five-year report on the situation of disabled people in Algeria and make it public in order to be able to measure improvements in the situation of people with disabilities.

**B. Specific Rights (Article 5 to 30)**

 **Equality and non–discrimination (art 5)**

***3. Indicate :***

***a) Whether the State party intends to amend its Constitution to include disability as a prohibited ground of discrimination under article 29;***

***b) If the refusal of reasonable accommodation, particularly with regard to the rights to educational and vocational integration, is considered discrimination on the basis of disability, in particular in Law No. 02-09 of 8 May 2002 on protection and promotion of persons with disabilities;***

***c) If there are legal provisions prohibiting multiple and cross-forms of discrimination against persons with disabilities, including those belonging to ethnic, religious or linguistic minorities, including Amazighs, Sahrawis, blacks, migrants, refugees and disabled asylum seekers, as well as women, children, lesbians, gays, bisexuals and transgender and intersex persons with disabilities.***

***4. Please provide information on the reported cases of violations of the right of persons with disabilities to equality and non-discrimination, the investigations into these cases and the type of sanctions they have given and the compensation awarded to victims.***

The FAPH notes that the revised fundamental law of March 2016 in particular in its article 32: "The citizens are equal before the law, without being able to prevail any discrimination on the grounds of birth, race, sex, opinion or any other personal or social condition or circumstance "does not clearly state disability as a cause of discrimination or denial of reasonable accommodation, and there is no legal provision that prohibits multiple and cross-forms of discrimination against persons with disabilities. Although the State declares that « no candidate can be excluded from an examination because of his disability if he has the skills compatible with the requested workstation and the expense of the workstation », no employer has solicited or fed this fund, which has been in existence for a few years. Moreover, if the State says that no one has been prosecuted or sentenced for the offense of discrimination, it is because discriminated persons with disabilities do not know that they can lodge a complaint.

* FAPH regrets that the national survey on disability planned since 2011 to which the State has devoted a significant grant, which started in 2014, entrusted by the Ministry of National Solidarity to the National Center for Studies & Analyzes for Population & Development (CNEAP) has still not revealed its results. However, the terms of reference of this survey were developed with new approaches to disability and would have provided a lot of data on the violation of the right to equality and non-discrimination of persons with disabilities.

**Recommandations :**

* Modify the revised fundamental law of March 2016, especially in its article 32 to explicitly include disability as a ground of discrimination so that all citizens are equal before the law and harmonize with the CRPD of the 02-09 law of 08 May 2002 to explicitly include the denial of reasonable accommodation as discrimination based on disability and the State in accordance with Article 295 bis 1 must inform persons with disabilities to file a complaint in case of an offense of discrimination against them.
* The Ministry of National Solidarity, in charge of the national survey on disability, must disclose its results to provide data on the violation of the right to equality and non-discrimination of persons with disabilities and take concrete measures to prevent and protect people with disabilities from discrimination based on disability, in particular and as the State declares it to know the substance for the arrangement of workstations and to control employers who do not respect the 1% of employees to allow its supply.

**Women with disabilities (Art.6)**

***5. Please provide information on the steps taken to mainstream the rights of women and girls with disabilities and to positively portray them as rights holders in policies and strategies for gender equality, including the National Strategy for the Advancement of Women and Girls with Disabilities. integration and promotion of women and the corresponding national plans of action, as well as to combat discrimination against women and girls with disabilities in all areas, in particular discrimination arising from traditional and cultural practices. Provide information on activities carried out in collaboration with organizations representing women and girls with disabilities.***

***6.*** ***Given target 5.2 of the Sustainable Development Goals, to eliminate all forms of violence against women and girls with disabilities in the public and private spheres, including trafficking, sexual exploitation and other forms of exploitation:***

***a) Provide data and information on sexual and gender-based violence and programs to protect and support women and girls with disabilities from violence;***

***b) Please indicate the measures envisaged to adopt a law against violence against women, which would include a definition of violence incorporating the concept of disability and which would address the specific obstacles impeding the access of women and girls with disabilities to justice.***

***7. Please provide information on the measures taken to:***

***a) To enable single women with disabilities to access social housing, breast cancer prevention programs and other related programs;***

***b) Increase the allowance for divorced women with children with disabilities.***

***8. Please provide information on the plan of action to implement the principles of the Convention with regard to women with disabilities (paragraph 72) and whether it includes measures to promote women's participation in public and political life.***

* ***In the response of the State it is said that no complaint of violence has been reported; according to the FAPH this is due to a lack of information of the victims on the procedures to make to file a complaint. There are also no social workers who can enter the homes of families to see cases of violence and abuse.***
* The FAPH notes that "The national strategy for the promotion and integration of women and its action plans" ended in 2014 without taking into account the violence and discrimination against women with disabilities.
* That the revised Basic Law of 2016 and the encouragement of the State to the political participation of women in particular with the quota system (30% of women's representation) women with disabilities are not mentioned explicitly.
* Although the State declares that "the legal arsenal against violence against women has been strengthened" it does not speak of violence suffered by women with disabilities while most women with disabilities live in recluse within families, far from social life and their situation is even worse when they have an intellectual or psychological disability because when they are interned in psychiatric hospitals, they have little protection against arbitrariness, violence and sexual abuse in these hospitals. Invisible, many of them, particularly single women, are not affected by breast cancer, uterine cancer prevention campaigns because they rarely attend maternal and child health care facilities.

**Reco mmandations :**

* The State must put in place warning and denunciation procedures at the level of the specialized establishments (offering the boarding school), the schools where the disabled children are schooled and all the establishments where the handicapped children are placed and resume the training of social workers with a legal curriculum to visit families of children with disabilities, support them and inform victims who can file a complaint.
* Take into account the situation of divorced women with dependent children with multiple needs to increase the allocation allocated to them and cover their needs for medicines, diapers… and facilitate access to nurseries for their children with disabilities to enable them to hold a job. As the State declares, to benefit them as well as other women in the same situation of the award of alimony on the special fund provided for this purpose.
* Ensure that in the future "National Strategy for the Promotion and Integration of Women and its Action Plans" disabled women are taken into account to strengthen the protection of their rights, in particular to combat violence and abuse in psychiatric hospitals and combat their forced isolation within families and ensure that breast cancer and uterine cancer prevention campaigns target also single women with disabilities.
* Take explicit account of women with disabilities in the 30% quota encouraging the representation of women in elected assemblies.

**Children with disabilities (art.7)**

***9. Give information on :***

***a) How the rights of children with disabilities are reflected in national strategies and policies for children;***

***b) Measures taken to protect children with disabilities from all forms of violence and in all settings, including specialized institutions, and to protect abandoned children with disabilities.***

 ***10. Please indicate whether the State party intends:***

***a) (a) To provide parents facing financial difficulties with an allowance to provide for their disabled child before reaching the age of 18 (paragraph 84);***

***b) Provide parents' associations of children with disabilities with the financial support they need;***

***c) To help children with cerebral palsy.***

The FAPH deplores :

* The State, in the whole strategy for the rights of the child that it enumerates in its answers, children with disabilities are not mentioned at all except when it comes to "distribution of clothing, food products specific to certain diseases, school supplies…". This indicates a very charitable vision vis-à-vis children with disabilities.
* That children with disabilities are not sufficiently reflected in national strategies and policies for all children.
* That parents of children with cerebral motor disabilities also face a lack of resources since their children receive a derisory allowance of 4000 dinars only at the age of 18, which targets only 100% disabled youth. These parents have set up integration schemes through their associations but face a lot of financial difficulties for their management (aggravated by the lack of professionals).
* Despite the state's response that children with disabilities are protected in the same way as other children,the lack of measures taken to protect children with disabilities from all forms of violence in all contexts, including specialized residential institutions, especially the lack of adequate care and social inclusion schemes for abandoned children with disabilities who spend many years in institutions in nurseries because they are rarely adopted. Having become adults in these institutions, their disability worsens and they are excluded from any social participation.
* That children with disabilities with multiple needs entrusted to their mothers in the event of divorce find themselves in dramatic situations: the existing nurseries do not accept them, the allowance allocated to the divorced mother is not enough to take care of their additional needs in terms of special flours, medications, diapers and self-lubricated probes for children with Spina Bifida.
* That children with spina bifida find it difficult to be operated on early in neurosurgery and later find it difficult to find the probes for their urinary hetero-sounding. In addition, these probes are very expensive, unavailable and non-refundable, which endangers the future vital prognosis of these children.

**Recommandations :**

* The State must take into account in an inclusive vision the rights of children with disabilities in national policies and strategies for children in general and take measures to protect children with disabilities from all forms of violence including in specialized institutions. The need for specialized care and functional rehabilitation of abandoned children with disabilities who live in institutions until adulthood must be assured. These children must have a life plan that aims for socialization and access to social participation.
* The State must allocate adequate financial assistance to parents of disabled children facing financial difficulties before the child reaches the age of 18 years and also financially and in human resources support associations of parents of disabled children who manage care services.
* The State must set up early and continuous care services for children with cerebral palsy and must provide the necessary care for children with Spina Bifida so that they can be operated early and make available the probes for their intermittent self-probing that they must use throughout their life.

**Sensitization (article 8)**

***11. Please provide information on the formal mechanisms for financing national awareness campaigns, consulting with and representing persons with disabilities and the organizations that represent them, including in the context of anti-discrimination media campaigns with regard to disabled people, and in particular to involve these people in the organization and execution of the national, Maghreb and international disability day programs, which are celebrated each year.***

***12. Please elaborate on legal provisions and policy measures to combat prejudices, stereotypes and harmful practices, including hate crimes, concerning persons with disabilities in all areas of their lives.***

* The FAPH notes the absence of national awareness campaigns including media campaigns dedicated to the elimination of discrimination against people with disabilities, especially during national and international days.
* FAPH deplores the fact that the print media and the audiovisual media continue to exhibit the photos of disabled people who undermine their dignity and convey prejudices, stereotypes and harmful practices towards them.

**Recommandations :**

* The State must set up awareness-raising campaigns including media campaigns dedicated to the elimination of discrimination against persons with disabilities, especially during national and international days, and take legislative and political measures to combat prejudices, stereotypes and harmful practices towards people with disabilities in all areas of life.

**Accessibility (article 9)**

***13. With reference to paragraphs 102 and 103 of the State party's report, please provide information:***

***(a) On the conformity of the current legislation with Article 9 of the Convention and with the Committee's general comment No. 2 (2014) on the accessibility of the built environment, information and communication technologies and public transport, and measures taken to monitor and implement this legislation, including through sanctions;***

***14. With regard to the Algerian Access Standard NA 16227 (para 106), please provide information on the number of complaints received to date on non-compliance of housing, schools, hospitals or other public buildings, and on any reparations that may have been made to victims, in particular those with psychosocial or intellectual disabilities.***

**Answer of the FAPH :**

* The FAPH notes that the decree establishing the national accessibility commission and the decree of 2011 have not incorporated Article 9 of the CRPD and the values it conveys and regrets that this commission, since its creation in 2010, has not yet developed a national strategy for accessibility to the built environment, transport and communication and has not put in place national access plans duly budgeted for its implementation.
* The FAPH notes that "the state in its response speaks only of the wheelchair maneuver" although standard NA 16227 mainly takes into account wheelchair users, the blind and the deaf. However, people with psychosocial disabilities and intellectual disabilities are not taken into account. There is no mechanism to monitor and follow-up the application of these standards, and associations of disabled people are not aware of or equipped to complain about building non-compliance. In its response, the State speaks of "popularizing and generalizing the culture of accessibility" while making the environment accessible is to allow people with disabilities to move, to have access to communication channels and especially to participate in social life among everyone.

**Recommandations :**

* The State must require the National Accessibility Commission to develop a national strategy for accessibility to the built environment, transport and communication in accordance with Article 9 of the CRPD and the establishment of national access plans, budgeted for its implementation by involving associations of disabled people. The Algerian Accessibility Standard NA 16227 must be enriched to take into account the standards inherent in psychosocial disability and intellectual disability and put in place a control mechanism to monitor their application to impose penalties for non-compliance, and train associations in the complaints process.

**Risk situation and humanitarian emergencies (Article 11)**

***15. Indicate :***

***a) Measures taken to ensure accessibility and availability of humanitarian services and emergency services to all persons with disabilities, including assistive devices, shelters, services and relief devices, including emergency services social assistance and health services;***

***b) If persons with disabilities have been included in the Crisis or Natural Disaster Handbook and in the ongoing training on psychologist care for victims.***

**Answer of the FAPH :**

* The FAPH regrets that despite the development of a strategy on the prevention and management of natural disasters following the terrible floods of Bab el Oued in 2001 and the devastating earthquake of 2003, the rescue adapted to the disabled has not been integrated in this strategy.
* FAPH deplores the fact that despite the thousands of refugees arriving each year from Sub-Saharan Africa, the state has still not developed a strategy of welcome, integration or organized appropriate return to countries of origin.

**Recommandations :**

* Algeria needs to enrich its strategy on the prevention and management of natural disasters by incorporating rescue practices adapted to people with disabilities.
* The State must develop a strategy for the reception, integration or voluntary return of refugees in collaboration with migrants' countries of origin with particular attention to women, children and persons with disabilities.

**Recognition of equality before the law (Article 12)**

***16. In accordance with the Committee's general comment No. 1 (2014) on the recognition of equal status before the law, indicate:***

***a) If the State party has taken steps to replace, with respect to the exercise of legal capacity, substitutive decision-making by an assisted decision-making regime and if it intends to amend or repeal articles 40, 42, 43, 44 and 78 of the Civil Code which authorize the placing under guardianship of persons with disabilities (paragraphs 129 to 131);***

***b) If Article 386 of the Penal Code provides for imprisonment and a fine in the case of a person with a disability who is dispossessed, by surprise or fraud, of immovable property because of his disability (paragraph 137).***

**Answer of the FAPH :**

* The FAPH regrets that there is still no process planned to repeal domestic laws and in particular to repeal articles 40, 42, 43, 44 and 78 of its Civil Code which authorize the trusteeship of persons with disabilities, since Algeria has yet to bring its legal arsenal into line with the CRPH.

**Recommandations :**

* The FAPH recommends to the State to repeal internal laws, in particular articles 40, 42, 43, 44 and 78 of its Civil Code, to abolish the decision-making and the mechanisms of substitute trustees to put in place the taking of assisted decision for people with psychosocial disabilities.

**Access to justice (art. 13)**

***17. Indicate :***

***a) The measures taken to implement the principle of procedural accommodation and accommodation according to age, which is immediately applicable as a human right under the Convention, so that persons with disabilities have access to justice in conditions of equality;***

***b) Measures adopted to make the physical environment of court premises accessible, including the courts, police stations and prisons, and to provide all persons with disabilities with information on the justice system in appropriate formats;***

***c) The number of persons with disabilities who have (since the submission of the initial report) benefited from legal assistance, in accordance with Article 28 of Order 71-57 of 5 August 1971 on legal aid, and the outcome cases concerned (paragraph 142).***

***18. Please also provide information on the measures put in place to promote the participation of persons with disabilities in the justice system as lawyers, judges and law enforcement officials.***

* The FAPH notes that the Ministry of Justice has made some courts and tribunals accessible to people with motor disabilities, but this has not been generalized to all disability situations, especially the signs specific to people with intellectual disabilities and persons with intellectual disabilities. For access to free legal aid, it exists in the texts and disabled people can ask unconditionally but very little popular with the general public, it is rarely solicited. There is a sign language interpreter service in some courts, but the lack of training in this discipline does not allow coverage at the national level.

**Recommandations :**

* The Ministry of Justice should extend the physical accessibility of courts and tribunals to all its structures at the national level and also generalize the signage specific to people with intellectual disabilities and persons with intellectual disabilities.
* It must also ensure that access to free legal aid for persons with disabilities provided for in the texts is disseminated through information campaigns to enable people with disabilities to apply for it more frequently.
* The Ministry of Justice must also train more sign language interpreters to allow sufficient coverage of all its structures.

**Right not to be subjected to exploitation, violence and abuse (Article 16)**

***21. Give information on :***

***b) Mechanisms to ensure that persons with disabilities who are subjected to violence and abuse, in particular women and girls with psychosocial or intellectual disabilities, have the opportunity to obtain reparation, including adequate compensation, as well as recovery, rehabilitation and social reintegration.***

**Answer of the FAPH :**

* The FAPH notes that despite the vote by the National People's Assembly of the law 15/19 of 30 December 2015 submitted by women's associations criminalizing violence against women, violence against women and girls with disabilities because of their disability has not been taken into account.
* FAPH deplores the fact that people with disabilities with multiple needs and dependent elderly people hosted in "homes for the elderly and disabled" under the supervision of the Ministry of National Solidarity do not benefit from any auxiliary of life to help them in the acts of everyday life, this job does not exist in the nomenclature of the social trades. These people, very dependent, then appeal to their co-residents who provide random support in dramatic conditions.

**Recommandations :**

* In Law 15/19 of December 30, 2015 criminalizing violence against women voted by the National People's Congress (parliament), the state must take into account in the decrees of application of this law violence against women with disabilities by associating the associations that represent them.
* The State must ensure the implementation of a more rigorous control by the inspectors of the Ministry of National Solidarity to prevent cases of violence and abuse of persons with disabilities in the specialized centers offering the boarding school and encourage the reports of abuse.
* The State must better protect women with psychosocial disabilities hospitalized in psychiatric hospitals from violence and abuse and provide for compensation and compensation for victims and to improve the conditions of treatment and reception of persons with disabilities with multiple needs and dependent elderly people in "homes for the elderly and the disabled."

**Right to live independently and to be included in the community (Article 19)**

2***2. Specify :***

***a) If the right to life autonomy and inclusion in society is expressly recognized by law and, if so, what are the existing implementation and monitoring measures;***

***b) Specify whether the Social Development Agency and its solidarity outreach units have the mandate and capacity to ensure that the right of persons with disabilities to live independently and to be included in society is respected and protected in practice (paragraph 184);***

***c) Please clarify whether home care services set up by the Ministry of Health also target persons with disabilities who can not travel and who live at home (para 189).***

**Answer of the FAPH :**

* FAPH deplores the fact that people with disabilities who need a great deal of support are unknown to the public authorities, and live isolated, excluded from any participation in their community.
* The social development agency and its outreach cells do not primarily target dependent disabled people and have no clear program for their inclusion in the community. Although the State declares that "the social development agency through its local cells participates in the inclusion and empowerment of disabled people, this agency has never prepared a report on the situation of persons with disabilities noted in through the activities put in place towards them.
* Home health care set up by the Ministry of Health does not also target people with disabilities who can not move.

**Recommandations :**

* The State must carry out a survey through the local cells set up by the social development agency to identify disabled people in need of increased support and dependency and implement local actions aimed at inclusion in their close community and also benefit from the home care provided by the Ministry of Health.

**Personal mobility (Art. 20)**

***23. Indicate :***

***a) What mechanisms have been put in place to help persons with disabilities, in particular those with a visual or motor impairment, to obtain mobility aids and devices and to benefit from assistive technologies and assistive devices that facilitate their daily lives as well as as help from intermediaries, to improve their personal mobility;***

***b) Indicate whether the Ministry of Transport intends to extend the period of validity of the driving license for persons with disabilities to ten years.***

* The FAPH deplores the fact that the Social Security Fund (CNAS) applies restrictions on access to the equipment for disabled people in total contradiction with the ONAAPH / CNAS convention and does not comply with the prescriptions of doctors. Some children need several types of equipment, such as cerebral palsy, which the attending physician prescribes (skeletons, walkers, special strollers), but the CNAS only accepts one of them. As another example, for a child who needs two bilateral hearing aids, CNAS only accepts one. This Social Security Fund also provides motor carts (which are very popular with people with disabilities for travel) for those who work or study. The majority of people with disabilities do not work and a minority study. This means of locomotion yet very useful is forbidden to them.
* FAPH deplores the fact that the public organization of equipment and accessories for the disabled (ONAAPH) has a de facto monopoly of the apparatus without covering the very diversified needs of the handicapped persons. Turned mainly to imported hearing aids, it has not renewed in recent years the training of its staff which specializes in prostheses, orthotics and shoes claimed by children with cerebral motor disability, which impacts on the quality of this equipment.

Disabled drivers who have obtained their driving license under the same conditions as other drivers continue to be considered by the Ministry of Transports from the medical point of view and are required to renew their driving license every two years while for other drivers it is is every ten (10) years.

**Recommandations :**

* The CNAS must respect the CNAS / ONAAPH convention and put an end to the arbitrary restriction of the equipment essential for the health and mobility of disabled people, yet prescribed by the attending physician and validated by the CNAS control doctor. ONAAPH must offer diversified equipment to people with disabilities, and train and upgrade all production personnel right away.
* The Ministry of Transport must allow drivers with disabilities to renew their driving license every ten years in the same way as other drivers.

**Freedom of expression and opinion and access to information (Article 21)**

***24. Indicate whether the State Party intends:***

***a) Provide training on the Convention to journalists and media professionals to promote the rights of persons with disabilities;***

***b) Please indicate whether the State party intends to make information and communication technologies more accessible to persons with disabilities with a view to promoting their right of access to information and freely expressing their views under conditions of equality;***

***c) To recognize Algerian Sign Language as one of the official languages of the State Party.***

**Answer of the FAPH :**

* FAPH regrets that the media and journalists continue to consider people with disabilities from a charitable and a medical perspective.
* Information and communication technologies are still not accessible to the blind, the hard of hearing, the mentally handicapped and the intellectually handicapped.
* The FAPH also notes that the Algerian language of signs is still not officially recognized.

**Recommandations :**

* The state must provide training on the CRPH to the Algerian journalists' union, their associations and professional corporations to change their perspective on people with disabilities.
* The state must recognize the Algerian language of signs officially and extend it to the national level in all administrations.
* The State through the Ministry of Post and ICTs must make information and communication technologies accessible to people with disabilities.

**Respect for private life (Art. 22)**

***25. Please provide information on the measures taken or envisaged by the State party to discourage the media from publishing derogatory content that does not respect the privacy and freedom of choice of persons with disabilities.***

* The State has yet to take steps to dissuade the media from publishing photos or distributing documents of persons with disabilities without their consent and undermining their dignity.

**Recommandations :**

* The Algerian state must take steps towards the media to sensitize them on the publication of photos and documents that undermine the dignity of persons with disabilities.

**Respect for the home and the family (Art. 23)**

***26. Provide information on :***

***a) Measures taken to guarantee the right to family life and parenthood of all persons with disabilities, including those whose legal capacity has been restricted;***

***b) Support services for families of children with disabilities, including early intervention services.***

**Answer of the FAPH :**

Families caring for disabled people with multiple needs do not receive any support or services from the State and face enormous financial and human constraints, which seriously imbalances the entire family unit.

**Recommandations :**

* The Algerian state must offer more support to families caring for disabled people with multiple needs and provide them with services offering human and financial resources to support them.

**Education (art. 24)**

***27.*** ***In accordance with Article 24 of the Convention and the Committee's general comment No. 4 (2016) on the right to inclusive education, provide information on legislative and policy measures specifically aimed at promoting inclusive education to children and adults with disabilities, and whether the State has established a timetable for the inclusion of children with a sensory disability (deaf or blind children), Down syndrome or a psychosocial or intellectual disability, children with autism, and children with disabilities, children with motor disabilities in mainstream education, alongside non-disabled children (para 210). Please also indicate whether the Ministry of National Education will put in place accompanying measures for children with disabilities to promote their integration into the mainstream education system.***

***28. Provide information on pilot classes for children with "mild" mental disabilities who have been opened in mainstream schools (para 225).***

**Answer of the FAPH :**

* The FAPH deplores the fact that inclusive education is still not programmed or included in the policy of the Ministry of Education since the state declares "opening special classes to accommodate children with disabilities in primary schools" which is contrary to the CRPD. Children with disabilities are ceded to the Ministry of National Solidarity through the 250 centers specializing in a vision of social charity and "category" apart which for them is the only purpose without prospect of future social inclusion.

This is also illustrated by the situation of the so-called "light" children with disabilities enrolled in the general education system of the National Education but who do not benefit from a support previously built and written in the texts (auxiliaries of school life, adapted equipment) to ensure that they stay in school. Moreover, no training for the reception of students with disabilities towards teachers is included in their curriculum. This situation leads to the drop-out of students with disabilities from the first year on the grounds that they are unable to attend classes (some uneducated parents are forced to play the role of "school aide" without any formal status but out of the classroom just to take him back to school and take him to the bathroom).

* FAPH also deplores the fact that for the thousands of children in need of increased support, such as those with psychosocial or intellectual disabilities (such as children with autism) are excluded from their right to education.
* It also deplores the fact that the so-called "special" classes opened within the general education system but dependent pedagogically on the Ministry of National Solidarity are in fact ghettos within these schools, since students with disabilities have hours of return to school separately. These classes have never been evaluated since their start in the 90s. As a result, few children from these classes have joined ordinary classes in the same school.
* FAPH notes with concern that parents' associations of children with disabilities who have opened schools out of necessity to take care of their children but without any inclusive strategic vision face many financial constraints and lack of supervision for their management and must appeal to the public charity very random to make them work.

**Recommandations :**

* Include in the policy of the Ministry of National Education the inclusion of children with disabilities and set up support services including the necessary human supervision and didactic means to ensure their retention in school and prevent their dropout.
* Include thousands of children with psychosocial disabilities or intellectual disabilities in mainstream education access programs and take steps to transfer to the mainstream school those who are still in "specialized" centers in accordance with Article 24 and in an inclusive vision.
* Train auxiliaries of school life by the Ministry of National Education with a status and an appropriate job profile to support the inclusive inclusion of children with disabilities.
* Provide the necessary human and material resources to associations of parents of disabled children who have set up schools and support them in an inclusive strategy and include these schools in the general system of National Education.

**Health (art. 25)**

***29. Indicate the number of specialized health centers in physical medicine and rehabilitation, given the increase in demand in recent decades.***

***30. Please indicate the measures taken to enable women and girls with disabilities to access health services, including sexual and reproductive health and rights, and information on HIV / AIDS in women and girls with disabilities in conditions of equality.***

***31. Please provide updated information on the measures taken on health and rehabilitation as part of the National Action Plan to Assist the Victims of Anti-Personnel Mines, launched in 2013 (para 237).***

**Answer of the FAPH :**

* FAPH regrets that the health of many girls with scoliosis worsens in the absence of adequate care and access to a corset prescribed for this pathology because very few professionals still exist for the manufacture of this apparatus.
* The FAPH notes that despite the increasing demand expressed by the many road accident victims (4000 victims of road accidents each year will remain a serious handicap all their life, Algeria occupies the 4th place globally among the countries with the most traffic accidents), the State has still not programmed new hospitals of Physical Medicine and Rehabilitation and that for many years.

* The FAPH also deplores the fact that the Ministry of Health has still not set up specialized services for the early care of children with cerebral palsy (there are 35,000 each year, victims of poor coordination of perinatal care and the absence of specialists in hospitals in remote areas (obstetricians, pediatricians ...)

**Recommandations :**

* The Algerian State must program new Physical Medicine and Rehabilitation services to meet the growing needs of victims of traffic accidents and accidents at work and develop specialized services for the early care of thousands of children with cerebral palsy.
* Train national professionals in the manufacture of corsets for girls with scoliosis and facilitate their access by the CNAS.

**Work and employment (art. 27)**

***32. Please provide information on the project to create a structure to adapt workplaces for people with disabilities and indicate which state institutions are responsible for monitoring and evaluating the quota system for the right to work and employment. Please provide information on the number of permanent disabled workers recruited in the private sector since the entry into force of Article 27 (1) of Law No. 02-09 of 8 May 2002, which provides that all employers must devote at least 1% of jobs to persons with disabilities who are recognized as workers (paragraph 243).***

***33. Specify which executive decree sets the terms and conditions for the reservation of workstations, the determination of the financial contribution and the award of grants for the design and equipment of workstations for persons with disabilities (paragraph 244).***

**Answer of the FAPH :**

* FAPH regrets that up to now, the Ministry of National Solidarity has still not set up a structure made up of professionals (occupational therapists, integration counselors, ergonomists) to support public and private companies that would like to hire disabled workers. On the other hand, despite the implementing decree on the obligation for enterprises in the private sector to reserve 1% of workstations for workers with disabilities, no monitoring of the application of this provision has been put in place.
* FAPH also deplores the fact that few companies have asked for the fund for the adaptation of workstations and that when they recruit disabled workers because no information campaign was organized to widely popularize this provision from employers.

**Recommandations :**

* The Ministry of National Solidarity must set up a service to support public and private companies wishing to hire disabled workers, train the professionals responsible for running the service (occupational therapists, integration counselors, ergonomists ... ..) and monitor the application of the obligation for employers to reserve 1% of jobs for people with disabilities.
* The Ministry of Solidarity has to widely disseminate the fund that companies can use to adapt their jobs when they hire people with disabilities.

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

***35. Indicate :***

***a) How measures for people with disabilities are integrated into the national poverty reduction strategy;***

***b) If disabled people with a disability card benefit from the third-party payment system (CHIFA card).***

***c) If people with disabilities in a difficult financial situation to whom the State Party pays the allowance of 4,000 Algerian dinars retain access to measures of employment assistance and other financial support measures.***

***36. Specify existing social protection measures to cover the costs of disability to enable persons with disabilities to enjoy their rights on an equal basis.***

**Anwser of the FAPH :**

* FAPH regrets that it has no information on the measures taken to integrate disabled people into the national poverty reduction strategy.
* It also deplores the fact that the acquisition of equipment for the disabled does not obey the third-party payment system. Only drugs are obtained through this facilitator system.
* It also deplores the fact that people with disabilities in difficult financial situations who receive a monthly allowance of 4000DA continue to be excluded from access to employment assistance schemes and other assistance provided by law forcing them to live exclusively from this allocation which keeps them in a situation of extreme poverty.
* It also deplores the fact that the Social Security Fund continues not to support certain medical devices necessary for some disabled people who use them for life such as probes for intermittent self-probing and equipment for children with motor disabilities cerebral (for those only the wheelchair is supported while the ateles, the verticalizers, etc ... are excluded)

**Recommandations :**

* The State and Social Security must provide the disabled people with the third-party payment system (Carte Chiffa) for the acquisition of equipment and technical aids for autonomy and support probes for self-polling intermittent and all the equipment necessary for the rehabilitation of crippled children with cerebral origin.
* The State must allow the access of employment assistance schemes to beneficiaries of the 4,000 dinars allowance.

**Participation to political and public life (art 29)**

* Despite the responses of the State, it is worth mentioning that during the elections there is no awareness-raising campaign aimed at the right to vote of persons with disabilities. In addition, there is no information manual on facilitations for voters with disabilities, a bulletin that concerns them has never published photos of candidates with a Braille inscription allowing blind voters to identify another's candidate for election so that they can choose freely.
* The FAPH deplores that the article 3 of the law 12-01 of January 12th, 2012 excludes from the right of voting the people judged "deprived of legal capacity" as the persons having a psychosocial or intellectual handicap. This same law in its article 45 does not provide for the physical accessibility of polling stations with the signaling inherent to persons with disabilities, nor the information of these voters in accessible formats and does not also provide any guarantee of confidentiality protection and the protection of choice of the elector in a situation of handicap.
* That the Basic Law does not provide for the adaptation of electoral procedures, equipment and materials, which make it easier for persons with disabilities to fulfill their electoral duties.
* That the government never consulted the national council of persons with disabilities installed in 2014 for all issues related to persons with disabilities.

**Recommandations :**

* The State must review Article 03 of Law 12-01 of 12 January 2012 to allow the right to vote to people with a psychosocial or intellectual disability. Also review article 45 of the same law to provide for the adaptation of electoral procedures, equipment and materials including the signaling inherent to persons with disabilities, information to these voters in accessible formats for all disability situations and also guarantee the protection of the confidentiality and the choice of the voter with a disability.
* The State must consult the National Council of Disabled Persons on all issues related to persons with disabilities.

**Participation to cultural and political life (art. 30)**

* + According to the responses of the State, only the elite athletes in the context of the handisport enjoy benefits and rewards. On the other hand, there is no encouragement from the State to favor mass sports for all disabled people except for disabled sports elites who have adapted equipment for their training, other sports spaces intended for all do not include equipment adapted to the exercise of a sport for disabled people regardless of the situation of disability, with the result that young people and children with disabilities do not access sports activities provided by the State.
	+ According to state responses, only elite and high-level sport is supported by the state through benefits, allowances, jobs and housing.
	+ FAPH also deplores the fact that sports facilities, cultural and leisure centers are rarely accessible to people with disabilities, especially equipment for the exercise of sports activities which excludes thousands of disabled young people from the right to sport despite the existence of a Handisport Federation and a Deaf Sport Federation.
	+ According to the State, young disabled people have access to all the actions developed in these establishments in the same way as other young people, but young disabled people do not attend them because of their inaccessibility and their inappropriate material.
	+ According to the State's replies, all activities are open to all young people without exception, but young disabled people are automatically excluded since these programs and activities are not accessible.

**Recommandations :**

* The State must encourage sport for all, for the great majority, towards persons with disabilities (children, young people and adults) who are excluded from the exercise of sport and must not only promote elite and high-level sport outside the sports federations and leagues for disabled people and must make sports facilities, cultural and recreational centers accessible to persons with disabilities, in particular equipment intended for the exercise of sports activity in an inclusive vision in accordance with the CRPD.

**Statistics and collection of data (art. 31)**

* + Despite the answers of the State, the FAPH notes that disability organizations were not consulted during the development of the questionnaire used during the general census campaigns of the population that took place in 1998 and 2008.

**Recommandations :**

* + The state should consult associations of persons with disabilities when developing the Washington Group's model short form questionnaire for the next general census of the population.

**International Cooperation (art. 32)**

Despite the answers of the State, the FAPH deplores :

* + That representative organizations of persons with disabilities are not consulted or participate in international cooperation agreements, projects and programs, particularly those related to the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals.
	+ That Law 06-12 on Associations does not promote the exchange of information and experience in the field of disability with international NGOs and conditions them to authorizations from the competent administration that are difficult to obtain.

**Recommandations :**

* The State must consult and involve associations of persons with disabilities in international cooperation agreements, projects and programs, in particular those related to the implementation of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals and facilitate their exchange of information and experience in the field of disability with international NGOs.

**Implementation and monitoring at national level (Art. 33)**

* Despite the responses of the State that says that "Associations are involved in all projects and programs of international cooperation" as the twinning project with France registered under the program of Support to the implementation of the Algeria - European Union Association Agreement (2017/2019): P3A, entitled: "Support for capacity building of the Ministry of National Solidarity, Family and the Status of Women in its overall strategy to promote the inclusion of disabled people in the workplace. The associations play a role of beneficiaries and not the role of actors carrying proposals.
* Despite the state's response, authorizations for local NGOs to work with international NGOs are too cumbersome and discouraging for both parties.
	+ FAPH notes that until now no institution or agency has been formally identified as a focal point or coordination mechanism in the State Party, including independent mechanisms to monitor the implementation of the Convention.
	+ That the participation of persons with disabilities and their representative organizations in this process is still not being implemented.

**Recommandations :**

* The state must give more importance to the role of associations in international cooperation programs because they bring proposals and local expertise and lighten the procedures for obtaining authorization to work with international NGOs to allow more partnership..
* The State should formally designate the institution or agency as the focal point or coordination mechanism in the State Party including the independent mechanisms to monitor the implementation of the Convention and include in this process the participation of persons with disabilities and their representative organizations.