

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

Member Organisations:

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

---

### **Suggestions for disability-relevant questions to be included in the List of Issues Prior to Reporting, Country report task force Human Rights Committee, 105<sup>th</sup> Session**

The International Disability Alliance (IDA) has prepared the following suggestions for the list of issues, based on references to persons with disabilities to be found in the State report submitted to the Human Rights Committee.

#### **AFGHANISTAN**

Afghanistan has not signed or ratified the Convention on the Rights of Persons with Disabilities.

#### **IDA proposed questions for the List of Issues Prior to Reporting :**

- What steps are being taken to accede to the CRPD and its Optional Protocol?

Articles 3 and 7

- In the context of combating domestic violence, what steps have been taken to address the heightened risk for girls and women with disabilities of becoming victims of domestic violence and abuse? What measures are being adopted to ensure that both services (including shelters) and information for victims are made accessible to women and girls with disabilities?

Articles 2, 7, 10 and 26

- What measures are in place to ensure that all health care and services provided to persons with disabilities, including all mental health care and services, are based on the free and informed consent of the person concerned (and cannot be substituted by third party decision-makers such as family members or guardians)?<sup>1</sup>

---

<sup>1</sup> "Legislation authorizing the institutionalization of persons with disabilities on the grounds of their disability without their free and informed consent must be abolished. This must include the repeal of provisions authorizing institutionalization of persons with disabilities for their care and treatment without their free and informed consent, as well as provisions authorizing the preventive detention of persons with disabilities on grounds such as the likelihood of them posing a danger to themselves or others, in all cases in which such grounds of care, treatment and public security are linked in legislation to an apparent or diagnosed mental illness." (OHCHR Thematic Study on enhancing awareness and understanding of the CRPD, A/HRC/10/48, 26 January 2009, para 49; see also OHCHR Information note no 4, "The existence of a disability can in no case justify a deprivation of liberty."

- What steps are being taken to eliminate the institutionalisation of children and adults with disabilities by building up community based services and support (including through increased social assistance and welfare benefits) to children and adults with disabilities and to their families, including foster families, and that they have the legal right to choose where and with whom to live on an equal basis with others?<sup>2</sup>

### References to persons with disabilities in Afghanistan by other treaty bodies:

Concluding Observations of the CRC Committee, [CRC/C/AFG/CO/1](#), 2011

19. The Committee expresses concern about the absence of a comprehensive data collection system, which allows disaggregation and further analysis of data on the living conditions of children, particularly girls, children in poverty, or **children with disabilities**.

#### **Children with disabilities**

49. The Committee welcomes the **National Strategy for Children with Disabilities** (2008) and the **Law on the Rights and Privileges of People with Disabilities and Martyrs' Families** (2010), which shall provide access to education and health services and promote participation of **children with disabilities**. The Committee is however concerned about the limited measures taken so far to implement the law and the strategy and in particular to collect reliable data on **children and their disabilities** and support families raising **children with disabilities**. The Committee also expresses serious concern at the extent of maltreatment of **children with disabilities** in families and institutions, including their psychiatric medication, and the deprivation of education of the majority of children with disabilities in spite of the goals set in the **National Strategy for Children with Disabilities** of 2008.

50. The Committee recommends that the State Party strengthen its efforts to implement the **National Strategy for Children with Disabilities** (2008) and the **Law on the Rights and Privileges of People with Disabilities and Martyrs' Families** (2010) and in particular:

- a) Collect data which allow to analyze the extent of **disabilities** of diverse nature and the conditions under which these children grow up;
- b) Provide adequate financial, technical and educational support to families which care for **children with disabilities** in order to prevent their institutionalization;
- c) Make sure that **children with disabilities** are not exposed to violence or neglect and carefully monitor all facilities which work with **children with disabilities**;
- d) Ensure access to education for all **children with disabilities** and implement inclusive education by a realistic time-bound strategy which is effectively monitored;
- e) Ensure that the right of **children with disabilities** to participate in all measures of concern to them is respected;

[http://www.ohchr.org/EN/UDHR/Documents/60UDHR/detention\\_infonote\\_4.pdf](http://www.ohchr.org/EN/UDHR/Documents/60UDHR/detention_infonote_4.pdf)

<sup>2</sup> "Many States, with or without a legal basis, allow for the detention of persons with mental disabilities in institutions without their free and informed consent, on the basis of the existence of a diagnosed mental disability often together with additional criteria such as being a "danger to oneself and others" or in "need of treatment". The Special Rapporteur recalls that article 14 of CRPD prohibits unlawful or arbitrary deprivation of liberty and the existence of a disability as a justification for deprivation of liberty." Report of Special Rapporteur on Torture, 28 July 2008, A/63/175, para 64

- f) Take guidance from the **Committee's General Comment No. 9 on the rights of children with disabilities** (CRC/C/GC/9, 2006); and
- g) Consider ratifying the Convention on the Rights of Persons with Disabilities.

61. The Committee recommends that the State party:

- a) Allocate increased resources to the education sector in order to expand, build and reconstruct adequate school facilities throughout the State party and create a truly inclusive educational system welcoming **children with disabilities** and children from all minorities;