

# Disability Rights in the Middle East & North Africa

#### December 2014

This brief gives an overview of disability rights in the MENA region, which is seen to include Algeria, Bahrain, Egypt, Iran, Iraq, Israel, Jordan, Kuwait, Lebanon, Libya, Morocco, Oman, Qatar, Saudi Arabia, Syria, Tunisia, United Arab Emirates, West Bank/Gaza, Western Sahara and Yemen. Where relevant, it also provides some more detailed information about the situation in Egypt, Lebanon and Tunisia.

## The situation of persons with disabilities in the MENA region

There are no reliable, up-to-date statistics on disability across the MENA region. Existing data are based on projections, for example using the WHO/World Bank average prevalence rates, on country census figures or on sample surveys.

According to the United Nations' Economic and Social Commission of Western Asia (ESCWA), the disability prevalence rates reported by countries in the MENA region (as set out in the table below) are skewed by under-reporting. The variance in prevalence rates in the various studies depends on different definitions of disability used. The

Convention of the Rights of Persons with Disabilities (CRPD) uses a broad definition of disability: "Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others". Many countries still have narrower, medical definitions in their laws as these have not yet been adapted to the CRPD. These narrow definitions often refer to specific bodily limitations (such as "loss of function in more than two limbs" or "less than 10% of normal vision despite wearing glasses").

Its 2014 report, *Disability in the Arab Region*, presents data from 18 countries (of which 17 are covered by this brief) and shows prevalence rates ranging from 0.4% in Qatar to 4.6% in the West Bank and Gaza. These figures, which contrast sharply with those of other regions as well as with global averages, suggest that in measuring prevalence, the MENA countries made use of narrow definitions of disability.

Country	Prevalence (%)	Country	Prevalence (%)	Country	Prevalence (%)
West Bank/Gaza	4.6	Morocco	2.3	Kuwait	1.1
Oman	3.2	Lebanon	2.0	UAE	0.8
Libya	2.9	Yemen	1.9	Saudi Arabia	0.8
Bahrain	2.9	Jordan	1.9	Egypt	0.7
Iraq	2.8	Syria	1.4	Qatar	0.4
Algeria	2.5	Tunisia	1.3		

Source: ESCWA (2014).

More realistic projections based on the WHO's average prevalence rates of 15 % place the number of persons with disabilities in the MENA region at approximately 30 million people, many of whom experience discrimination and social exclusion (World Bank 2009). In a region dealing with on going challenges of war, unemployment, political instability and inequality, persons with disabilities are especially vulnerable.

In a survey undertaken in April 2014 by Handicap International "Hidden victims of the Syrian crisis:disabled, injured and older refugees", it was found that one in five refugees is affected by physical, sensory or intellectual impairment; one in seven is affected by chronic disease; and one in 20 suffers from injury, with nearly 80 per cent of these injuries resulting directly from the conflict.

It is further estimated that 95% of children with disabilities in the MENA region are excluded from school at the primary level (Peters 2009). Adults with disabilities (and especially women with disabilities) have less access to employment opportunities than their peers without disabilities (ESCWA 2014). Besides physical impairments, disability studies in the MENA region have also found high prevalence of mental disorders, including depression, anxiety and post-traumatic stress (World Bank 2009).

The causes of disability in the MENA region are diverse and country-specific. In the poorer countries, under-nutrition and inadequate access to health services play a significant role. In those countries with large urban populations, road accidents are a major cause of disability. In countries experiencing conflict, many injuries result directly from warfare, offensives in civilian areas and landmines. Much of the disability in MENA region stems from preventable impairments, and could be mitigated through treatment, or alleviated through rehabilitation and other forms of care (Hakim & Jaganjac 2005).

According to WHO (2012), the main challenges relating to disability in the MENA region are:

- Variation in the definition of disability from one country to another;
- Lack of reliable data and information on different aspects of disability;
- The domination of a medical model of disability rather than a rights-based approach;
- Discrepancy between political commitment and the absence or weakness of corresponding action plans;
- Fragmentation of existing efforts and ineffective coordination mechanisms within and between sectors;
- Weak primary and secondary mechanisms for prevention and early detection of disabilities;
- Significant gaps in essential care and service provision to persons with disabilities.

In **Egypt**, while official statistics identify around half a million persons with disabilities in the country, alternative projections have ranged between 8.5 million and 12 million people (Elshami 2012; Plan International). Persons with disabilities

are frequently stigmatised, hidden away by their families, denied work opportunities and ignored by political leaders (Elshami 2012). Most do not have access to appropriate services (CBM International).

In **Lebanon**, the rights of persons with disabilities are broadly infringed upon (Anderson 2013). Based on reports from the *Disability Monitor*, persons with disabilities experience discrimination when trying to access health services, public buildings and public transport, and when applying for bank loans and jobs. As most mainstream schools do not accommodate children with disabilities, they are often forced to attend residential state institutions or forego their right to education. In addition, growing numbers of Syrian and Palestinian refugees in Lebanon show high prevalence rates of anxiety, depression and post-traumatic stress (UNHCR).

In **Tunisia**, disability estimates range from the official count of around 140,000 persons with disabilities in 2009 to over 900,000 people (Hakim & Jaganjac 2005). Persons with disabilities are largely segregated from society, and are not able to exercise the same rights as ordinary citizens (Koné & Korzekwa 2014). Despite a supportive policy framework (see next section), access to inclusive education, rehabilitation and employment remains a challenge for most children and adults with disabilities.

#### Legal and policy frameworks

The countries in the MENA region have taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. At the same time, significant legal and policy gaps remain. In terms of **international instruments**, the situation can be summarised as follows:

 Of the 20 countries in the region, 14 have signed the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and 17 have ratified or acceded to it. (See the table on the following page for more details). The CRPD is the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. The full text of the convention is available at

 $\underline{www.un.org/disabilities/convention/conventionfull.s} \\ \underline{html.}$ 

- Only seven of the MENA countries have signed the Optional Protocol to the CRPD, and five have ratified or acceded to it. The Optional Protocol allows persons with disabilities whose rights have been violated to bring complaints to the Committee on the Rights of People with Disabilities.
- Five of the MENA countries have signed the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (also known as the Ottawa Mine Ban Treaty) and eight countries have ratified or acceded to it. This convention, which is important instrument for reducing the incidence of disabilities, places an obligation on the governments in question to clear all known areas contaminated by antipersonnel mines within 10 years.
- Three MENA countries, namely Iraq, Lebanon and Tunisia have signed and ratified the Convention on Cluster Munitions, thereby agreeing to destroy all stockpiles of cluster munitions within eight years, clear all areas contaminated with cluster munitions remnants within 10 years, and provide assistance to and fulfil the rights of victims of cluster munitions.
- All the MENA countries (with the exception of Western Sahara) are also state parties to the UN Convention on the Rights of the Child (CRC) and (with the exception of Iran and Western Sahara) to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Both of these conventions make reference to protecting the rights of persons with disabilities to fair treatment, appropriate care and full participation in society.

Country	CRPD		CRPD Optional Protocol		CRPD initial country report	Ottawa Mine Ban Treaty	
	Signed	Ratified*	Signed	Ratified*	submitted	Signed	Ratified*
Algeria							
Bahrain							
Egypt							
Iran							
Iraq							
Israel							
Jordan							
Kuwait							
Lebanon							
Libya							
Morocco							
Oman							
Qatar							
Saudi Arabia							
Syria							
Tunisia							
United Arab Emirates							
West Bank & Gaza							
Western Sahara							
Yemen							

<sup>\*</sup> Ratified or acceded. **Sources**: ESCWA 2014; United Nations Treaty Collection; UN OHCHR

At the **regional level**, the following policies are important to note with reference to disability rights:

- The League of Arab States (21 member states) adopted the Arab Charter on Human Rights in 2004. The Charter entered into force in 2008, after receiving seven ratifications. It currently has 14 states parties – namely Algeria, Bahrain, Iraq, Jordan, Kuwait, Lebanon, Libya, Palestine, Qatar, Saudi Arabia, Sudan, Syria, the United Arab Emirates and Yemen. Besides Articles 3 and 34, which protect persons with disabilities (amongst others) from discrimination, the Charter contains a section - Article 40 - dedicated specifically to disability rights. It recognises the rights of persons with disabilities to a decent life. dignity, active participation in society, free social services including material support, health and rehabilitation, education and job opportunities.
- The Arab League furthermore declared 2004 to 2013 as the Arab Decade for Persons with Disabilities. According to ESCWA (2014), this decade marked a milestone for the Arab world, as it established for the first time a set of regionally agreed principles and objectives to guide national efforts on disability.

In terms of **national laws and policies** that impact most directly on the rights of persons with disabilities, the following overall trends can be observed (ESCWA 2014):

- The majority of MENA countries have included articles on disability in their constitutions.
- During the Arab Decade, most country governments in the region devised new laws, strategies and policies that reflect the changing understanding of disability and seek to bring national frameworks in line with the provisions of the CRPD.
- Half of the MENA countries reported that they had or were developing a national strategy or plan on disability.
- Legal provisions pertaining to the employment for persons with disabilities are prevalent throughout the MENA region. Several countries (including Egypt, Lebanon and Tunisia) have instituted employment quotas for persons with disabilities (ranging from 1 to 5%), mainly in the public sector, but also, increasingly, in the private sector.

Country	Provisions on disability in the Constitution	Overarching or general disability law	National disability strategy or plan
Algeria			
Bahrain			
Egypt			
Iran			
Iraq			
Israel			
Jordan			
Kuwait			
Lebanon			Being developed
Libya			
Morocco			
Oman			Being developed
Qatar			
Saudi Arabia			
Syria			

Tunisia	Being developed	
United Arab Emirates		
West Bank & Gaza		
Western Sahara		
Yemen		Being developed

Sources: ESCWA 2014;

- In **Egypt**, the national legal framework rests primarily on the *Rehabilitation of Disabled Persons Law*, passed in 1975. This law gives people with disabilities access to vocational training and employment, but it is based on an out dated understanding of disability and doesn't outlaw all forms of discrimination. A new disability law is being drafted to bring Egypt's legal framework more closely in line with the CRPD. Egypt has a 5% quota system for employing persons with disabilities in companies with more than 50 employees. According to most sources, however, this quota is not enforced (Elshami 2012).
- In Lebanon, the Law 220 was adopted in 2000 after extensive lobbying by DPOs and others. While the law emphasises the rights of persons with disabilities to various social services and living conditions, it has been criticised for entrenching an approach based on specialised agencies that provide segregated services to persons with disabilities (Pineda 2011). Segregated psychiatric wards, live-in rehabilitation centres, and segregated schools continue to be promoted, in spite of evidence that these are out dated, ineffective strategies.
- In **Tunisia**, the constitution specifically recognises the right of persons with disabilities to be fully integrated into society. *Law No. 83*, passed in 2005, deals with the advancement and protection of persons with disabilities, including their protection, care and integration. Various orders have subsequently been passed to operationalize aspects of the legislation. Legal provisions exist to prevent discrimination against children with disabilities and to promote their right to education. Tunisia further has a quota system reserving 1% of jobs in the public and private sectors for persons with disabilities.

#### Implementing agencies

The disability laws and policies of the MENA states are implemented by the various country governments by means of different institutional arrangements. More than half of the countries in the region have established central coordinating bodies for disability-related programmes and services – typically referred to as a national disability council or commission. Persons with disabilities are represented or actively involved in many of these structures (ESCWA 2014). In most instances, the co-ordinating structure falls under the mandate of a given ministry, most often the ministry dealing with social affairs, social development or labour. The majority of services to persons with disabilities continue to be delivered by NGOs in the MENA region.

In **Egypt**, a National Council on Disability Affairs was established in 2012. It is responsible to ensure compliance with existing legislation, for example by lobbying public and private sector employers to abide by the employment quota for persons with disabilities. The council also has the duty to develop new policies and a national action plan to advance disability rights, as well as coordinating the roles of various ministries and agencies in service delivery. The board of the council includes representatives from the ministries of international cooperation, social affairs, education, higher education, finance, health, manpower and immigration, communications and local development, as well as DPOs, organisations working on disability issues and individual experts in the field. Plans include issuing smart cards to persons with disabilities to streamline service provision, training NGOs who work on disability issues, establishing new service centres for children to improve early detection of disabilities, treatment and rehabilitation (Kheir 2012).

In **Lebanon**, the National Committee for the Affairs of the Disabled has been in existence since 1993.

It falls under the mandate of the Ministry of Social Affairs and includes representation from persons with disabilities in their individual capacities, DPOs, service delivery organisations and relevant ministries. The National Social Development Strategy of Lebanon includes, amongst other goals, expanding coverage of health services to persons with disabilities, developing a disability insurance fund, eliminating discrimination in social protection schemes and employment opportunities, providing assistance to families to look after children in need of special care in their homes (thereby minimising placement in institutionalised care facilities), promoting awareness of disability rights, improving coordination of services to persons with disabilities and early intervention programs (Republic of Lebanon 2011),

In Tunisia, a Higher Council for Social Development and for the Welfare of Disabled Persons was created in 2010, under the mandate of the Prime Minister. Tunisia's initial report to the Committee on the CRPD makes reference to the establishment of provincial committees to coordinate disability programs and services in each of the 24 governorates. These committees include representation from the provincial health, education, training and social services departments, as well as medical professionals and organisations delivering disability-related services. The committees appear to play an advisory role as regards the granting of disability benefits, placements of children with disabilities in mainstream or special schools, and identifying appropriate care and services for persons with disabilities (Tunisia 2010).

At the regional level, the League of Arab States has adopted several institutional mechanisms to promote human rights, including the disability rights contained in the Arab Charter. These mechanisms include the Arab Human Rights Committee, the Legislative, Legal Affairs and Human Rights Committee, and the Permanent Arab Human Rights Committee at the Secretariat of the League of Arab States. However, according to the International Federation for Human Rights (IFHR 2014), there is little public knowledge about the Arab Charter on Human Rights and its protections, even in states that have become party, and public officials and judicial bodies do not frequently invoke the Charter, even though it

constitutes binding law. Consequently, the protections of the Charter have so far gone largely unrealised.

#### **Accountability measures**

Despite the legal provisions and institutional arrangements that are in place, the attainment of the rights of persons with disabilities remains a concern across the MENA region. At international level, country governments are required to submit an initial report to the Committee on the CRPD two years after ratifying the convention, and every four years subsequently. Thus far, only six countries namely Iran, Jordan, Tunisia, United Arab Emirates, Morocco and Qatar - have submitted their initial reports to the Committee on the CRPD. It should be noted that the Committee has no enforcement powers in relation to countries that fail to submit their reports. To monitor the continued work of the Committee and access its observations on the implementation of the CRPD in MENA countries, visit http://www.ohchr.org/en/hrbodies/crpd/pages/crpdi ndex.aspx.

In terms of the Arab Charter on Human Rights, it is the mandate of the Arab Human Rights Committee to oversee the progress made by member states in implementing the rights contained in the charter. Countries are supposed to submit an initial report to the Committee within one year of ratifying the charter, and then every three subsequent years. Since the Arab Human Rights Committee's first session in April 2009, only Jordan, Algeria, Bahrain and Qatar have submitted their initial reports. The Committee doesn't have the authority to receive and adjudicate individual complaints on violations of the Charter's rights. While it does review state reports, it has so far declined to meaningfully consider alternative reports, for example from civil society, regarding the human rights situation in member states (IFHR 2014).

At the national level, eight countries in the MENA region have national human rights institutions – namely Egypt, Morocco, Jordan, Qatar, West Bank/Gaza, Algeria, Tunisia and Iran. The first six of these have been accredited by the International Coordinating Committee as having an "A" status. In countries where such institutions exist, they should be expected to advance and protect disability rights and to monitor the implementation of legal and policy commitments to persons with

disabilities. Article 33(2) of the CRPD requires states to implement a framework to promote, protect and monitor the implementation of the convention, including an independent mechanism to exercise oversight. Therefore in countries without human rights institutions, states may be called upon by the Committee on the CRPD to establish independent monitoring bodies.

In **Egypt**, the National Council for Human Rights has the legal duty to monitor the application of all international human rights conventions in the country, including the CRPD. It has in the past been active in raising awareness and preparing reports on the situation of persons with disabilities. The political independence of the Council has however at times been questioned, as well as its ability to hold the executive to account.

**Lebanon** does not have a national human rights institution. While the National Committee for the Affairs of the Disabled is responsible to monitor the implementation of disability laws and policies, it is part of the executive and therefore not adequately independent to hold ministries to account. Informally, civil society organisations have made efforts to build monitoring capacity in order to track the progress of the CRPD.

In **Tunisia**, the government designated the Higher Committee for Human Rights and Fundamental Freedoms to act as the independent mechanism required by Article 33(2) of the CRPD. In its Concluding Observations in 2011 on Tunisia's Initial Report, the CRPD Committee recommended that a dedicated unit on disabilities be established within Tunisia's Higher Committee for Human Rights and Fundamental Freedoms in order to monitor implementation of the convention. It is unclear whether such a unit has since been established.

#### Main civil society actors

Political changes in the MENA region have been accompanied by the emergence and reinvigoration of civil society movements, including disabled peoples' organisations and coalitions. DPOs in the region have expressed concern about the lack of progress in implementing the CRPD in MENA countries, and the need for stronger regional alliances of DPOs to advocate for and monitor disability rights, and to report on the situation in the region to international fora, including the annual UN meeting of State Parties. The main

DPOs working at the regional level in the MENA region include (but are not limited to):

- Disabled Peoples' International established a regional office in Beirut in 2013, based with a partner organisation, the Lebanese Physical Handicapped Union. DPI is a cross-disability, self-help, human rights organisation of persons with disabilities, which has been working to revive the disability movement in MENA countries. The first regional assembly of DPI-Arab Region was held in Egypt in 2014, where plans were discussed to strengthen and coordinate the work and advocacy of DPOs in the region.
- The Arab Organisation of Persons with
   Disabilities (AOPD) is an independent, non-profit, regional organisation founded in 1998 in
   Egypt. It is a coalition composed of DPOs
   operating in different MENA countries. AOPD's
   main objectives are to promote the rights of
   people with disabilities, to empower people with
   disabilities and to represent Arab people with
   disabilities in the world at large.
- The Disability Monitor Initiative Middle East (DMI) is active in Lebanon, Egypt, West Bank/Gaza, Jordan, Syria, Iraq and Yemen. It was established by CBM and Handicap international, together with the Bethlehem Arab Society for Rehabilitation, Arab Organisation of Disabled People, Lebanese Physical Handicapped Union, Al Hussein Society for Habilitation/ Rehabilitation of the Physically Challenged, Advance and Atfaluna. DMI is an advocacy initiative that gathers and disseminates information on relevant disability topics, primarily through field research and consultations with persons with disabilities. service providers, members of civil society, government officials and local authorities.
- The World Federation of the Deaf has an interim regional office in Saudi Arabia, Inclusion International and Disabled Peoples international have regional representation in Beirut.

Several international organisations make important contributions to the disability movement in the MENA region, including CBM International, Handicap International, Leonard Cheshire Disability International, the International Disability

Alliance (Global level DPO umbrella), Perkins International, the Disability Rights Fund, Inclusion International, Save the Children, Plan International, CARITAS, CARE, UNICEF and WHO. Egypt, Tunisia and Palestine have been selected as partners to the joint UN multi-donor trust fund for implementation of the CRPD with a budget of 350 000 USD. Palestine is the only programme which has started so far. Other organisations playing a role in awareness-raising, advocacy and service provision include (but are not limited to):

- The Stars of Hope Society is a lead organisation run by women with disabilities, for women with disabilities. Based in Palestine, it also provides training and capacity building for women with disabilities in other MENA countries.
- Diakonia works with DPOs in Egypt, Israel, Jordan, Lebanon, West Bank and Gaza to coordinate a regional programme for community-based rehabilitation and inclusive education. Diakonia plays an important role alongside civil society and DPOs to advance the process of inclusion in the MENA region.
- The Tunisian Organisation for the Promotion of the Rights of Persons with Disabilities brings together young Tunisians with disabilities and parents of children with disabilities representing different disability constituencies. It is the first self-representative organisation of persons with disabilities in Tunisia which has a cross disability focus and which exercises a human rights based approach.
- The Egyptian Federation of Organizations for People with Special Needs is an associate member of Rehabilitation International and works for the rehabilitation and the equalisation of opportunities for persons with disabilities.
- The Lebanese Association for Self-Advocacy is the first self-advocacy organisation of persons with intellectual disabilities in Lebanon and the Arab world. The Lebanese Physical Handicap Union has been active since 1981 as a grassroots organisation of persons with different physical impairments. They have worked together to

promote the rights of youth with disabilities to freedom of expression and raise awareness amongst adults with disabilities on the importance of voting.

## Why Sweden needs to do more to include persons with disabilities

Sweden is obliged by article 32 in the Convention, ratified by Sweden, to include persons with disabilities in all development cooperation programmes. It states that State Parties involved in international cooperation have a responsibility to undertake appropriate and effective measures such as:

- a) Ensuring that international cooperation, including international development programmes, is inclusive of and accessible to persons with disabilities;
- b) Facilitating and supporting capacity-building, including through the exchange and sharing of information, experiences, training programmes and best practices;
- c) Facilitating cooperation in research and access to scientific and technical knowledge;
- d) Providing, as appropriate, technical and economic assistance, including by facilitating access to and sharing of accessible and assistive technologies, and through the transfer of technologies.
- 2. All Swedish support is to be based on the perspectives of the poor and a human rights perspective (meaning that the principles of accountability, transparency, participation and non-discrimination should be applied to processes and programme design).

### What Sweden can do – 9 questions to discuss

Within its mandate and strategy for the Mena region, Sweden has a range of opportunities to include persons with disabilities in a more deliberate manner. Questions to discuss:

- Could Sweden do more to stay updated on the situation of persons with disabilities in the region and the measures initiated by regional bodies to address the rights of persons with disabilities? Could the regional office do more to support Embassies in this regard?
- Many countries lack data on the situation of persons with disabilities. Could Sweden do more to promote regional research in the area of disability?
- Could Sweden do more to systematically include disability rights as an explicit part of its support to regional accountability mechanisms, efforts to establish independent human rights institutions, election monitoring and watchdog organisations? Monitoring tools can be downloaded here.
- Could Sweden do more to ensure that women, men and children with disabilities (and mental health conditions) are systematically included and even prioritised in emergency relief and humanitarian aid efforts? E.g. refer to
  - Manual on the design and building of barrier-free emergency shelters <u>here</u>
  - ✓ Manual on mainstreaming disability in disaster risk reduction here
  - ✓ Disability and the post-conflict agenda here
  - ✓ Involvement of Persons with Disabilities in Conflict Resolution and Peace Building Efforts here
  - ✓ Disability Inclusive Disaster Risk Management: Voice from the Field and Good Practices here

- Could Sweden do more to strengthen the capacity of government authorities in the MENA region to translate disabilities rights and commitments into effective programmes? E.g. Inclusion Made Easy - a quick programme guide to disability in development <a href="here">here</a>
- Could Sweden do more to include DPOs in regional networking and programmes that seek to strengthen civil society organisations and networks to influence policies and monitor the implementation of policy commitments?
- Could the regional office do more to encourage inclusion of persons with disabilities and their organisations in human rights networks and social and cultural events?
- Could Sweden do more to ensure that women with disabilities are included in regional programmes aiming to advance women's rights and gender equality? To include women with disabilities in SRHR and GBV programmes?
- Could Sweden do more to build strategic alliances and bring a disability perspective into joint donor planning meetings with bilateral and multilateral agencies, taking into consideration that article 32 of the CRPD requires donors to do so? What support and additional information would the regional office need to take such initiative?

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The human rights of persons with disabilities are a Swedish government priority. As a service to staff, briefs have been prepared to provide basic information about the situation of this (often forgotten) group and inspire discussions on what Sweden could do to better include disability rights in diplomacy and programming.

