

International Disability Alliance (IDA)

Member Organizations:

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

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

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

CONGO

The Republic of Congo has signed but not ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

State Report

No references to women or girls with disabilities in the State report.

List of Issues

No references to women or girls with disabilities in the List of Issues.

Recommendations from IDA:

Articles 2, 3, 4, 5

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

Article 10

- Adopt measures in the law to ensure the implementation of inclusive education of children with disabilities, such as the obligatory training of all teachers (beyond special education teachers), to require individual education plans for all students, ensure the availability of assistive devices and support in classrooms, educational materials and curricula, ensure the accessibility of physical school environments, encourage the teaching of sign language and disability culture, allocate budget for all of the above. Include inclusive education as an integral part of core teacher training curricula in universities to ensure that the values and principles of inclusive education are infused at the outset of teacher training and teaching careers.

Article 11

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

Articles 12 & 16

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

Article 15

- Reform the law in accordance with Article 15, CEDAW and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify a person from exercising her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.¹

ANNEX- Disability references in treaty body Concluding Observations with respect to Congo

CRC Committee Concluding Observations, 2006, [CRC/C/COG/CO/1](#)

16. The Committee expresses its appreciation for the creation of a unit in charge of collecting and publishing data on the situation of children and welcoming the 2006 Plan of Action elaborated with the technical assistance of UNICEF which includes collection of data on the situation of children and women. However, the Committee is concerned at the absence of a systematic methodology for data

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

collection and disaggregated data analysis in all the areas covered by the Convention, and in particular in relation to children belonging to vulnerable groups.

17. The Committee recommends that the State party develop a system for a comprehensive collection of data on all areas of the Convention in a way that allows for disaggregation and analysis. Particular emphasis should be placed on those groups who are in need of special protection, including indigenous children, street children, children in alternative care, children “informally” adopted, disabled children and children who head families. The Committee further encourages the State party to use this data for the formulation of policies and programmes in view of the effective implementation of the Convention, to continue its cooperation with UNICEF in this respect and to consider the publication of an annual statistical report on the implementation of the Convention.

56. While welcoming the legal and institutional framework protecting persons with disabilities, including children, as well as the adoption of a National Plan of Action for the African Decade for Persons with Disabilities (1999-2009), the Committee is concerned at the fact that children with disabilities still face a number of difficulties which continue to hinder the development of their potentials and hamper their enjoyment of a full and decent life and participation in the community. The Committee is also concerned that children with disabilities are not included in regular schools as much as possible.

57. The Committee recommends that the State party, in accordance with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the recommendations adopted at its day of general discussion on the rights of children with disabilities held on 6 October 1997 (CRC/C/69, paras. 310-339):

- (a) Further encourage the inclusion of children with disabilities into the regular educational system and their inclusion into society;
- (b) Pay more attention to special training for teachers and make the physical environment, including schools, sports and leisure facilities and all other public areas, accessible for children with disabilities; and
- (c) Improve and strengthen early detection and treatment services through health and education sectors.

69. The Committee recommends that the State party:

- (a) Increase public expenditure on education, in particular primary education;
- (b) Ensure that primary education is free of direct and hidden costs and compulsory, and that all children are enrolled in mandatory school;
- (c) Pay specific attention to disparities in access to schools based on sex, socio economic, ethnic and regional grounds, and ensure all children’s full enjoyment of the right to education;
- (d) Increase the number of well trained teachers, especially female, taking into account the lack of qualified teachers, and provide additional school facilities, particularly in rural areas;
- (e) Undertake additional efforts to ensure access to informal education to those children who dropped out of school before graduation, including indigenous children, street children, orphans, children with disabilities, and former child soldiers;
- (f) Strengthen vocational training, including for children who have left school before completion;
- (g) Improve enrolment in secondary schools;
- (h) Facilitate access to pre-primary education; and
- (i) Seek technical assistance from UNICEF, in particular to improve access to education for girls and indigenous children.

70. In this respect, the Committee draws the attention of the State party to its general comment No. 1 (2001) on the aims of education. In addition, the Committee recommends that the State party incorporate human rights, and particularly the Convention on the Rights of the Child, into the school curricula at all levels. In order to do so, technical assistance should be sought from the Office of the High Commissioner for Human Rights and UNICEF.