

Disability Inclusion Helpdesk Factsheet:

Disability rights in North Africa and engaging with DPOs in the region

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Morocco

Convention on the Rights of Persons with Disabilities (UNCRPD) status: ratified in 2009, including its Optional Protocol ([UN Treaties Collection, 2020](#)).

Legislation: In 2016 the Moroccan parliament adopted Framework Law 97-13 on the rights of persons with disabilities, which was a step towards harmonising its legislation with the UNCRPD ([Human Rights Watch, 2017](#)). However, the law has been criticised for failing to adequately reflect the UNCRPD's rights-based approach to disability because it emphasises diagnosis and prevention rather than the need for society to adapt to ensure the participation and inclusion of people with disabilities in all aspects of life ([Human Rights Watch, 2015](#)). There are concerns that the law fails to clarify that people with disabilities should not be deprived of their legal capacity, whilst also failing to guarantee access to inclusive education for children with disabilities ([Ibid.](#)).

Prevalence: According to 2014 census data, 5.07% of the population has a disability (5.10% female, 5.04% male) ([ESCWA, 2018](#)). This is the highest reported disability rate in the region. This is likely because Morocco is one of the few countries that applies all six of the [Washington Group Short Set](#) (WGSS) domains, thereby increasing the scope of what is included as a disability ([ESCWA, 2018](#)). Use of the Washington Group Questions is considered best practice for data collection.

Education: 2014 census data shows that 66.5% of people with disabilities have never attended school compared to 35.3% of people without disabilities ([Lkhoulf, 2017](#)). 67.1% of people with disabilities were illiterate compared to 30% of people without disabilities ([Ibid.](#)). Women with disabilities are particularly disadvantaged, with 79.5% having no educational attainment compared to 53.4% of men with disabilities ([Ibid.](#)). The majority of children with disabilities attend segregated schools rather than being included in the mainstream education system ([CRPD, 2017](#)).

Economic inclusion: Morocco has a 7% employment quota for people with disabilities in public service, although this is far from being met ([HI, 2016](#)). According to 2014 census data, 86.6% of people with disabilities were economically inactive, with only 10.7% of people with disabilities employed ([Lkhoulf, 2017](#)). The employment rates for women with and without disabilities in Morocco are 6.7% and 15.9% respectively ([ESCWA, 2018](#)).

Libya

UNCRPD status: ratified in 2018.

Legislation: Libya declared to UNCRPD that it interprets UNCRPD Article 25, which concerns the provision of healthcare services without discrimination on the basis of disability, in a manner that does not contravene the Islamic sharia and national legislation. The UK objected to this (as did various countries) because Libya's reservation does not clearly define the extent to which it has accepted the obligations of UNCRPD ([UN Treaties Collection, 2020](#)). Libya has not created a new disability law to comply with the UNCRPD principles and currently uses the 1987 Law no. 5 ([ILO, n.d.](#))

Prevalence: Prior to the conflict that escalated in 2014, disability prevalence was estimated at 2.9% ([Heinsjo-Jackson and Ismail, 2014](#)). In 2012 the Libyan General Authority for Social Solidarity Fund estimated from social security data that 1.46% of the total population had a disability ([Cusick and Hamed El Sahly, 2018](#)). A 2006 report by the Ministry of Social Affairs identified that almost 50% of people with disabilities were under 35 ([Ibid.](#)). This is noteworthy since disability is usually positively correlated with ageing ([ESCWA, 2018](#)). A 2016 protection assessment found that people with disabilities made up 3.4% of the people assessed, and a third of disabilities were suggested to be linked to conflict-related injuries resulting from small arms, light weapons, landmines and unexploded ordnance ([REACH, 2016](#)). The conflict has also left many Libyans with psychosocial distress and mental disorders ([HI, 2016](#)).

Education: The illiteracy rate among people with disabilities is 39.7%, compared to 12.2% of the total population, a much higher proportion of which are female (54.8%) compared to male (28.8%) ([Heinsjo-Jackson and Ismail, 2014](#)). There is evidence that children with disabilities have been denied access to mainstream schools, whilst boys with disabilities are more likely to attend school than girls with disabilities ([Rohwerder, 2018](#)).

Economic Inclusion: There is very limited research and evidence available on the economic situation of people with disabilities in Libya.

Egypt

UNCRPD status: ratified in 2008 ([UN Treaties Collection, 2020](#)).

Legislation: During the 2011 revolution, people with disabilities participated and raised their demands for their rights to be recognised. In consequence, Article 244 of the 2014 Constitution exclusively refers to the rights of people with disabilities, whilst eight other Articles mainstream their rights. The Egyptian Parliament also introduced a quota of eight seats to be reserved for MPs with disabilities in addition to a designated member with a disability nominated by the President ([Egyptian Constitution, 2014](#)). In 2017, the Egyptian Parliament approved a law that grants unprecedented rights to people with disabilities, covering housing, employment, education, health insurance, accessibility, representation, sports, transport, tax and tourism ([Rethinking Disability, n.d.](#)).

Prevalence: According to the 2016 Egypt Labor Force Survey, 1.92% of the population has a disability (1.59% female, 2.24% male) ([ESCWA, 2018](#)). Egypt uses the six WGSS questions but it also uses a screening question that includes the term 'disability', which may discourage reporting of disability due to stigma ([Ibid.](#)). Real prevalence is therefore likely to be much higher. An Egyptian government website states that 10.7% of the population has a disability ([State Information Service, 2017](#)) whilst the UNDP estimates that there are 12 million people with disabilities in Egypt (15% of the population) ([Disability:IN, 2020](#)).

Education: Law no. 12 (1996) and its 2008 Amendments guarantee education rights to all children ([ILO, n.d.](#)). In consequence, the Ministry of Education issued a number of decrees to enforce inclusive education, but barriers such as stigma, family reluctance and school resistance remain (expert contribution, Dr. Mostafa Attia). Vocational training is usually provided in segregated schools, but there is evidence that they do not fully prepare young people with disabilities for the labour market ([HI, 2016](#)). 28.3% of people with disabilities have a primary school diploma, half the national rate (58.3%) ([Curtis and Geagan, 2016](#)). The illiteracy rate for people with disabilities is 61% for males and 70% for females, double the rate for people without disabilities ([Ibid.](#)).

Economic inclusion: The employment rate of people with disabilities is reportedly half that of the population without disabilities – 21% compared to 40% – although no official statistics are available ([Rohwerder, 2018](#)). The Rehabilitation Law no. 39 (1975) and Amendment 49 (1982) introduced an employment quota of 5% for people with disabilities in firms with 50 employees or more ([Disability:IN, 2020](#)). However, this law is not enforced, not all employers are aware of it, and there is evidence that some employers have people with disabilities on their payroll without actually employing them ([Rohwerder, 2018](#)). There is evidence that formal employers commonly pay people with disabilities below the minimum wage ([HI, 2016](#)).

Tunisia

UNCRPD status: ratified in 2008, including the Optional Protocol ([UN Treaties Collection, 2020](#)).

Legislation: A consultative process involving 500+ people from all 24 governorates, including representatives of 10 DPOs, led to the adoption of the Tunisian National Charter on the Rights of Persons with Disabilities. This was a significant breakthrough for the Tunisian disability movement because it reframed the discourse to a human rights perspective and facilitated the adoption of a unified vision on disability rights across the political spectrum ([Banks and Keogh, 2016](#)). In 2014, following the Arab Spring in 2011, Tunisia got a new constitution, in which Article 48 provides for state protection for people with disabilities against all forms of discrimination and maintains that every citizen with a disability is entitled to services that ensure his or her full integration into society, noting that the state will take all necessary measures to achieve this ([Qantara, 2018](#)). Advocacy by Tunisian disability activists was critical to getting these milestone provisions included ([Ibid.](#)).

Prevalence: According to 2014 census data, 1.22% of the population has a disability (1.16% female, 1.29% male) ([ESCWA, 2018](#)). Tunisia uses the six WGSS questions but it also uses a screening question that includes the term 'disability', which may discourage reporting of disability due to stigma ([Ibid.](#)).

Education: Students who are blind are the only group of students with disabilities admitted into regular government schools ([AOPD, 2020](#)). There are approximately 300 government-administered schools for children with disabilities, five schools for blind students, one higher-education school, and one vocational training institution in Tunisia ([USDS, 2017](#)). Education centres face significant staffing problems and are often located out of reach of children with disabilities ([Kanter et al, 2015](#)).

Economic inclusion: Tunisia has a 2% quota for the employment of people with disabilities in public and private sector jobs (in organisations with over 100 employees). However, authorities do not widely enforce this law and many employers are unaware of it ([Rohwerder, 2018](#)). Only 13.3% of people with disabilities are reportedly engaged in regular economic activity, which is three times lower than people without disabilities ([HI, 2016](#)). There is evidence that people with disabilities earn incomes up to 40% lower than people without disabilities ([Ibid.](#)), whilst 59.3% of people with disabilities report not having any individual income ([Rohwerder, 2018](#)).

Algeria

UNCRPD status: ratified in 2009 ([UN Treaties Collection, 2020](#)).

Legislation: Algeria adopted an Act on the protection and promotion of persons with disabilities in 2002, which preceded the UN General Assembly's adoption of the UNCRPD in 2006. This Act identifies the specific needs of people with disabilities and aims to promote their inclusion in society, whilst also recognising their right to access health services, education, training and employment ([CRPD, 2015](#)).

Prevalence: According to 2008 census data, 5.5% of the population has a disability ([HI, 2016](#)).

Education: Disability advocates report that children with disabilities rarely attend school past secondary level ([Rohwerder, 2018](#)). The majority of programmes for children with disabilities are reportedly delivered in social centres rather than in schools. Both public and private schools often lack teachers trained to work with children with disabilities ([Ibid.](#)).

Economic inclusion: There is a lack of government data on the employment of people with disabilities ([HI, 2016](#)). There is a 1% quota for employment. However, although employers are reportedly penalised if they fail to comply with the quota system, they can bypass it if they contribute to a special fund which allocates budget to adapt and equip workplaces for people with disabilities ([Ibid.](#)). There is evidence that people with disabilities have been paid less for doing the same work as their colleagues without disabilities ([Ibid.](#)).

Considerations for engaging with DPOs in the region

Challenges to engaging with DPOs in MENA relate to their small size; limited technical, administrative and financial capacities; lack of English language skills; and limited relationships with national governments and international organisations, all of which reduce their ability to respond successfully to funding opportunities. DPOs also face sustainability challenges and are often shut down. NAJU could respond to these challenges in the following ways:

1. **Expand its DPO network:** Use snowball sampling methodology so that DPOs can introduce NAJU to less visible DPOs, prominent activists with disabilities and experts in the region. NAJU could further expand its network by seeking the advice of INGOs (such as Humanity & Inclusion) that are already working with DPOs in the region.
2. **Deepen understanding of DPOs' activities and needs:** Conduct accessible conferences/workshops where DPOs are invited to present a snapshot of their projects and activities. This will give NAJU a situational understanding of key DPO stakeholders and their activities, as well as the areas in which DPOs need additional support.
3. **Conduct capacity assessments of DPOs** to examine and understand the barriers hindering DPOs' ability to engage in the policy consultation process and with international governments' development projects.
4. **Empower smaller DPOs:** Smaller organisations often lack control and choice over the projects they implement due to limited resources and the control that larger NGOs have over the disability agenda. NAJU could address this issue by targeting smaller DPOs/CSOs when planning their funding opportunities, and by requiring larger NGOs to form partnerships with smaller DPOs as a condition of any funding that they receive. NAJU should aim to publish funding opportunities in Arabic.
5. **Support the nascent disability movements in each country and in the region:** Although there are a large number of DPOs across the MENA region, their efforts are scattered and their organisations are fragile. NAJU could consider providing training to DPOs on the benefits of solidarity and networking. It could also consider providing financial support that requires DPOs to establish working groups with other national/regional DPOs to build transnational cooperation.
6. **Promote closer engagement between DPOs and National Disability Councils and Ministries of Social Solidarity in each country** by incentivising this relationship in funding opportunities. This will help councils and ministries develop a better understanding of DPO activities and locations in their country, which may lead to them providing better support to DPOs in the longer term.

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