



# Convention on the Rights of Persons with Disabilities

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## Committee on the Rights of Persons with Disabilities

### Concluding observations on the initial report of Djibouti\*

#### I. Introduction

1. The Committee considered the initial report of Djibouti<sup>1</sup> at its 543rd, 544th and 545th meetings,<sup>2</sup> held online on 27 and 30 August and 1 September 2021. It adopted the present concluding observations at its 550th meeting, held online on 8 September 2021.
2. The Committee welcomes the initial report of Djibouti, which was prepared in accordance with the Committee's reporting guidelines, and thanks the State party for its written replies<sup>3</sup> to the list of issues prepared by the Committee.<sup>4</sup>
3. The Committee commends the State party for having agreed to an entirely online review of its initial report, given the extraordinary circumstances due to the coronavirus disease (COVID-19) pandemic. The Committee appreciates the constructive dialogue held with the State party's delegation, which included representatives of the relevant government ministries.

#### II. Positive aspects

4. The Committee commends the State party for the legislative and public policy measures that it has taken to promote the rights of persons with disabilities, including:
  - (a) The adoption of Act No. 207/AN/17/7ème L (2018), aiming at the promotion and protection of the rights of persons with disabilities in different areas, such as health and education, and prohibiting discrimination based on disability;
  - (b) The adoption of Decree No. 2020-294/PR/MTRA (2020) on the employment of persons with disabilities in the public and private sectors, establishing quota systems;
  - (c) The adoption of Decree No. 2020-306/PRE (2020) on the mobility and inclusion card scheme, regulating the provision of various benefits for persons with disabilities, such as priority access to education, health-care services and public transport;
  - (d) The adoption of Act No. 15/AN/18/8ème L (2018), establishing the National Agency for Persons with Disabilities as the national mechanism for implementation and coordination;
  - (e) The adoption of the National Disability Strategy (2020–2024), prepared by the National Agency for Persons with Disabilities.

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\* Adopted by the Committee at its twenty-fifth session (16 August–14 September 2021).

<sup>1</sup> CRPD/C/DJI/1.

<sup>2</sup> See CRPD/C/SR.543, 544 and 545.

<sup>3</sup> CRPD/C/DJI/RQ/1.

<sup>4</sup> CRPD/C/DJI/Q/1.



### III. Principal areas of concern and recommendations

#### A. General principles and obligations (arts. 1–4)

5. The Committee is concerned about:

(a) The national legislation, particularly the Civil Code, the Criminal Code, the Family Code, the Labour Code and Act No. 207/AN/17/7ème L, which are based on the medical approach to disability, do not sufficiently protect social, economic and cultural rights or fundamental civil and political rights, including the rights to liberty and security of the person and to equal recognition before the law, and reflect a narrow concept of disability that excludes persons with intellectual or psychosocial disabilities;

(b) The need to review and harmonize Act No. 207/AN/17/7ème L to bring it in conformity with the Convention, particularly article 7, on the prevention of disability, which has been misunderstood to constitute steps to implement the Convention, and articles 10 and 31, on the provision of segregated services for persons with disabilities;

(c) The use of derogatory concepts and terminology concerning persons with disabilities in laws and policies, such as “persons with special needs”, and the definition of disability based on the medical approach in Act No. 207/AN/17/7ème L, the Labour Code and Decree No. 2020-306/PRE, which emphasize persons’ impairments;

(d) The absence of a comprehensive and long-term action plan for the implementation of the Convention;

(e) The lack of transparent and systematic procedures and information on consultations with organizations of persons with disabilities, including organizations of persons with intellectual or psychosocial disabilities and organizations of women and girls with disabilities.

6. **The Committee recommends that the State party:**

(a) **Review its legislation and policies to bring them into line with the human rights model of disability in accordance with the Convention, particularly the Civil Code, the Criminal Code, the Family Code, the Labour Code and Act No. 207/AN/17/7ème L;**

(b) **Remove derogatory terminology and concepts that demean persons with disabilities from its legislation, particularly from Act No. 207/AN/17/7ème L, the Labour Code and Decree No. 2020-306/PRE, and ensure that legislation recognizes that disability is an evolving concept and that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others;**

(c) **Take measures to ensure the effective implementation of the National Disability Strategy (2020–2024) and adopt a comprehensive and long-term national action plan for implementing the rights of persons with disabilities under the Convention across all government sectors and levels in order to address attitudinal and environmental barriers that hinder the participation of persons with disabilities in society;**

(d) **Establish formal and transparent mechanisms to ensure the effective and meaningful participation of and consultations with persons with disabilities, through their representative organizations, including their participation in the implementation and monitoring of the Convention, in accordance with general comment No. 7 (2018).**

#### B. Specific rights (arts. 5–30)

##### **Equality and non-discrimination (art. 5)**

7. The Committee notes with concern:

(a) That the definition of discrimination under Act No. 207/AN/17/7ème L does not explicitly consider the denial of reasonable accommodation as a form of disability-based discrimination, and that the Act lacks provisions to address multiple and intersectional forms of discrimination against persons with disabilities, including gender-based discrimination against women with disabilities;

(b) The absence of information on the availability of legal remedies, complaints procedures and redress mechanisms for persons with disabilities who are subjected to discrimination.

**8. The Committee recalls its general comment No. 6 (2018) and recommends that the State party:**

(a) **Review Act No. 207/AN/17/7ème L to explicitly recognize the denial of reasonable accommodation as a form of disability-based discrimination and to prohibit multiple and intersectional forms of discrimination against persons with disabilities;**

(b) **Adopt measures to provide persons with disabilities who are subjected to discrimination with redress, compensation and rehabilitation, and to ensure that perpetrators are sanctioned.**

#### **Women with disabilities (art. 6)**

9. The Committee notes with concern:

(a) The lack of the inclusion of a disability perspective in gender-related legislation and policies, which leads to further marginalization and exclusion of women and girls with disabilities, particularly women with intellectual or psychosocial disabilities, women and girls with disabilities living in rural areas, women and girls with disabilities living in refugee camps and older women with disabilities, in public and political life, employment, education, vocational training and health care, including sexual and reproductive health;

(b) The lack of a national action plan to eliminate discrimination against women with disabilities and the discriminatory laws against women and girls with disabilities, under which women may enter into marriage only with the consent of a guardian and which provide for exceptions that allow child marriage;

(c) The lack of empowerment programmes for women with disabilities in public and political life, particularly those living in rural areas.

**10. The Committee recalls its general comment No. 3 (2016) and Sustainable Development Goal 5 and recommends that the State party:**

(a) **Mainstream the rights of women and girls with disabilities into all gender-related legislation and policies, and gender perspectives into disability policies and programmes, while ensuring consultations with and the effective participation of organizations of women and girls with disabilities, particularly those living in rural areas and those living in refugee camps, in the design and implementation of gender- and disability-related policies and programmes;**

(b) **Take legislative measures to repeal discriminatory provisions under the Family Code against women and girls with disabilities regarding marriage and family and to protect them from forced and early marriage;**

(c) **Take measures for the empowerment of women and girls with disabilities in all spheres of life, particularly in public and political life, employment, education, vocational training and health care, including sexual and reproductive health, while addressing multiple and intersectional forms of discrimination.**

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

11. The Committee observes with concern:

(a) The limited access for children with disabilities to social and health-care services and education, particularly those living in rural areas and those living in refugee camps;

(b) The absence of safeguards and procedures to ensure the right of children with disabilities, particularly deaf children, deafblind children and children with intellectual or psychosocial disabilities, to express their views freely on matters affecting them, and the lack of measures to provide them with disability- and age-appropriate assistance to realize this right;

(c) The lack of information and measures on the protection of children with disabilities from abuse and violence, including from corporal punishment at home and in schools;

(d) The lack of information on the implementation of the annual action plan that was signed in December 2020 with the United Nations Children's Fund to promote and protect the rights of children with disabilities.

**12. The Committee recommends that the State party:**

**(a) Mainstream the principle of the best interests of the child and respect for the evolving capacities of children with disabilities into strategies and programmes on the rights of the child, and ensure access for children with disabilities to social and health-care services and inclusive education, on an equal basis with other children;**

**(b) Take measures to enable children with disabilities, particularly deaf children, deafblind children and children with intellectual or psychosocial disabilities, to express their views freely on matters affecting them, and measures to provide them with disability- and age-appropriate assistance to realize this right;**

**(c) Adopt legislation and take policy measures to protect children with disabilities from exploitation, abuse and violence, including from corporal punishment at home and in school, to provide them with support and redress and hold perpetrators accountable, and to ensure the effective implementation, in consultation with organizations of persons with disabilities, of the annual action plan signed in 2020 to promote and protect the rights of children with disabilities.**

**Awareness-raising (art. 8)**

**13. The Committee is concerned about:**

(a) Stigmatization, negative stereotypes, harmful practices and deep-rooted cultural beliefs against persons with disabilities, including persons with albinism, persons with intellectual or psychosocial disabilities, women and girls with disabilities and persons affected by leprosy, in society, within families and among persons with disabilities, particularly in rural areas;

(b) The lack of a long-term strategy for raising awareness about the rights of persons with disabilities, with the effective participation of persons with disabilities;

(c) The absence of awareness-raising campaigns and programmes on disability among refugees.

**14. The Committee recommends that the State party:**

**(a) Develop and implement a strategy, in partnership with community and religious leaders and the media and aimed at the public and at families of persons with disabilities, particularly in rural areas and in refugee camps, to raise awareness about the Convention and to combat stigmatization, prejudice and stereotyping against persons with disabilities, including against persons with intellectual or psychosocial disabilities, persons with albinism, women and girls with disabilities and persons affected by leprosy;**

**(b) Conduct awareness-raising programmes, including training, for policymakers, administrative staff, the judiciary, law enforcement officers, health professionals and the media to promote the human rights model of disability and to eliminate prejudice and the use of derogatory language against persons with disabilities;**

(c) **Take measures to ensure the effective participation of persons with disabilities, through their representative organizations, in the design and implementation of public awareness-raising campaigns and programmes.**

#### **Accessibility (art. 9)**

15. The Committee notes with concern:

(a) The absence of regulations on accessibility standards and compliance mechanisms to ensure the effective implementation of the provisions of Act No. 207/AN/17/7ème L on accessibility, including complaints mechanisms for persons with disabilities;

(b) The lack of a comprehensive accessibility strategy covering all areas, such as information and communications technology, the physical environment and public transport, including in rural areas, particularly for deaf persons, deafblind persons, persons with visual impairments, persons with intellectual or psychosocial disabilities and persons with other sensory impairments.

16. **The Committee recalls its general comment No. 2 (2014) and recommends that the State party:**

(a) **Take legislative measures establishing accessibility standards, a system of sanctions for non-compliance, and complaints mechanisms for persons with disabilities;**

(b) **Adopt a national accessibility strategy that includes all areas described in the Convention, while paying particular attention to accessibility in rural areas and for deaf persons, deafblind persons, persons with visual impairments, persons with intellectual or psychosocial disabilities and persons with other sensory impairments.**

#### **Situations of risk and humanitarian emergencies (art. 11)**

17. The Committee notes with concern:

(a) The need to align Act No. 140/AN/06/5ème on the national policy for risk and disaster management with the Sendai Framework for Disaster Risk Reduction 2015–2030 to ensure inclusive and accessible disaster risk reduction plans to support and protect persons with disabilities, particularly women and children with disabilities, persons with intellectual or psychosocial disabilities and persons with sensory impairments, in situations of risk and humanitarian emergencies;

(b) The lack of information on the effects of the COVID-19 pandemic on persons with disabilities during general lockdown and confinement measures, particularly persons with disabilities living in poverty and older persons with disabilities, and on access for persons with disabilities to vaccines and to economic and social programmes, on an equal basis with others;

(c) The absence of consultations with organizations of persons with disabilities regarding the development and implementation of immediate and long-term responses to the pandemic.

18. **The Committee recommends that the State party:**

(a) **Amend Act No. 140/AN/06/5ème on the national policy for risk and disaster management to align it with the Sendai Framework for Disaster Risk Reduction 2015–2030 and accelerate the adoption of inclusive and accessible disaster risk reduction plans to support and protect persons with disabilities, particularly women and children with disabilities, persons with intellectual or psychosocial disabilities and persons with sensory impairments;**

(b) **Mainstream disability into its COVID-19 response and recovery plans to ensure equal access for persons with disabilities to vaccines and to economic and social programmes, particularly for persons with disabilities living in poverty and older persons with disabilities.**

**Equal recognition before the law (art. 12)**

19. The Committee notes with concern:

(a) That legislation, including articles 166, 167, 176 and 179 of the Family Code, articles 565 and 579 of the Civil Code and article 27 of the Criminal Code, deprives persons with disabilities, particularly persons with intellectual or psychosocial disabilities, of their legal capacity and holds them under a guardianship regime;

(b) The absence of supported decision-making mechanisms for persons with disabilities to exercise their legal capacity on an equal basis with others.

**20. The Committee recalls its general comment No. 1 (2014) and recommends that the State party:**

(a) **Review and repeal provisions in its legislation, particularly the Family Code, the Civil Code and the Criminal Code, with a clear time frame, to guarantee the right of all persons with disabilities, particularly persons with intellectual or psychosocial disabilities, to equal recognition before the law, and establish supported decision-making mechanisms in all areas of life to ensure that persons with disabilities are not, on the basis of a third party's analysis of their "best interests", denied the right to exercise their legal capacity, and that practices associated with "best interests" are replaced by the standard of "best interpretation of the will and preferences" of the person;**

(b) **Develop awareness-raising campaigns and capacity-building programmes, in consultation with organizations of persons with disabilities, for all stakeholders, including the families of persons with disabilities, community members, public officials, the judiciary and members of parliament on the recognition of the legal capacity of persons with disabilities and supported decision-making.**

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

21. The Committee notes with concern:

(a) The absence of concrete measures to implement article 32 of Act No. 207/AN/17/7ème L on the provision of procedural and age-appropriate accommodation for persons with disabilities throughout legal processes, including judicial and administrative processes;

(b) The barriers faced by persons with disabilities in gaining access to justice and the lack of availability of accessible free legal support for persons with disabilities under the legal aid programme;

(c) The lack of trained professionals and qualified sign language interpreters in administrative and judicial proceedings for deaf persons, and the lack of documents and information in accessible formats for persons with disabilities.

**22. The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, prepared in 2020 by the Special Rapporteur on the rights of persons with disabilities, and target 16.3 of the Sustainable Development Goals and recommends that the State party:**

(a) **Take measures to ensure that persons with disabilities are provided with procedural and age-appropriate accommodation through legal processes, including judicial and administrative processes, in accordance with article 32 of the Act No. 207/AN/17/7ème L;**

(b) **Ensure that the legal aid programme provides support to persons with disabilities, including those living in rural areas and those living in refugee camps;**

(c) **Ensure that sufficient professional and qualified sign language interpreters and other communication support means are available within the judicial system, including documents in accessible formats such as Braille, tactile and Easy Read, in order to ensure the effective participation of persons with disabilities, including those**

living in rural areas and those living in refugee camps, in all judicial and administrative proceedings;

(d) **Strengthen capacity-building programmes for the judiciary and justice-sector professionals, such as prosecutors and law enforcement officials, including police and prison officers, on the provisions of the Convention and on access to justice for persons with disabilities.**

#### **Liberty and security of the person (art. 14)**

23. The Committee notes with concern the discriminatory provisions under the Criminal Code in which persons with disabilities, particularly persons with intellectual or psychosocial disabilities, are declared “unfit to stand trial”, “unfit to plea” and incapable of criminal prosecution, leading to involuntary detention. The Committee is also concerned about the involuntary detention and forced hospitalization of persons with disabilities on grounds of their actual or perceived impairment, their being deemed “dangerous” to themselves or others, their alleged need for protection, or the consent of a third party.

24. **The Committee recalls its guidelines on the right to liberty and security of persons with disabilities (2015) and recommends that the State party:**

(a) **Repeal provisions of the Criminal Code – specifically book I, part II, chapter II – that allow for the involuntary deprivation of liberty and forced hospitalization of persons with disabilities, on the grounds of actual or perceived impairment, particularly with respect to persons with intellectual or psychosocial disabilities;**

(b) **Take measures to revise and repeal all laws, policies and practices that allow for the involuntary detention and hospitalization of persons with disabilities, on the basis of their actual or perceived impairment, their alleged need for protection, care or treatment, or the consent of a third party;**

(c) **Ensure that persons with disabilities benefit from due process of law guarantees on an equal basis with others.**

#### **Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)**

25. The Committee observes with concern the continued practice of female genital mutilation against girls and women with disabilities, despite the legal prohibition under the Criminal Code. The Committee is also concerned about the lack of information on the measures taken to eliminate seclusion, the use of physical, chemical and mechanical restraints and other forms of ill-treatment in all settings, such as family settings, psychiatric institutions, hospitals, prisons and educational services, particularly against persons with intellectual or psychosocial disabilities.

26. **The Committee recommends that the State party:**

(a) **Take measures to protect persons with disabilities, particularly women and girls with disabilities, including those living in rural areas, from torture and cruel, inhuman or degrading treatment or punishment, particularly female genital mutilation, and provide adequate and free or affordable quality legal advice, quality counselling and compensation to victims;**

(b) **Strengthen the role and mandate of the National Human Rights Commission in the prevention of torture and cruel, inhuman or degrading treatment or punishment, establish a complaints procedure that is accessible to all persons with disabilities and investigate and sanction perpetrators of practices that may amount to torture or cruel, inhuman or degrading treatment or punishment against persons with disabilities, imposing sanctions that are proportional to the conduct.**

#### **Freedom from exploitation, violence and abuse (art. 16)**

27. The Committee notes with concern:

(a) The lack of sufficient measures to ensure the effective implementation of Act No. 66/AN/719/8ème L (2020) and Act No. 133/AN/16/7ème L (2016) to protect persons with disabilities in all settings, particularly older persons with disabilities, women and children with disabilities and persons with intellectual or psychosocial disabilities, from trafficking and all forms of violence, abuse and harmful practices, and the absence of measures for compensation and of accessible services for rehabilitation and social integration;

(b) The lack of mechanisms for identifying, investigating and prosecuting cases of exploitation, violence and abuse against persons with disabilities, particularly refugees and migrants with disabilities, persons with albinism and persons with disabilities fleeing armed conflicts.

**28. The Committee recommends that the State party:**

**(a) Take measures and adopt programmes to protect all persons with disabilities, particularly older persons with disabilities, women and children with disabilities and persons with intellectual or psychosocial disabilities, from trafficking and all forms of violence, exploitation, abuse and harmful practices, and to establish mechanisms for redress, compensation and accessible services for their rehabilitation and social integration;**

**(b) Establish a complaints mechanism to ensure the investigation and prosecution of cases of trafficking and exploitation, violence and abuse against persons with disabilities and conduct capacity-building programmes for law enforcement officials on the identification of and response to abuse and violence against victims with disabilities.**

**Protecting the integrity of the person (art. 17)**

29. The Committee is concerned about the lack of effective frameworks and policies to protect the integrity of persons with disabilities, especially persons with intellectual or psychosocial disabilities, particularly in mental health institutions, including forced medical treatment and the use of drugs and treatment methods without free and informed consent.

**30. The Committee recommends that the State party adopt and implement legislative and policy measures to establish safeguards to ensure the protection of the integrity of persons with disabilities, especially persons with intellectual or psychosocial disabilities, in all situations, to move towards mental health services in the community and to ensure respect for the free and informed consent of persons with disabilities regarding medical treatment and interventions.**

**Liberty of movement and nationality (art. 18)**

31. The Committee is concerned about barriers faced by persons with disabilities to obtaining official documentation as refugees, asylum seekers and persons in a refugee-like situation, which hinder their enjoyment of the right to liberty of movement. It is also concerned that some children, including children with disabilities, are still not registered at birth.

**32. The Committee recommends that the State party:**

**(a) Take measures, with budget allocations, to strengthen the National Commission on Eligibility for Refugee Status so that refugees with disabilities, asylum seekers with disabilities and persons with disabilities in a refugee-like situation, in all areas of the country, have access to official documentation, on an equal basis with others;**

**(b) Enforce the registration of all newborn children with disabilities at birth and undertake a nationwide campaign to raise awareness among parents and the community of the importance of registering the births of their children, including those with disabilities.**

**Living independently and being included in the community (art. 19)**

33. The Committee observes with concern:



(a) The lack of accessible independent living support services, such as in-home, residential and other community support services, including personal assistance necessary to support independent living and inclusion in the community, particularly in rural areas and for refugees with disabilities;

(b) The limited accessibility to persons with disabilities of mainstream services and facilities for the public, including in the areas of employment, education and health.

**34. The Committee recalls its general comment No. 5 (2017) and recommends that the State party:**

**(a) Take legal and policy measures to promote the rights of persons with disabilities to live independently and be included in the community and provide information in accessible formats to persons with disabilities and their families, including refugees with disabilities and persons with disabilities living in rural areas, on how to access independent living support services and assistance;**

**(b) Provide budgetary allocations to ensure that all persons with disabilities can decide where, how and with whom they live, and provide the necessary accompanying community support services, including personal assistance;**

**(c) Adopt measures to ensure the accessibility to persons with disabilities of mainstream services for the public, on an equal basis with others.**

#### **Personal mobility (art. 20)**

35. The Committee is concerned about the limited access to mobility aids and assistive devices for persons with disabilities, especially in rural areas, and the limited availability of practitioners and teachers to train persons with disabilities on the use of available aids and devices.

**36. The Committee recommends that the State party take appropriate measures, with the support of national and international cooperation, to facilitate access to necessary and quality mobility aids, devices and assistive technologies, especially in rural areas, at an affordable cost for all persons with disabilities.**

#### **Freedom of expression and opinion, and access to information (art. 21)**

37. The Committee observes with concern:

(a) The absence of a national sign language;

(b) The insufficient level of information for persons with disabilities in accessible formats, including Braille, sign language and Easy Read, and the lack of teachers and relevant professionals trained in the use of such accessible formats;

(c) The limited amount of accessible information on websites and television channels for persons with disabilities, including blind, deaf or hard-of-hearing persons.

**38. The Committee recommends that the State party:**

**(a) Support deaf persons, through their representative organizations, in developing a national sign language and recognize it as an official language;**

**(b) Develop a pool of qualified sign language interpreters and teachers trained in the use of tactile communication, Braille and Easy Read;**

**(c) Take measures to strengthen the work of the National Commission on Communication, including through adequate budget allocations, to ensure the accessibility of information on websites and television channels, for all persons with disabilities, particularly for blind persons or persons with visual impairments.**

#### **Respect for home and the family (art. 23)**

39. The Committee notes with concern:

(a) The lack of measures to protect the rights of persons with disabilities, particularly women with disabilities and persons with intellectual or psychosocial disabilities

placed under guardianship under the Civil Code, with respect to family, parenthood and relationships;

(b) The lack of support for children with disabilities and their families, and for parents with disabilities in the performance of their child-rearing responsibilities.

40. **The Committee recommends that the State party:**

(a) **Repeal discriminatory provisions in the Family Code and the Civil Code and recognize the right of persons with disabilities, particularly women with disabilities and persons with intellectual or psychosocial disabilities, to found a family and exercise their parental responsibilities on an equal basis with others;**

(b) **Take legislative and policy measures to ensure support for families of persons with disabilities, including support for parents with disabilities to raise their children in a family setting, including for those in rural areas.**

#### **Education (art. 24)**

41. The Committee notes with concern:

(a) The prevalence of segregated special education for persons with disabilities and children with disabilities, which is permitted under article 10 of Act No. 207/AN/17/7ème L, the low literacy rate among women with disabilities, and the absence of a policy for implementing inclusive education with specific targets and deadlines;

(b) The lack of sufficient teaching and support staff trained in Braille, sign language and accessible modes of teaching and the inadequate level of training for teachers on the skills and competences required to promote inclusive education;

(c) The barriers faced by women and children with disabilities, particularly girls with disabilities, children with disabilities living in rural areas and children with disabilities living in refugee camps, in gaining access to inclusive education.

42. **The Committee recalls its general comment No. 4 (2016) and recommends that the State party:**

(a) **Review Act No. 207/AN/17/7ème L to eliminate segregated special education for persons with disabilities, and develop and adopt a policy on inclusive education with specific targets and sufficient budget allocation, with a particular focus on women and girls with disabilities, children with disabilities living in rural areas and children with disabilities living in refugee camps;**

(b) **Strengthen the provision of training for teaching and support staff on inclusive education, including sign language;**

(c) **Pay attention to the links between article 24 of the Convention and targets 4.5 and 4.a of the Sustainable Development Goals to ensure equal access to all levels of education and vocational training, and build and upgrade education facilities that are disability-sensitive and safe.**

#### **Health (art. 25)**

43. The Committee notes with concern:

(a) The lack of a comprehensive policy to effectively implement the provisions of Act No. 207/AN/17/7ème L to tackle barriers faced by persons with disabilities, including persons with intellectual or psychosocial disabilities, women and girls with disabilities, persons with disabilities living in rural areas and persons with disabilities living in refugee camps, in gaining access to quality public health-care services, and the lack of accessibility of health-care facilities to them;

(b) The lack of access to sexual and reproductive health-related services for persons with disabilities, particularly women and girls with disabilities;

(c) The lack of measures to ensure the right to respect for the free and informed consent of persons with disabilities, particularly persons with intellectual or psychosocial disabilities, with regard to medical treatment and intervention;

(d) The lack of an action plan to provide training for health-care personnel and traditional healers on the rights of persons with disabilities, in accordance with article 30 of Act No. 207/AN/17/7ème L;

(e) The lack of information in accessible formats, including Braille, sign language and Easy Read, for persons with disabilities.

**44. The Committee recommends that the State party:**

**(a) Develop and adopt a comprehensive policy, with clear targets and sufficient budget allocation, to ensure provision of quality public health-care services to persons with disabilities, including persons with intellectual or psychosocial disabilities, women and girls with disabilities, persons with disabilities living in rural areas and persons with disabilities living in refugee camps, and ensure the accessibility of health-care facilities, services and information to them;**

**(b) Provide women and girls with disabilities with access to sexual and reproductive health care, including in rural areas and in refugee camps;**

**(c) Integrate the rights-based approach to disability into the training curriculum of health-care professionals, emphasizing that all persons with disabilities have the right respect for their free and informed consent;**

**(d) Provide information in accessible formats, including Braille, sign language and Easy Read, for persons with disabilities, particularly persons with intellectual or psychosocial disabilities and women and girls with disabilities.**

**Habilitation and rehabilitation (art. 26)**

45. The Committee is concerned about the lack of availability of comprehensive and community-based habilitation and rehabilitation programmes for persons with disabilities, particularly in rural areas.

**46. The Committee recommends that, in the development, adoption and implementation of habilitation and rehabilitation services and programmes, including in the drafting of the national strategy on rehabilitation, the State party ensure that it takes into account the human rights model of disability and the promotion of comprehensive habilitation and rehabilitation of persons with disabilities, particularly in the areas of health, employment, education and social services.**

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

47. The Committee notes with concern:

(a) The high rate of unemployment among persons with disabilities, particularly women with disabilities, in the public and private sectors, including in rural areas;

(b) The prevalence of the medical approach to disability in articles 117–120 of the Labour Code;

(c) The requirement to provide reasonable accommodation in the workplace to persons with disabilities under article 10 of the Decree No. 2020-294/PR/MTRA, the terms of which are not in accordance with the human rights-based approach, and that the denial of reasonable accommodation is not explicitly prohibited under article 117 of the Labour Code;

(d) The low quota levels for the employment of persons with disabilities under Decree No. 2020-294/PR/MTRA, which stands at approximately 2 per cent of the total workforce;

(e) The lack of measures to provide vocational and professional training for persons with disabilities.

48. **The Committee recalls target 8.5 of the Sustainable Development Goals and recommends that the State party:**

(a) **Amend the Labour Code to align it with the rights-based approach to disability, to prohibit the denial of reasonable accommodation in the workplace and to eliminate multiple and intersectional discrimination against persons with disabilities;**

(b) **Review Decree No. 2020-294/PR/MTRA to ensure that the terms of the requirement to provide reasonable accommodation in the workplace are in accordance with the Convention and to increase the quotas for employment of persons with disabilities in public and private sectors, in accordance with article 27 of the Convention, and ensure that such measures do not lead to negative consequences such as segregation and stereotyping;**

(c) **Develop and adopt policy measures to ensure that women with disabilities, persons with disabilities living in rural areas and persons with disabilities living in refugee camps have access to work and employment in the open labour market and to inclusive work environments, and to provide them with vocational and professional training.**

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

49. The Committee notes with concern the insufficient level of social protection for persons with disabilities under the National Social Protection Strategy, particularly for persons with disabilities living in rural areas, persons with disabilities living in refugee camps and older persons with disabilities, including regarding disability-related expenses.

50. **The Committee recalls the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals and recommends that the State party review the National Social Protection Strategy to strengthen the social protection and poverty reduction schemes for persons with disabilities, with sufficient budget allocations to ensure that disability-related expenses are covered, while focusing on the situation of older persons with disabilities, persons with disabilities living in refugee camps and persons with disabilities living in rural areas.**

#### **Participation in political and public life (art. 29)**

51. The Committee notes with concern:

(a) The discriminatory provisions of the Civil Code that exclude persons with intellectual or psychosocial disabilities and persons deprived of their legal capacity from the election process;

(b) The lack of regulation of the accessibility to all persons with disabilities of the voting environment and electoral material and information.

52. **The Committee recommends that the State party:**

(a) **Repeal all discriminatory provisions that deny persons with intellectual or psychosocial disabilities and persons deprived of their legal capacity their right to vote and participate in the electoral process;**

(b) **Develop and adopt measures to ensure the accessibility to all persons with disabilities of the voting environment and the availability of accessible information and material.**

#### **Participation in cultural life, recreation, leisure and sport (art. 30)**

53. The Committee is concerned about the lack of sufficient access for persons with disabilities, including children with disabilities, to inclusive sporting, leisure and cultural activities and services. It is also concerned that the State party has not yet ratified the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

54. **The Committee recommends that the State party take measures to promote and protect the right of persons with disabilities, particularly children with disabilities, to**

**participate in cultural life, recreation, leisure and sport on an equal basis with others, and ratify and implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.**

### **C. Specific obligations (arts. 31–33)**

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

55. The Committee notes with concern the absence of the systematic collection of high-quality, timely and reliable data on persons with disabilities, disaggregated by disability, sex, age, geographic location, socioeconomic status and employment status, and of data on the barriers faced by persons with disabilities with respect to the fulfilment of their rights under the Convention. The Committee is also concerned about the insufficient information on the extent to which disability-related indicators are effectively applied in the implementation of the Sustainable Development Goals.

56. **The Committee recommends that the State party collect, analyse and disseminate high-quality, timely and reliable data, disaggregated by disability, sex, age, geographic location, socioeconomic status and employment status, on the fulfilment of the rights of persons with disabilities in all areas covered by the Convention, in collaboration with organizations of persons with disabilities, including organizations of women with disabilities. The Committee also recommends that the State party adhere to the Convention in its efforts to achieve Sustainable Development Goal 17, in particular target 17.18. The Committee further recommends that the State party analyse those data in order to formulate and implement policies to give effect to the Convention.**

#### **International cooperation (art. 32)**

57. The Committee notes with concern the insufficient consultations with and inclusion of organizations of persons with disabilities in the design and implementation of international agreements and programmes, and the absence of a disability perspective in the national implementation and monitoring of the 2030 Agenda for Sustainable Development.

58. **The Committee recommends that the State party take concrete measures to ensure the effective participation and inclusion of and consultations with persons with disabilities, through their representative organizations, in the design and implementation of international cooperation agreements and programmes, specifically in the monitoring of the 2030 Agenda for Sustainable Development. The Committee also recommends that the State party take the measures necessary to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted in 2018 by the African Commission on Human and Peoples' Rights.**

#### **National implementation and monitoring (art. 33)**

59. The Committee notes with concern:

(a) The lack of independence of the National Human Rights Commission and its lack of resources to promote and protect the rights of persons with disabilities under the Convention;

(b) The insufficient human, technical and financial resources allocated to the National Agency for Persons with Disabilities, which prevents it from fulfilling its mandate effectively as a coordination mechanism to facilitate action across all sectors and levels of Government;

(c) The limited participation of all persons with disabilities, especially women with disabilities, through their representative organizations, in the implementation and monitoring of the Convention.

60. **The Committee recalls its general comment No. 7 and the guidelines on independent monitoring frameworks and their participation in the work of the**

Committee on the Rights of Persons with Disabilities,<sup>5</sup> and recommends that the State party:

(a) Take legal measures to ensure that the National Human Rights Commission fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including by ensuring its full independence and by providing it with sufficient human, technical and financial resources to promote and protect the rights of persons with disabilities, and apply for its accreditation by the Global Alliance of National Human Rights Institutions;

(b) Strengthen the capacity of the National Agency for Persons with Disabilities, including by allocating sufficient human, technical and financial resources for it to fulfil its mandate effectively;

(c) Take the measures necessary to strengthen consultations with and the effective and meaningful participation of persons with disabilities, through their representative organizations, including organizations of women with disabilities, children with disabilities, persons with intellectual or psychosocial disabilities, persons with disabilities living in rural areas and persons with disabilities living in refugee camps, in implementation and monitoring processes.

#### **D. Cooperation and technical assistance (art. 37)**

61. Under article 37 of the Convention, the Committee can provide technical guidance to the State party on any queries addressed to Committee members through the secretariat. The State party can also seek technical assistance from United Nations specialized agencies with offices in the country or the region.

### **IV. Follow-up**

#### **Dissemination of information**

62. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 10, on women with disabilities, and 34, on living independently and being included in the community.

63. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, the judiciary and members of relevant professional groups, such as education, medical and legal professionals, as well as to local authorities, the private sector and the media, using modern social communication strategies.

64. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, including those that represent women and children, in the preparation of its periodic report.

65. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Braille, Easy Read, and augmentative and alternative communication, and to make them available on the government website on human rights.

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<sup>5</sup> CRPD/C/1/Rev.1, annex.

**Next periodic report**

66. The Committee requests the State party to submit its combined second to fourth periodic reports by 18 July 2026 and to include in them information on the implementation of the recommendations made in the present concluding observations. The Committee also requests the State party to consider submitting the above-mentioned reports under the Committee's simplified reporting procedure, according to which the Committee prepares a list of issues at least one year prior to the due date set for the report of a State party. The replies of a State party to such a list of issues constitute its report.

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