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 questions for consideration for the list of issues
Committee on the Elimination of Discrimination against Women
55th session (July 2013)

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 treaty body concluding observations (see Annex).

DEMOCRATIC REPUBLIC OF CONGO

The Democratic Republic of Congo has not signed nor ratified the Convention on the Rights of Persons with Disabilities (CRPD) nor its Optional Protocol.

IDA suggestions for list of issues:
• What steps are being taken to accede to the CRPD and its Optional Protocol?

Article 1
• What measures have been taken to ensure that the Constitution and other relevant legislation prohibit discrimination on all grounds including, discrimination on the basis of disability, and multiple discrimination on the basis of disability and gender? (see Concluding Observations of the CESCR Committee, E/C.12/COD/CO/4, 2009, para 18, and of the CRC Committee, CRC/C/COD/CO/2, 2009, paras 28, 29, in Annex below)

Articles 2, 3, 4, 5
• What steps are being taken to implement an effective data collection system which is disaggregated by sex, age, disability and region, which can inform the development of policies and programmes to promote equal opportunities for women and girls with disabilities in society? (see Concluding Observations of the CRC Committee, CRC/C/COD/CO/2, 2009, paras 8, 9, in Annex below)
• Please provide the Committee detailed information on what steps are being taken to ensure the presence of the rights of women with disabilities in national policies, including concerning health care, education, employment and social protection.
• What other steps are being taken to address the heightened risk for girls and women with disabilities, girls and women accused of witchcraft, and albino girls and women of
becoming victims of violence, abuse, exploitation and harmful practices in the home, community and institutions? What measures are being adopted to ensure that both services and information for victims are made accessible to women and girls with disabilities which guarantee their access to redress and protection, including training of police and other interlocutors? (see Concluding Observations of the CESCR Committee, E/C.12/COD/CO/4, 2009, para 28, in Annex below)

**Article 7**
- What measures are being adopted to ensure the accessibility of polling stations, booths and voting material for women with disabilities, including by permitting an individual an assistant of their own choice to help them to vote, without external surveillance? How is information on elections and political campaigns being made accessible in the lead up to elections?

**Article 10**
- What measures are being taken guarantee the implementation of inclusive education in the law and practice? Please provide statistics of the number of children with disabilities attending the following mainstream schools: primary school, middle school, high school and the rate of success and completion of schooling. What steps are being taken to incorporate inclusive education (as set out in Article 24 of the CRPD) into all core teacher training curricula and in service training to infuse the values and principles of inclusive education at the start of a teacher’s careers and continuously, in order to create a culture of inclusive learning in a school?

**Article 11**
- What steps are being taken to address the gender gap and unemployment rates of women with disabilities?
- What measures are being taken, including the provision of 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 how are services and assistance 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, 13 & 16**
- What steps are being taken to adopt measures to ensure all health care and services are based on the free and informed consent of the person concerned and that involuntary treatment and confinement are not permitted by law?
- What services are in place to reach out and educate women and girls with disabilities about sexual and reproductive health, including STIs?
- What steps are being taken to provide sufficient support to families to ensure that all children and adults with disabilities, can live and be raised in family environments in the community by building up community based services and support (including through increased social assistance and welfare benefits) to families?

**Article 15**
• What steps are being taken to 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 women 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.

State report

No references to women with disabilities.

ANNEX- Disability references in Concluding Observations with respect to Democratic Republic of Congo

Concluding Observations of the CESCR Committee, E/C.12/COD/CO/4, 2009

18. The Committee, while noting the new provisions of the labour code concerning people with disabilities, regrets that insufficient information was provided in the State party report as to the concrete situation of persons with disabilities and the relevant laws which apply to them, including safeguards against abuse and neglect. The Committee notes with concern that in the absence of appropriate social services, most adults with disabilities have to resort to begging and their children are excluded from access to education and health care. (article 2.2)

The Committee draws attention to its general comment No. 5 (1994) on persons with disabilities and urges the State party to adopt comprehensive anti-discrimination legislation that provides persons with disabilities with judicial and social-policy programmes which enable them to live an integrated, self-determined and independent life. The Committee also urges the State party to consider ratifying the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto. The State party is invited to provide detailed information in its next periodic report on persons with disabilities, including children and women, with regard to their enjoyment of economic, social and cultural rights.

28. The Committee expresses grave concern at the high levels of violence, including sexual violence, suffered by children in the State party, and especially girls, street children, children accused of witchcraft, albinos, orphans, children with disabilities, indigenous children and children in detention. The Committee also expresses deep concern that children are sexually and economically exploited throughout the country on a massive scale. (article 10.3)

The Committee urges the State party not to tolerate any longer violence against children and to fully implement the Child Protection Code adopted in January 2009. The Committee recommends the adoption of concrete measures to identify and protect the most disadvantaged and marginalized children. The Committee further recommends the State
Concluding Observations of the CRC Committee, CRC/C/COD/CO/2, 2009

The Committee’s previous recommendations

8. The Committee welcomes efforts by the State party to implement the Committee’s concluding observations on the State party’s initial report. Nevertheless, the Committee notes with regret that many of these concluding observations, including on such issues as data collection, best interests of the child, respect for the views of the child, child abuse and neglect, children with disabilities, the right to health, child soldiers and juvenile justice have not been significantly addressed.

9. The Committee urges the State party to take all necessary measures to address those recommendations from the concluding observations on the initial report (CRC/C/15/Add.153) that have not yet been implemented or sufficiently implemented and to ensure adequate follow-up to the recommendations contained in the present concluding observations on the second periodic report.

Non-discrimination

28. The Committee notes with interest the measures taken to eliminate the disparity between education of girls and of boys, in particular through the acceleration strategy for education of girls (2003-2007). The Committee is nevertheless deeply concerned that certain groups of children face discrimination and marginalization, including children with disabilities, children accused of witchcraft, Batwa children, hidden children, demobilized child soldiers and internally displaced children, and that measures to implement legislation against discrimination, including administrative measures, have been insufficient. The Committee also expresses its concern at the persisting societal discrimination against girls.

29. The Committee urges the State party to take all measures, including administrative measures, to ensure the implementation of legislation protecting children against discrimination. The Committee also encourages the State party to adopt a comprehensive strategy to eliminate discrimination on any grounds and against all vulnerable groups. The Committee further encourages the State party to carry out studies to identify and act on causes of discrimination and carry out awareness-raising activities in order to combat this phenomenon and to train professionals working with and for children.

30. The Committee requests that specific information be included in the next periodic report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account its general comment No. 1 (2001) on the aims of education.

Children with disabilities

51. While noting that the State party’s Constitution states that persons with disabilities have
the right to specific protection measures and that the State has the duty to protect, rehabilitate and reintegrate children with disabilities in society at local, provincial and national levels, the Committee expresses concern, nevertheless, that in practice there is no data on children with disabilities or on policies or programmes to ensure the implementation of their rights.

52. In the light of the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (General Assembly resolution 48/96) and the Committee’s general comment No. 9 (2006) on the rights of children with disabilities, the Committee recommends that the State party:

(a) Take all necessary measures to ensure the implementation of legislation providing protection for children with disabilities and consider adopting specific legislation on the issue;
(b) Make every effort to provide programmes and services for all children with disabilities and ensure that such services receive adequate human and financial resources;
(c) Carry out awareness campaigns to sensitize the public about the rights and special needs of children with disabilities and encourage their inclusion in society;
(d) Provide assistance to NGOs working on behalf of children with disabilities;
(e) Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers; and

9. Ratification of international instruments

95. The Committee welcomes the ratification by the State party on 11 November 2003 of the Optional Protocols to the Convention on the sale of children, child prostitution and child pornography, and on the involvement of children in armed conflict. However, the Committee notes that a number of other international instruments have not been ratified by the State party.

96. The Committee encourages that the State party to ratify the Optional Protocol to the International Covenant on Civil and Political Rights, the Optional Protocol to the Convention against Torture, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on Persons with Disabilities and the International Convention for the Protection of All Persons from Enforced Disappearance.