



# Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

## Consideration of reports submitted by States parties under article 35 of the Convention

Initial reports of States parties due in 2012

**Algeria**\*, \*\*

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\* The present document is being issued without formal editing.  
\*\* The annex can be consulted in the files of the secretariat.



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## Introduction

1. This initial report submitted by Algeria to the Committee on the Rights of Persons with Disabilities reviews the situation of the rights of persons with disabilities in Algeria, pursuant to Art. 35(1) of the Convention on the Rights of Persons with Disabilities, which was ratified by Algeria on 12 May 2009 by Presidential Decree No. 09-188 and published in the Official Gazette of the Republic of Algeria on 31 May 2009.
2. Following extensive consultations involving all stakeholders, this report was prepared by an interministerial working group composed of representatives of the ministries responsible for questions relating to the rights of persons with disabilities.
3. Throughout this process, conducted under the aegis of the Ministry of Foreign Affairs, the Government ensured that civil society actors were involved fully. Representatives of organizations of persons with disabilities were invited to give their views and comments. Their contributions, based on the wealth of experience gained from their everyday outreach work, were taken into account in drafting the report.
4. Algeria has taken a two-pronged approach to implementing the Convention: incorporating the Convention's provisions into domestic law and taking practical measures to respect the rights of persons with disabilities.
5. In becoming a State party to the Convention on the Rights of Persons with Disabilities, Algeria reaffirmed its commitment to pursuing its efforts to ensure equality between persons with and without disabilities. There are already legal and regulatory instruments in Algerian law guaranteeing such equality.
6. In accordance with the Committee's guidelines,<sup>1</sup> this report is divided into two parts:
  - The first, entitled "General information", presents the Algerian institutional and legal framework and reviews the context in which human rights are promoted and protected;
  - The second part deals with the measures taken by the Government to implement the Arts. of the Convention.

## I. General information

7. Territory, population and indicators: area 2,381,000 km<sup>2</sup>; population: 39.21 million (2013); official language: Arabic; national languages: Arabic and Tamazight; religion: Islam; currency: Algerian dinar; gross domestic product: US\$ 206.5 billion (2012) / per capita income: US\$ 5,659 (2012); gross external debt: US\$ 3.9 billion (2012); unemployment rate: 9.7 per cent (2012); average life expectancy (2011): 76.7 years on average — 77.3 years for women and 76 years for men; infant mortality rate (2010): 23.7 per 1,000 on average — 25.5 per 1,000 for boys, 21.8 per 1,000 for girls; maternal mortality rate: 76.9 maternal deaths per 100,000 births (2010); economic growth rate: 2.6 per cent (2012); inflation: 8.89 per cent (2012); school enrolment rate: 98 per cent (2010); population by age group (General Population and Housing Census 2008): under 5 years: 10.0 %; under 20 years: 38.7 %; young people aged 15 to 24 years: 21.8 %; 25 to 59 years: 53.8 %; 60 and over: 7.4 %. Human Development Index (2014): 0.717 (Algeria is in the "high human development" category).

### A. Institutional framework

8. The institutional framework comprises constitutional and non-constitutional mechanisms.

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<sup>1</sup> Guidelines on treaty-specific document to be submitted by states parties under article 35, paragraph 1, of the Convention on the Rights of Persons with Disabilities, 18 November 2009, CRPD/C/2/3, as well as the guidelines contained in General Assembly resolution 68/268 of 9 April 2014 on "strengthening and enhancing the effective functioning of the human rights treaty body system".

## 1. Constitutional mechanisms

9. Constitutional mechanisms are supported by political organs and judicial institutions.

10. The 1989 Constitution, amended in 1996 and 2008, provides for the separation of powers among the executive, legislative and judicial branches. Algeria has a presidential constitutional regime.

11. Legislative power is vested in Parliament, which embodies the democratic, pluralist nature of the State. Parliament oversees the Government's action and enacts laws. Human rights questions are dealt with by standing committees established for that purpose.

12. Following the constitutional reform of 28 November 1996, which introduced a two-chamber Parliament, the National People's Assembly became the first chamber of Parliament, with 462 members representing the different political groupings elected by universal direct suffrage in legislative elections. The Council of the Nation is the second chamber of Parliament and has 144 members. Two thirds of its members are elected by indirect suffrage by the college of members of the municipal and departmental people's assemblies and the remaining third (48 members) are appointed by the President of the Republic.

13. An Organic Act on increasing the representation of women in elected local and national assemblies was enacted in January 2012. The Act provides for a gradual process, with quotas ranging from 20 per cent to 50 per cent for the selection of women candidates. It also provides for the rejection of any list of candidates that fails to observe the quotas for female candidates. As a result of this proactive policy of promoting the representation of women, female candidates won 31 per cent of seats in Parliament in the May 2012 legislative elections.

14. In accordance with the Constitution, the President of the Republic and the Prime Minister are the executive branch of the Algerian political system. As Head of State, the President personifies the unity of the nation and is elected for a five-year term by universal, secret, direct suffrage; he is eligible for re-election. The Prime Minister implements the programme of the President of the Republic and coordinates government action. The programme is submitted to the National People's Assembly for approval.

15. As part of its human rights policy, the executive branch has undertaken a range of measures, most importantly the ratification of the main international human rights instruments.

16. The independence of the judiciary is enshrined in Art. 138 of the Constitution, which provides that "the judiciary shall be independent and act in accordance with the law".

17. Algeria has established judicial mechanisms to guarantee both the rights of citizens and the independence of judicial decision-making. To that end, the judiciary in Algeria is three tiered, comprising courts of first instance, courts of appeal and the Supreme Court. There is also a Council of State, which regulates the activities of administrative courts, and a court of arbitration, which settles conflicts of jurisdiction between the Supreme Court and the Council of State.

18. The Constitutional Council, established under Art. 163 of the Constitution, rules on the constitutionality of laws. It ensures that laws are consistent with the Constitution, particularly with respect to rights and freedoms, and monitors the legality of presidential and legislative elections. It has nine members and may take up cases referred to it by the President of the Republic, the President of the Council of the Nation and the President of the National People's Assembly.

19. The Constitution places strong emphasis on freedom of association for the defence of human rights. This freedom, enshrined in Art. 41, extends to protection of the rights of certain groups, such as women, children, the sick, persons with disabilities, consumers and users of public services.

## 2. Non-constitutional mechanisms

20. Non-constitutional mechanisms are the structures for the protection and promotion of human rights whose establishment is provided for in non-constitutional provisions. These mechanisms are administrative or private bodies.

21. The National Advisory Commission for the Promotion and Protection of Human Rights, established on 9 October 2001 under the authority of the President of the Republic, has 44 members, of whom 16 are women. The Commission is an independent advisory body tasked with human rights monitoring, early warning and evaluation and is responsible for examining situations of human rights violations.

22. The Commission takes all appropriate measures and carries out awareness-raising, information and social communication activities for the promotion of human rights. It formulates opinions aimed at improving domestic legislation. It prepares an annual report on the situation of human rights for submission to the President of the Republic.

23. Freedom of opinion and freedom of association are an essential mechanism for human rights monitoring and protection and ensure that established authority can be challenged. Organic Act No. 12-05 on information guarantees the exercise of these freedoms.

24. The print media comprise 52 daily newspapers, of which six belong to the public sector, with an average circulation of approximately 1.7 million copies per day. There are 98 weekly publications, with an average circulation of over 2.3 million, and 43 other fortnightly or monthly publications with a circulation of 275,000.

25. The exercise of the right to form and join trade unions is governed by Act No. 90-14 of 2 June 1990. There are 57 organizations for the defence of sectoral or professional rights, which claim to represent more than 2.5 million wage earners, and 23 employers' organizations, including three confederations.

### *Radio and television broadcasting*

26. In the context of the reforms undertaken by Algeria, particularly since 2011, the new Act on information, in force since 2012, has strengthened freedom of expression and ensured full liberalization of the media by opening up television and radio broadcasting to private companies. This process was achieved through the adoption of the Radio and Television Broadcasting Act, published in Official Gazette No. 16 of 23 March 2014.

27. Public broadcasting policies take persons with disabilities into consideration as both actors and consumers in designing and implementing programmes in this area.

28. A National Commission on Accessibility was established in 2012 by the Ministry of National Solidarity, the Family and Women, in view of the huge importance that the Government attaches to the question of accessibility for persons with disabilities in the different areas of daily life.

29. The Commission was set up to improve different aspects of the situation of persons with disabilities, such as access to transport, communication and public buildings and spaces (schools, universities, hospitals, cinemas and markets must be made accessible to persons with disabilities).

## B. Legal framework and practical measures

30. The legal framework in which human rights are exercised in Algeria is based on the Constitution, international treaties and laws.

31. Chapter IV of the Algerian Constitution of 1996, as amended in 2008, deals with rights and freedoms, which have the status of constitutional principles. These rights and freedoms are also set out in the international human rights treaties to which Algeria is a party.

32. Under a Constitutional Council decision of 20 August 1989, the international commitments of Algeria take precedence over domestic law. This decision confirmed the principle set out in the Constitution whereby international treaties ratified by Algeria have higher rank than domestic law. The Constitution states that: “after ratification and upon publication, all conventions are incorporated into domestic law and, pursuant to Art. 132 of the Constitution, acquire higher rank than the law, thereby permitting any Algerian citizen to invoke them before the courts”.

33. Algeria has acceded to the main human rights instruments. It reports regularly to the treaty bodies on how it is fulfilling its international human rights obligations. It cooperates with organizations of the United Nations system, international humanitarian organizations and non-governmental organizations.

34. The annual celebrations of Human Rights Day, the International Day of Families, International Women’s Day, International Children’s Day, the Day of the African Child, Arab Child Day and the International Day of Persons with Disabilities provide an opportunity to familiarize the general public, through organized events, with the different international human rights instruments ratified by Algeria. They also provide an opportunity to assess the impact of the measures taken by the Government and to learn lessons as to how they might be implemented more effectively.

35. In the area of human rights education, schools raise awareness of the human rights conventions, which are incorporated in the curricula and textbooks for several subjects, namely, civic education, Islamic education, languages, history and geography. Pupils are taught about human rights on the basis of universal texts (the Universal Declaration of Human Rights and other international treaties), and posters or Arts. of certain conventions are distributed as teaching aids to all schools in the country. Human rights modules are also an integral part of the curriculum at the Judicial Training School, the Police Academy, the National Prison Administration School and the Gendarmerie training schools.

36. International and regional human rights conventions ratified by Algeria are posted on the Ministry of Justice website ([www.mjustice.dz](http://www.mjustice.dz)). A compilation of the main international legal instruments is available to judges free of charge. Judges also receive training in Algeria and abroad on public freedoms and human rights.

37. In addition to the Constitution, several legislative texts, including organic acts, now promote the democratization of public life.

38. Organic Act No. 12-04 of 12 January 2012 on political parties is designed to strengthen democratic pluralism and enhance the provisions governing the establishment of political parties and their relationship with the Government, transparency in the financial management of political parties and disputes or conflicts that may arise between the Government and an authorized political party.

39. Act No. 12-06 of 12 January 2012 on associations is designed to strengthen freedom of association, regulate the activity of associations more closely and fill legal gaps, for instance in relation to foreign foundations and associations established in Algeria. It further consolidates the right to establish associations by requiring the Government to rule on applications for authorization within a given deadline.

40. Organic Act No. 12-05 on information, promulgated on 12 January 2012, was designed to respond to the emerging and evolving needs of citizens and society in the new environment. The Act strengthens citizens’ right to information and freedom of expression while respecting diversity of opinion.

41. Great importance is attached to the promotion and protection of human rights. Consequently, many pieces of legislation have been adopted to strengthen and clarify the human rights framework, particularly in relation to the family, women, children, older persons and persons with disabilities, the subject of this report.

## II. National measures for the implementation of the Convention on the Rights of Persons with Disabilities

### A. General provisions (Arts. 1 to 4)

42. The ratification of the Convention on the Rights of Persons with Disabilities was a further commitment by Algeria in the field of the promotion and protection of human rights, given that Algeria is already a party to the main international human rights instruments (see annex).

43. In ratifying the Convention, Algeria reaffirmed its moral and political commitment to taking action to ensure equal opportunities for persons with disabilities. Through the legal framework and programmes it has put in place, Algeria is focusing on areas that are critical for the quality of life of persons with disabilities and their full participation in the life of the nation.

44. In addition to the international legal instruments ratified by Algeria, the different constitutional, legislative and statutory provisions in force all prohibit any form of discrimination on whatever grounds.

45. Thus, Arts. 29 and 31 of the Constitution set out the principle of equal rights and responsibilities for all citizens, removing the obstacles that hinder the full development of the individual and impede the participation of all persons in political, economic, social and cultural life.

46. With this in mind, Algeria adopted an Act on the protection and promotion of persons with disabilities on 8 May 2002,<sup>2</sup> well before the Convention on the Rights of Persons with Disabilities was adopted by the General Assembly of the United Nations in 2006.

47. The Act identified the specific needs of persons with disabilities and aims to promote their inclusion in society. It recognized the right of persons with disabilities to access health services, education, training and employment.

48. The following legislative texts have also been adopted:

- Executive Decree No. 03-45 of 19 January 2003 on arrangements for implementing the provisions of Art. 7 on the welfare payments and financial allowance granted to persons with disabilities;
- Executive Decree No. 03-175 of 14 April 2003 on the *wilaya* specialist medical committees and the National Appeals Board;
- Executive Decree No. 03-333 of 8 October 2003 on the *wilaya* committees for special education and vocational guidance;
- Executive Decree No. 06-144 of 26 April 2006 on arrangements to provide persons with disabilities with free transport and reduced fares;
- Executive Decree No. 06-145 of 26 April 2006 on the membership, working arrangements and responsibilities of the National Council for Persons with Disabilities;
- Executive Decree No. 06-455 of 11 December 2006 on arrangements to ensure that the physical, social, economic and cultural environment is accessible to persons with disabilities;
- Executive Decree No. 07-340 of 31 October 2007 amending Executive Decree No. 03-45 of 19 January 2003 on arrangements for implementing the provisions of Art. 7 on the welfare payments and financial allowance granted to persons with disabilities;
- Executive Decree No. 08-02 of 2 January 2008 on the creation, organization and operation of supported employment centres;

<sup>2</sup> Official Gazette No. 34/2002.

- Executive Decree No. 08-83 of 4 March 2008 on the creation, organization and operation of sheltered employment workshops;
- Executive Decree No. 08-287 of 17 September 2008 on the creation, organization, operation and monitoring of early childhood facilities;
- Executive Decree No. 09-228 of 29 June 2009 amending and supplementing Executive Decree No. 08-02 of 2 January 2008 on the creation, organization and operation of supported employment centres;
- Executive Decree No. 09-353 of 8 November 2009 on the special status of social workers;
- Order of 6 September 2010 on the composition, organization and functioning of the Commission on the Accessibility of the Physical, Social, Economic and Cultural Environment to Persons with Disabilities;
- Interministerial Order of 6 March 2011 on the technical standards for ensuring that the built environment and facilities open to the public are accessible to persons with disabilities;
- Prime Ministerial Instruction No. 368 of 21 December 2013 on the mainstreaming of disability in sectoral programmes, pursuant to Art. 33(1) of the Convention on the Rights of Persons with Disabilities.

49. Under Art. 4 of the 2002 Act, the protection and promotion of persons with disabilities are a “national obligation”, which should be accompanied by efforts to make civil society aware of the standards and principles enshrined in the Convention, bearing in mind that ensuring the rights of persons with disabilities requires comprehensive, coordinated action.

50. In addition to the aforementioned Act, various other legislative texts provide special protection for persons with disabilities. These include the Criminal Code and the Code of Criminal Procedure; the Family Code; Organic Act No. 12-01 of 12 January 2012 on the electoral system; Act No. 85-05 of 16 February 1985 on the protection and promotion of health; Act No. 04-18 of 25 December 2004 on preventing and combating the illicit use and trafficking of narcotic drugs and psychotropic substances; and Ordinance No. 09-01 of 25 February 2009 amending and supplementing Ordinance No. 71-57 of 5 August 1971 on legal aid.

51. In recent years, the Government has implemented an action plan to establish the basic structure for a policy on persons with disabilities. To this end, substantial resources have been mobilized by different government programmes. The sectors concerned have received, and continue to receive, financial support for the development of infrastructure and the acquisition of resources necessary for the proper functioning of support and care facilities for persons with disabilities.

52. Furthermore, under the national social security system, persons with physical or intellectual disabilities, whether they are working or not, are covered by social security in accordance with national legislation. Persons with disabilities who are in paid employment or unemployed are entitled, without any discrimination, to all the benefits available to other workers who are in paid employment or unemployed, as appropriate.

53. With regard to vocational training, Art. 4 of the Act of 2 March 2008 on vocational training and education provides that: “the State shall guarantee equal opportunities and special measures shall be taken to train persons with disabilities and groups with special needs”. A training module on disability has been included in all basic training programmes for the different teaching and management staff working in vocational training establishments. The module has also been included in the in-service training curriculum.

54. In addition, the Government, through the Ministry of Vocational Training and Education, upholds clearly the principle of equal access for all social groups, including persons with disabilities, to training in order to facilitate their inclusion in the workforce. Under Decree No. 85-34 of 9 February 1984, persons with disabilities who are not working are covered by social security and their contributions are paid from the State budget.



Accordingly, their health-care costs are covered by the sickness and maternity benefits provided for in Act No. 83-11 of 2 July 1983 on social security, as amended and supplemented.

55. The National Office for Assistive Devices is a public body responsible for importing, distributing, promoting the manufacture and ensuring the maintenance of equipment, assistive devices and technical aids permitting the functional, social and vocational rehabilitation and social inclusion of persons with disabilities. A third-party payment system means that persons with disabilities are exempted from paying the associated costs of such equipment and assistive devices in advance.

56. With regard to the definition of the concepts and terms relating to disability contained in the Convention, such as “persons with disabilities”, “reasonable accommodation” and “promotion of the full enjoyment of human rights”, the following concepts have been adopted in Algerian legislation.

57. The term “disability” is defined comprehensively and is not restricted to a particular duration. Art. 2 of the Act of 8 May 2002 defines a person with disabilities as “anyone, regardless of age or gender, who has one or more hereditary, congenital or acquired disabilities and is limited in the exercise of one or more basic activities of everyday personal and social life owing to an impairment of his or her mental and/or motor and/or physiological-sensory functions”. The legislature left the type and degree of disability or the “long-term” nature of disability to be defined by regulations.

58. As part of a nationwide survey on disability, a broader definition was adopted in 2012. Although the definition is not written into law, it provides a frame of reference for all measures benefiting persons with disabilities. Thus, a person with disabilities is defined as “anyone who has long-term or lasting physical, sensory, mental or intellectual impairment which, in interaction with various barriers, may hinder his or her full and effective participation in society on an equal basis with others”.

59. The concepts of spatial planning, facilitating the mobility of persons with disabilities and accessibility have also been defined in legislation. Art. 30 of the Act of 8 May 2002 provides that “measures shall be taken to remove the barriers that hinder the everyday lives of persons with disabilities, particularly in the areas of: building and design standards for residential buildings, schools, universities, training centres, religious buildings, care facilities and cultural, sports and leisure facilities; access to assistive devices and technical aids and simplification of the procedure for replacing them, thereby facilitating physical autonomy; accessibility of spaces open to the public; accessibility of means of transport; accessibility of information and communication technology; and access, for those who request it, to ground-floor housing for persons with disabilities or their carers when decisions are made on the allocation of housing, in accordance with the legislation and regulations in force”.

60. The concept of reasonable accommodation is also addressed in Executive Decree No. 06-455 of 11 December 2006 on arrangements for ensuring that the physical, social, economic and cultural environment is accessible to persons with disabilities and in Interministerial Order No. 01 of 6 March 2011 on the technical standards for ensuring that the built environment and facilities open to the public are accessible to persons with disabilities.

61. Algeria has paid particular attention to persons with disabilities, ensuring that they enjoy all the civil and political rights guaranteed by law to all citizens, without discrimination or exclusion. It has sought to give effect to many rights, including the rights to life, health, education, social inclusion, equality and non-discrimination, individual autonomy, accessibility and mobility.

## **B. Specific rights**

### **Art. 5 — Equality and non-discrimination**

62. Art. 5 of the Convention sets out the principles of equality and non-discrimination, as enshrined, *inter alia*, in the Universal Declaration of Human Rights (Arts. 2 and 25), the International Covenant on Civil and Political Rights (Art. 24), the International Covenant on Economic, Social and Cultural Rights (Art. 10) and the Convention on the Rights of the Child (Art. 2).

63. The letter and spirit of the Algerian Constitution are in line with these principles. Equality before the law and non-discrimination for all citizens, including persons with disabilities, are considered to be fundamental principles of the Algerian State. Art. 29 of the Constitution provides that: “All citizens are equal before the law. No discrimination shall prevail by reason of birth, race, gender, opinion or any other personal or social condition or circumstance”.

64. Algeria has strengthened its commitment to the body of international legal instruments that enshrine the principles of equality and non-discrimination (see annex).

65. In addition to the Constitution and international commitments, Algerian legislation, such as the Civil Code, the Criminal Code, the Code of Criminal Procedure and the different specific codes (commerce, information, health, customs, etc.), is based on the fundamental principle of equality, which is sacrosanct in the Algerian legal system.

66. In this context, the Government has taken specific measures to guarantee equality. For instance, the principle of affirmative action has been adopted by providing special incentives aimed at guaranteeing real equality of opportunity and treatment between persons with disabilities and others.

67. Art. 4 of the Act of 28 February 2008 on vocational training and education provides that “the Government shall guarantee equality of opportunity and special measures shall be taken to train persons with disabilities and groups with special needs”.

68. Act No. 81-07 of 27 June 1981 on apprenticeships, as amended and supplemented, was a legislative landmark in that it enables persons with disabilities to receive training in the apprenticeship system. In this context, age restrictions do not apply to persons with disabilities (Art. 12) and their financial costs are covered for a longer period than for persons without disabilities (Art. 15). Executive Decree No. 05-68 of 30 January 2005 sets out standard rules for specialized vocational training and apprenticeship centres for persons with disabilities.

69. Legislative and statutory provisions specific to persons with disabilities have been included in ordinary legal provisions, particularly in relation to residential and apprenticeship training. Circular No. 07 of 26 June 1997 sets out the benefits accorded to persons with disabilities, such as: exemption from admission tests and competitive entrance examinations; waiving of academic requirements on an exceptional basis for certain specializations at levels 1-2-3; priority housing to help them prepare; and the possibility of resuming training interrupted for medical reasons at the original centre or in any other establishment that offers the same specialized training.

### **Art. 6 — Women with disabilities**

70. In ratifying the Convention on the Elimination of All Forms of Discrimination against Women in 1996 and the Convention on the Rights of Persons with Disabilities in 2009, Algeria undertook to prohibit all forms of discrimination and violence against women. In so doing, it renewed its commitment to advancing the attainment of women’s rights in general and the rights of women with disabilities in particular.

71. The insertion in the Constitution of a new Art. 31bis, which strengthens women’s political rights by giving them greater opportunities for representation in elected assemblies, is a qualitative advance in the recognition of women’s participation in public life.

72. With regard to targeted measures for women with disabilities, an action plan was adopted with a view to implementing the principles of the Convention on the Rights of Persons with Disabilities. The measures taken included:

- Residential care for women with disabilities who are living in poverty or hardship: in 2010, 942 women were accommodated in shelters for older persons and/or persons with disabilities;
- An advice, counselling, support and socioeconomic inclusion programme for women, including women with disabilities and those in difficult social circumstances, was introduced in 2010 in 48 welfare offices.

73. Women and girls with disabilities in difficult social circumstances are specifically cared for under a special programme that allocates 3,000 Algerian dinars per month to beneficiaries belonging to the following categories: physically or mentally impaired heads of family or persons living alone who have no income; blind persons whose income is equal to or less than the legal minimum wage; persons over the age of 18 who have an incapacitating, incurable chronic illness or hold a disability card and who are destitute; and low-income families caring for one or more persons with disabilities aged under 18 who have no resources and hold a disability card. In addition to this basic allowance, a further 120 Algerian dinars are allocated for each dependant up to a maximum of three. Recipients of the allowance and their dependants are covered under the Social Security Fund on the basis of contributions made by the Social Development Agency from the State budget (6 per cent of the minimum wage).

74. Women with disabilities can also apply to another programme under which they can do community service for a lump sum payment of 6,000 Algerian dinars per month. Under this programme, at least 1 per cent of the annual quota is set aside for persons with disabilities.

75. Efforts are also being made to adapt working conditions and activities, depending on the nature and type of disability. Civil society organizations are involved in identifying persons with disabilities and regional employment offices and welfare offices mobilize the necessary resources to include these persons in the life of the community and the world of work.

76. Social and humanitarian civil society organizations working in the field of the protection and advancement of women are encouraged to develop programmes and activities that respond to the concerns of women, particularly women with disabilities or those living in poverty or hardship.

77. Thanks to the allocation of grants to civil society projects for the inclusion of women with disabilities, support mechanisms in the 48 regions or *wilayas* have been diversified and quality of life has been improved through the introduction of cultural, sporting and leisure activities. As of November 2011, there were 660 associations working for the rights of persons with disabilities and 604 associations working for women and children.

## **Art. 7 — Children with disabilities**

78. Algeria has worked hard to promote children's rights, taking account of all the characteristics of this age group, in order to provide children with a basic education and prepare them to lead fulfilling and responsible lives. It also works to ensure that they receive the necessary care and protection, to disseminate a culture of children's rights, to involve them in all matters affecting them and to respect and strengthen their rights while taking their best interests into account.

79. In ratifying the Convention on the Rights of Persons with Disabilities, Algeria reaffirmed the right of children with disabilities fully to enjoy all human rights on an equal basis with other children, taking their best interests into account.

80. The Act of 8 May 2002 on the protection and promotion of persons with disabilities is an important element of the process of implementing the fundamental rights of children

with disabilities. The Act contains several provisions on the prevention of disability and on education and training. Art. 14 of the Act provides that children with disabilities must benefit from early intervention.

81. The process of bringing regulatory texts into line with the regional and international instruments ratified by Algeria in the area of the protection and promotion of the rights of children, including children with disabilities, prompted the Government to initiate a review of the care system for children deprived of a family environment, including children with disabilities living in institutional settings.

82. Draft standard rules governing residential homes for children deprived of a family environment were drawn up with a view to introducing new care methods designed to restore each child's rights to protection, advancement and respect for his or her basic and specific needs.

83. The Government favours alternative care in the form of placement with foster families. Financial assistance is provided to families that take in children with disabilities who have no family. The allowance to be paid to foster families was instituted by an interministerial order of 2 November 1988 stipulating the amount of the monthly allowance to be provided for paid foster care and assistance to children in care. The amount was reviewed by interministerial order of 16 January 2001 and increased from 1,100 to 1,600 Algerian dinars per month per child with a disability. The allowance helps cover part of the costs of the care and maintenance of a child with disabilities placed in a foster family.

84. The Government also promotes and encourages the institutional care of children with disabilities by civil society organizations through the allocation of grants and technical assistance to create conditions conducive to their inclusion in society and the family. Organizations are encouraged to develop and implement cultural, artistic and leisure activities for children with disabilities.

85. The Government has created a network of local sports and youth centres, distributed evenly across all municipalities in the country and comprising over 1,000 youth clubs, 122 youth hostels and 250 local sports complexes, in addition to the multipurpose sports halls, stadiums and over 500 cultural centres run by the municipal people's assemblies, where youth and sport programmes for young people are organized.

86. With regard to children's programmes, children with disabilities have the same rights as other children, including the right to fulfil their potential and participate fully in all youth and sport activities on an equal basis with other children. To this end, the appropriate legislative measures have been taken to ensure and facilitate the access of children with disabilities to all youth and sport activities.

87. Health legislation guarantees medical oversight at all stages of the child's development in order to ensure the best conditions for his or her psychomotor, intellectual, physical, psychological and social development. Training for young people with disabilities is an important element of the vocational training and education programme. It is vital to understand support for persons with disabilities not just as the provision of material and financial assistance, but as an active programme to facilitate their social inclusion by means of suitable training.

88. To this end, various types of training have been introduced to enhance access for persons with disabilities to vocational training centres nationwide. The following types of training are available:

- Residential training, available in the following forms: inclusive classes, where young persons with physical disabilities attend classes open to all trainees, if their disability permits; special classes, reserved for persons with physical disabilities who cannot attend ordinary classes because of their disability or lack of schooling; and off-site classes, which involve offering training to a single population group on the premises of civil society organizations or other sectors, taught by vocational training instructors;
- Apprenticeships, served with employers; the Act on apprenticeships makes special provision for persons with disabilities;

- Distance learning, the option best suited to persons with severe disabilities who cannot travel to training sites.

89. The Government's approach is to promote the inclusion of persons with disabilities in ordinary classes. The training specialization is chosen according to whether the disability is compatible with the demands of the job. Persons with disabilities can choose from the national catalogue of training specializations, provided that their disability is compatible with the specialization in question. The vocational training and education system accepts nearly 2,000 trainees with disabilities per year. In 2012, there were 1,922 trainees with all kinds of disabilities, of whom 748 were girls.

#### Number of trainees by type of training

<i>Type of training</i>	<i>Total</i>	<i>Girls</i>
Residential training	1 072	443
Apprenticeship	850	305

#### Number of trainees by type of disability

<i>Type of disability</i>	<i>Total</i>	<i>Girls</i>
Motor	789	306
Hearing	377	146
Visual	200	68
Chronic illness	364	164
Learning difficulties	192	64

#### Number of trainees by type of class

<i>Type of class</i>	<i>Total</i>	<i>Girls</i>
Specialized centres	446	166
Inclusive classes	1 375	552
Regional special classes	465	174
Off-site classes	82	22

### Art. 8 — Awareness-raising

90. In accordance with the objectives set forth in the international human rights instruments, Algeria has begun a large-scale human rights education process and has, at the same time, adopted the programmes needed to mainstream human rights throughout primary and secondary education and to make human rights education a standard component of specialized training programmes.

91. This awareness-raising campaign has involved putting in place an information and communication programme aimed at the general public, including persons with disabilities. Information is conveyed through the following:

- Advice, guidance and information centres equipped with information technology;
- Posting of the training guide on websites and distribution of flyers with information on training opportunities;
- Radio and television programmes;
- Open days at vocational training centres, and vocational training Olympics, in which trainees with disabilities have participated successfully.

92. On the National, Maghreb and International Days of Persons with Disabilities, celebrated each year on 14 March, 2 December and 3 December respectively, the work of trainees with physical disabilities is showcased using eye-catching exhibition stands.

93. In 2013, for instance, the theme of the 14 March celebration was: “Nothing about You without You” — Ensuring the involvement of associations and persons with disabilities in social policy implementation.

94. A Maghreb symposium on early detection and diagnosis of disability and educational inclusion of persons with disabilities, held in Algiers on 1 and 2 December 2013 on the occasion of the Maghreb Day of Persons with Disabilities, enabled participants to:

- Share the expertise and knowledge of resource persons who deal with disability;
- Learn about the disability programmes implemented by the various States;
- Learn about awareness-raising, prevention, education and training tools adapted to the social reality of the Maghreb region;
- Explore the potential for linkages among State institutions and among Maghreb civil society organizations (cooperation and partnership networks).

95. The symposium provided an opportunity for participants to discuss the major issues relating to the rights of persons with disabilities and their full participation in social and economic life.

96. Regional (*wilaya*) welfare and solidarity offices celebrated the International Day of Persons with Disabilities on 3 December 2013 throughout the national territory, organizing scientific, cultural and sporting events and visits to public and private institutions that serve the needs of persons with disabilities.

97. The National Forum on Autism focused on the broad spectrum of clinical forms of autism and the need to pay special attention to this condition through early detection, diagnosis and monitoring. The Ministry of National Solidarity took the initiative of organizing the Forum in order to bring together all stakeholders and partners (ministries, experts, parents and civil society organizations working in the area of autism). Held on 19 December 2013, the Forum provided for participants to speak, listen, exchange views and reach agreement with a view to mobilizing everyone involved in dealing with autism, thereby adopting a positive approach to tackling the broad spectrum of conditions that constitute autism.

98. The web portal of the Ministry of National Solidarity ([www.msnfcf.gov.dz](http://www.msnfcf.gov.dz)) has been operational since 27 April 2013 and is accessible to persons with visual and hearing impairments. It was developed in accordance with the technical specifications established by the Web Accessibility Initiative of the World Wide Web Consortium.

99. The Government coordinates on an ongoing basis with all stakeholders in the disability sector. Information and awareness-raising materials for civil society stakeholders, including those involved in providing services to persons with disabilities, have been produced and distributed. This has been done primarily by:

- Building the capacity of civil society organizations to develop training materials for persons with disabilities and to conduct awareness-raising campaigns for the general public;
- Organizing information and awareness-raising activities for social workers and the media that focus on the principles of the Convention, one example being the publication of a magazine entitled “The Convention on the Rights of Persons with Disabilities” and its distribution to all stakeholders and persons with disabilities;
- Organizing training activities for public and private stakeholders on the International Classification of Functioning, Disability and Health of the World Health Organization and the Quebec Classification: Disability Creation Process.

100. Local solidarity units undertake outreach activities among poor communities, providing an opportunity to conduct surveys and studies in order to identify and take stock

of the socioeconomic needs of such communities. These activities place the national solidarity system in a uniquely advantageous position to tackle issues related to the individual and social problems of persons with disabilities. This grassroots approach and data analysis make it possible to produce reports on the social situation of economically and socially marginalized groups and to bring to the Government's attention the most serious social problems and the risks posed to society.

101. The training strategy introduced by the Government applies equally to young people with disabilities and those without, since its programmes give them access to the facilities they need.

## **Art. 9 — Accessibility**

102. Ensuring the accessibility of the physical, social, economic and cultural environment to persons with disabilities is one of the Government's priorities. It is being achieved through the implementation of: the Act of 8 May 2002 on the protection and promotion of persons with disabilities, particularly Arts. 8 and 30 thereof; Executive Decree No. 06-144 of 26 April 2006 on arrangements to provide persons with disabilities with free transport and reduced fares; Executive Decree No. 06-455 of 11 December 2006 on arrangements to ensure that the physical, social, economic and cultural environment is accessible to persons with disabilities; and the Interministerial Order of 6 March 2011 on the technical standards for ensuring that the built environment and facilities open to the public are accessible to persons with disabilities.

103. In addition, a National Commission on Accessibility was established pursuant to Art. 16 of Executive Decree No. 06-455, bringing together representatives of several ministries, such as the Ministries of National Solidarity, Land Planning, Housing and Youth and Sports, as well as organizations and associations of persons with disabilities. It is responsible for monitoring the implementation and evaluating the progress of programmes concerned with ensuring the accessibility of the built environment, facilities open to the public, infrastructure, means of transport and information and communication technology and for proposing any measures that might make it easier for persons with disabilities to participate in the life of the community.

104. The Commission has three thematic subcommissions on accessibility of the built environment and facilities open to the public, accessibility of infrastructure and means of transport and accessibility of information and communication technology.

105. The following are among the practical measures taken following the publication of Decree No. 06-455:

- Setting aside ground-floor housing for persons with disabilities, when they request it, pursuant to Art. 31 of Executive Decree No. 08-142 of 11 May 2008 on rules for the allocation of public rental housing.<sup>3</sup>
- Enforcing the specific technical and safety approval standards for sports facilities, which require that accommodation be made to ensure accessibility for persons with disabilities, as specified in Art. 26 of Decree No. 09-184 of 12 May 2009 on technical and safety approval procedures and standards for sports facilities open to the public and procedures for their implementation.<sup>4</sup>

106. In accordance with Art. 4 of the Interministerial Order of 6 March 2011, all specifications for building works, facilities and amenities open to the public must include a clause on the implementation of and compliance with the technical requirements for accessibility set forth in National Standard No. 16227, which is annexed to the Order and refers to access roads, parking lots, slopes, ramps, entrance doors, interior doors, corridors, turning circles, special amenities, lifts, stairs and urban furniture.

<sup>3</sup> Official Gazette No. 24/2008.

<sup>4</sup> Official Gazette No. 32/2009.

107. National Standard No. 16227 on the accessibility of the built environment and facilities open to the public to persons with physical disabilities sets forth the general conditions of accessibility to persons with disabilities that must be met by housing and buildings open to the public and their facilities. It lays down rules for the design of passageways and the minimum dimensions required for wheelchair circulation and manoeuvring.

108. In order to enable persons with disabilities to live independently and participate fully in all aspects of life, it is imperative to remove all obstacles and barriers to accessibility found in buildings, on public thoroughfares and in other indoor or outdoor facilities, schools, housing, workplaces, places of worship and all premises open to the public.

109. The basic principle of this accessibility standard is that an environment must be created in which the entire population, including persons with disabilities, can live in complete freedom and safety on a basis of equal opportunity. Medical facilities, buildings, public thoroughfares and other indoor or outdoor facilities, schools, housing, workplaces, places of worship and all premises open to the public are also required to comply with National Standard No. 16227. Building works carried out in violation of these regulations must be modified or adjusted in accordance with the applicable legislation, pursuant to Art. 6 of the Interministerial Order.

110. The accessibility of emergency medical and surgical services has been improved by creating new adapted facilities, increasing the number of ambulance services and adding new units to existing emergency medical services.

111. In an effort to improve the conditions in which persons with disabilities are accommodated in vocational training centres, notably with regard to the built environment, steps have been taken to apply the national building accessibility standards to such centres and to install the special signage and signals required by persons with disabilities, such as:

- Embossed lettering and tactile guide paths for blind persons;
- Inscriptions and pictograms for persons with motor or hearing impairments;
- Audible signals in training workshops.

112. An architectural study of specialized vocational training centres for persons with disabilities was conducted on the basis of international standards. As a result, these centres are able to accept trainees with various types of disability in a modified built environment (circulation routes, ramps, 5-per-cent slope, etc.) and to guarantee their learning process in an environment where buildings, classrooms, training workshops, student residences, cafeterias and libraries are all accessible. These specialized centres are located in the Algiers, Boumerdes, Laghouat, Relizane and Skikda regions.

## **Art. 10 — Right to life**

113. Algerian legislation is in conformity with Art. 10 of the Convention on the Rights of Persons with Disabilities with regard to recognition of the right to life of persons with disabilities.

114. This right is based on constitutional principles and the Criminal Code, as well as regional and international instruments ratified by Algeria that ensure protection of the right to life, including the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the African Charter on Human and Peoples' Rights and the Arab Charter on Human Rights.

115. The Algerian Constitution is considered to be the primary source of protection for this right. It guarantees fundamental freedoms and human and civil rights, including the inviolability of the person, by prohibiting all forms of physical or psychological violence or violation of human dignity (Arts. 32 and 34).

116. Accordingly, violations of rights and freedoms, as well as physical or psychological violations of the integrity of the person, are subject to the penalties prescribed by law. Part II of the Criminal Code, entitled "Crimes against individuals", defines and imposes



penalties for the crimes of murder, murder with premeditation, infanticide, poisoning and assault and battery. The penalties imposed on persons who commit one of these crimes are the death penalty, life imprisonment, fixed-term imprisonment, or detention in the case of an offence.

117. Within the framework of the protection of victims, these penalties apply without exception, reservation or distinction of any kind, such as sex, race, colour, language, religion, belief, political or other opinion, national, ethnic or social origin, nationality, age, economic situation, wealth, marital status, birth or any other situation embodying the right to life. Moreover, Arts. 304 to 313 of the Criminal Code criminalize abortion when it is performed in conditions incompatible with the law.

118. It is noteworthy that, since September 1993, Algeria has observed a de facto moratorium on enforcement of the death penalty. No executions have been carried out since that year. The moratorium applies to all death sentences handed down for all crimes without distinction.

119. Similarly, the Code on the Organization of Prisons and the Social Rehabilitation of Prisoners lists the cases in which the death penalty may not be enforced. Art. 155 provides that the death penalty may not be enforced against a gravely ill or insane prisoner.

120. As part of its national strategy on the prevention of disability, the State guarantees, by means of Act No. 02-09 of 8 May 2002 on the protection and promotion of persons with disabilities, the early detection of disability, thereby preventing its complications, and the provision of specialized care, functional re-education and rehabilitation.

### **Art. 11 — Situations of risk and humanitarian emergencies**

121. In accordance with Art. 11 of the Convention and out of humanitarian concern for persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters, Algeria gives priority to assisting such persons.

122. In this connection, Algeria has acceded to all the international instruments on humanitarian law (see annex).

123. The National Commission on International Humanitarian Law was established by Presidential Decree No. 08-163 of 4 June 2008. The Commission, which is chaired by the Minister of Justice or his or her representative, is composed of representatives of several ministries and is the main instrument for the protection and promotion of humanitarian law in Algeria. It is an important advisory mechanism for ensuring that the laws and practices of the different government bodies conform to international law and the treaties signed by Algeria.

124. The Government is taking all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk and extreme hardship, such as natural disasters and humanitarian emergencies. The following measures have been taken:

- A guide on responding to crisis situations and natural disasters was produced and sent to welfare offices;
- In-service training on the care of victims was provided to psychologists.

### **Art. 12 — Equal recognition before the law**

125. Algeria guarantees equality of rights and responsibilities for all citizens, in accordance with Art. 29 of the Constitution. Since its independence, it has sought to guarantee equality before the law for all groups in society, pursuant to international human rights treaties, including the Convention on the Rights of Persons with Disabilities, Art. 12 of which provides for the recognition of persons with disabilities before the law on an equal basis with others.

126. Recognition as a person before the law is guaranteed under the Civil Code, which defines it as the capacity or ability to acquire rights and fulfil obligations.

127. Legal personality is acquired at birth, as provided in Art. 25 (1) of Ordinance No. 75-58 of 26 September 1975 promulgating the Civil Code, as amended and supplemented. It provides that “personality begins at the live birth of a child and ends at death”.

128. The Civil Code sets out the characteristics that define legal personality; for example, Art. 28 states that: “Every person must have a surname and one or more first names. Children shall be given their father’s surname”. The right to a surname and first name is deemed to be a human right, as are the right to be registered in the civil registry (Art. 26) and the right to a nationality (Art. 30).

129. Art. 40 of the Civil Code stipulates that anyone who has reached his or her majority, has possession of his or her mental faculties and has not been legally barred from doing so has full capacity to exercise his or her civil rights. The age of majority is set at 19 years.

130. Any person who lacks discernment as a result of his or her young age, intellectual impairment or insanity lacks capacity to exercise his or her civil rights. Children under the age of 13 are deemed to lack discernment (Art. 42). Any person who has reached the age of discernment but has not yet reached the age of majority and any person who has reached the age of majority but is declared to be a spendthrift or to have an intellectual disability has limited capacity in accordance with the requirements of the law (Art. 43).

131. Persons who lack some or all legal capacity are subject, as appropriate, to legal administration, guardianship or wardship in accordance with the conditions and rules prescribed by law (Art. 44) and all persons have capacity to enter into a contract unless they have been declared as lacking some or all legal capacity (Art. 78).

132. The rules of capacity applicable to minors, legally barred persons and other persons who lack legal capacity are the relevant provisions of the Family Code (Art. 79). Accordingly, any person who lacks some or all legal capacity because of his or her young age, insanity, intellectual disability or spendthrift behaviour must be represented legally by a statutory or testamentary guardian or a guardian appointed by the family council.

133. In order to protect the interests of persons with disabilities when they carry out legal acts, Art. 80 of the Civil Code provides that, in cases where deaf-mute, deaf-blind or blind-deaf persons are unable, as a result of their disability, to make their wishes known, the court may appoint legal counsel to help them with acts in which their interests so require. Any act for which the assistance of legal counsel has been decided, but which is carried out by the person assigned legal counsel without the assistance of such counsel after the decision ordering such assistance is published, may be declared null and void.

134. Recognition of legal personality gives access to rights such as the right to own or inherit property, as provided in Art. 52 of the Constitution, which states that: “The right to own property shall be guaranteed. The right to inherit shall be guaranteed.”

135. Legal personality is reaffirmed even more strongly by Art. 20 of the Constitution, which states that: “Expropriation may be carried out only in accordance with the law. It shall give rise to prior, fair and equitable compensation”. Art. 2 of Act No. 91-11 of 27 April 1991 on the rules governing expropriation in the public interest states that: “Expropriation in the public interest shall constitute an exceptional means of acquiring property or property rights. It shall be carried out only when all other means have failed. It may be carried out only in order to perform operations resulting from the application of lawful urban development, land management and planning instruments concerning the construction of public facilities or the conduct of public works”.

136. The Act also lays down the principle that any expropriation carried out in cases and under conditions other than those stipulated in the Act shall be declared null and void and any infringement of the Act shall be punishable under the laws in force and give rise to compensation to be determined by the courts.

137. Art. 386 of the Criminal Code imposes a penalty of 1 to 5 years’ imprisonment and a fine of 2,000 to 20,000 Algerian dinars on anyone who, by surprise or fraudulent means, seizes a property belonging to someone else. If the seizure is carried out at night, with

threats or violence, by means of breaking and entering, by several persons or by one or more perpetrators carrying a visible or concealed weapon, the penalty is 2 to 10 years' imprisonment and a fine of 10,000 to 30,000 Algerian dinars.

138. Book III of Act No. 84-11 of 9 June 1984 on the Family Code, as amended and supplemented, also sets out general provisions on inheritance and the conditions for claiming an inheritance that do not deny these rights to persons with disabilities. Art. 128 of the Act establishes the following criteria for claiming an inheritance:

- Be living or at least have been conceived at the time when the estate passes to the heirs;
- Be related to the deceased by ties that confer the status of heir;
- Not be subject to disqualification from inheritance.

139. Art. 135 of the Act, setting out the conditions for disqualification from inheritance, contains no provisions for the disqualification of persons with disabilities:

“The following shall be disqualified from inheritance:

- Anyone who is guilty of or an accomplice to the murder of the deceased;
- Anyone who is guilty of giving false evidence that results in the deceased being sentenced to death and executed;
- Anyone who is guilty of failing to report the murder of the deceased or its premeditation to the competent authorities”.

### **Art. 13 — Access to justice**

140. Under the Algerian Constitution, justice is founded on the principles of legality and equality. Justice must be the same for everyone, accessible to everyone and expressed by observance of the law. The judiciary must be independent and act in accordance with the law. Accordingly, judges must obey only the law. They must be protected from any form of pressure, interference or manipulation that could undermine the accomplishment of their mission or their free will (Arts. 138, 140, 147 and 148 of the Constitution).

141. Art. 6 of the 2008 Code of Civil and Administrative Procedure provides for the right of appeal unless otherwise provided by law, while Arts. 91 and 92 of the Code of Criminal Procedure stipulate that the judge may request the services of an interpreter for statements to be given by or exchanges to take place between persons who speak a different language or dialect. This is also the case when the person is deaf or mute.

142. The State provides legal aid by right to persons with disabilities to enable them to have access to justice, in accordance with Art. 28 of Ordinance No. 71-57 of 5 August 1971 on legal aid, as amended and supplemented.

143. To provide better access to justice for vulnerable persons, including persons with disabilities, and improve the advice, guidance and assistance given to them, the Ministry of Justice has launched a pilot project with the support of the United Nations Development Programme and the participation of other ministries, government agencies and a number of associations and organizations.

144. The pilot project consists of various special measures aimed at adapting facilities to the needs of persons with disabilities, including the following:

- The construction of access ramps for persons with motor disabilities in all court facilities (250 courthouses and related buildings), with the exception of a few whose structure or location make such accommodation impossible. Both the civil defence services responsible for safety standards and specialized associations have been closely involved in designing specifications and validating preparatory studies;
- First aid clinics and sanitary facilities for persons with motor disabilities have been installed in the courthouses of major cities;

- A special reception desk for persons with motor disabilities and persons with visual and hearing impairments has been set up in all courthouses throughout the country and 260 court registry staff (one per court) have received three months' in-service training in sign language. This is part of an ongoing effort to ensure that all courts provide a better service to such persons;
- One hundred Braille printers have been purchased and put into operation at the reception desks of the largest courts, for the benefit of persons with visual impairments, and 38 senior computer technicians have been trained in the use and maintenance of the Braille printers installed in courthouses.

145. There have been many advances in the overall process of modernizing the judicial system, including the introduction of information technology, the development of “e-governance” in the judiciary and improvements in the quality and speed of the services provided to the general public, and especially to defendants, through the Internet law portal created several years ago. As a result of these advances, the courts are now networked, the criminal records service has been automated, lounges and reception areas have been set aside for persons with disabilities and administrative forms and documents have been produced in Braille for blind persons, enabling them to access judicial information and learn about their rights and how to assert them.

146. In this connection, two public information CDs and one DVD (containing a guide for citizens and defendants) have been produced for persons with hearing and visual impairments. These have been distributed to target audiences through civil society organizations and are also played in courthouse reception areas.

147. As part of the same programme, a special project on cultural handicaps, notably illiteracy, resulted in the publication of a literacy handbook containing a defendants' guide entitled “How to access the justice system”, designed with the help of regional specialized instructors in Oran, Algiers and Constantine and the directors of associations working to eradicate illiteracy. Two thousand copies of the handbook were published and for the past two years it has served as a teaching aid in the 30,000 literacy classes run by the Association algérienne d'alphabétisation (Algerian Association to Promote Literacy).

148. Apart from these programmes, which have helped make up considerable ground in providing services to vulnerable persons, the Government is currently taking steps to mainstream this aspect in the everyday management of the justice system. As a result, special reception areas are now included systematically in the building plans for all new courthouses.

#### **Art. 14 — Liberty and security of the person**

149. The right to liberty and security is founded on constitutional principles and on the Civil Code, the Criminal Code and the Code of Criminal Procedure, in keeping with the commitments made by Algeria under the international and regional instruments that ensure protection of the integrity of the person. The rights set out for persons with disabilities are those guaranteed to other citizens by the Constitution and protected by the laws in force.

150. The Civil Code protects personal liberty and its Art. 46 stipulates that: “No one may renounce his or her personal liberty”. Art. 47 states that: “Anyone who suffers an unlawful infringement of his or her rights as a person may demand its cessation and reparation of the resulting harm”. The Criminal Code provides mechanisms for addressing all infringements of the liberty and security of persons and property without distinction. Art. 350bis of the Code, which concerns theft, stipulates that: “if the theft was committed with violence or the threat of violence or if it was facilitated by the victim's particular vulnerability as a result of age, illness, disability, physical or mental impairment or pregnancy (...), the penalty shall be 2 to 10 years' imprisonment and a fine of 200,000 to 1 million Algerian dinars”.

151. Offenders may also be subject, for a period of one to five years, to disqualification from exercising one or more of the rights set out in Art. 9bis (1) and to restricted residence according to the terms of Arts. 12 and 13 of the Code. Any attempt to commit the crime referred to in the preceding paragraph is subject to the same penalties as the committed

crime. Protection is ensured by punishing infringements of liberty (Arts. 107 to 111), abuse of authority (Arts. 135 to 140), crimes against persons (Arts. 254 to 303) and crimes against property (Arts. 350 to 417).

152. The Government has taken several measures to improve prison conditions for prisoners with disabilities, including:

- Setting aside specialized rooms, equipped to meet the needs of prisoners with disabilities, on the lower floors of new prisons that have opened recently or are in the process of being built and that meet the relevant international standards;
- Since 13 December 2009, distributing disability cards and allowances to prisoners with disabilities in all prisons, in accordance with the Act of 8 May 2002 on the protection and promotion of persons with disabilities;
- In coordination with welfare offices, fitting a number of prisoners with artificial limbs;
- Distributing assistive devices (wheelchairs, canes for blind persons).

### **Art. 15 — Freedom from torture or cruel, inhuman or degrading treatment or punishment**

153. Since its ratification in 1989, practical steps have gradually been taken to implement the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, culminating in the reform of the justice system initiated in 1999, which resulted in the incorporation of penal provisions in the Criminal Code that expressly punish torture and cruel, inhuman or degrading treatment.

154. On 17 May 1989, immediately after the ratification of the Convention on 16 May 1989, Algeria deposited a declaration recognizing the competence of the Committee against Torture (established under Art. 17 of the Convention) to receive, transmit and consider communications from or on behalf of individuals who claim to be victims of a violation by a State party to the Convention. Algeria submits periodic reports to the Committee against Torture, which monitors the implementation by States parties of their obligations under the Convention.

155. The Algerian Constitution recognizes the principle of the protection of the physical and psychological integrity of all individuals, guarantees the inviolability of the human person and prohibits all forms of physical or psychological violence or violation of human dignity (Arts. 34 and 35).

156. These constitutional provisions were transposed by inserting three Arts. in the Criminal Code, pursuant to Act No. 04-15 of 10 November 2004. These are Arts. 263bis, 263ter and 263quater, which impose very severe penalties on anyone who commits acts of torture. The penalties are increased if the perpetrator is a public official or if the acts are preceded, accompanied or followed by the commission of a crime other than murder. Art. 263quater (3) goes so far as to criminalize the failure of a public official to report an act of torture, imposing a penalty of 5 to 10 years' imprisonment and a fine. Art. 293 of the Code imposes life imprisonment on anyone who tortures a person who has been abducted, arrested, imprisoned or unlawfully deprived of his or her liberty.

157. Act No. 09-01 of 25 February 2009, amending and supplementing Ordinance No. 66-156 of 8 June 1966 containing the Criminal Code, introduced a new section entitled "Migrant smuggling". Under new paragraphs 30 to 41 of Art. 303bis of the Code, anyone who commits the crime of migrant smuggling is liable to imprisonment and a fine, the penalties being increased if the smuggled migrants are minors, if their life or safety is endangered or risks being endangered or if they are subjected to inhuman or degrading treatment.

158. As a preventive measure, new rules have been included in the Code of Criminal Procedure. For instance, with respect to the preliminary investigation conducted by police investigators, mechanisms have been provided to ensure the humane treatment of accused

persons held in police custody, such as medical examinations for persons in custody, either by decision of the public prosecutor or at the request of a member of the person's family or his or her legal counsel, and oversight of the operation of police custody. A medical examination is mandatory at the end of the period of police custody (Arts. 51bis (1) (2) and 52 (6)).

159. With regard to the universal prohibition against conducting medical or scientific experiments, including on persons with disabilities, Act No. 09-01 of 25 February 2009, amending and supplementing Ordinance No. 66-156 of 8 June 1966 promulgating the Criminal Code, added a new section to the chapter on crimes against individuals, namely, section 5bis (1) entitled "Organ trafficking".

160. This new section of the Criminal Code imposes penalties on the following persons:

- Anyone who, for financial gain or in return for any other kind of benefit, obtains a person's organ, or any intermediary who encourages or facilitates the process of obtaining a person's organ (Art. 303bis (16));
- Anyone who removes an organ from a living person without obtaining that person's consent in accordance with the conditions laid down by the legislation in force, or anyone who removes an organ from a deceased person (Art. 303bis (17));
- Anyone who removes human tissue or cells or collects human body products in return for payment of a sum of money or the offer of any other kind of material benefit (Art. 303bis (18));
- Anyone who removes human tissue or cells or collects human body products from a living person without that person's consent as required by the legislation in force or from a deceased person (Art. 303bis (19)).

161. The penalties imposed in this section vary from 1 to 15 years' imprisonment and a fine of 300,000 to 1.5 million Algerian dinars. These penalties may be increased in the following circumstances: when the victim is a minor or a person with a mental impairment; when the offence is committed by a person carrying or threatening to use a weapon; when the commission of the offence has been facilitated by the perpetrator's occupation or office; when the offence is committed by an organized criminal group or is transnational in nature; or when the offence is committed by two or more persons.

162. Act No. 09-02 of 25 February 2009, amending and supplementing Ordinance No. 71-57 of 5 August 1971, made a substantive amendment to Art. 28 by awarding legal aid as of right to victims of organ trafficking and victims of migrant smuggling to enable them to assert their rights before the courts.

## **Art. 16 — Freedom from exploitation, violence and abuse**

163. Since independence, the various Constitutions of the Algerian Republic (Constitutions of 1963, 1976 and 1996 (as amended)) have enshrined the principle of ending the exploitation of man by man and prohibiting feudalism, regionalism and nepotism (Arts. 8 and 9). Against that background, it should be recalled that steps continue to be taken to bring domestic legislation into line with the international instruments ratified by Algeria (see annex).

164. Act No. 09-01 of 25 February 2009 amending and supplementing Ordinance No. 66-156 of 8 June 1966 containing the Criminal Code introduced a new section, entitled "Trafficking in persons". Under new Arts. 303bis (4) to 303bis (15) of the Criminal Code, the crime of "trafficking in persons" is defined in accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Perpetrators of this crime are liable to imprisonment and fines, with longer prison terms imposed when the victim's age, illness or physical or intellectual disability makes him or her particularly vulnerable.

165. In Arts. 314 to 319 of chapter 11, entitled “Crimes against the family and morality”, the Criminal Code devotes an entire section to the exposure and abandonment of children and legally incapacitated persons in an isolated or non-isolated location.

166. Under Art. 350bis of the Criminal Code, theft is deemed to be aggravated when it was facilitated by the victim’s particular vulnerability owing to invalidity or physical or psychological disability: “ If the theft was committed using violence or the threat of violence or was facilitated by the victim’s particular vulnerability owing to age, illness, invalidity, physical or psychological disability or pregnancy and that vulnerability was apparent or known to the perpetrator, the penalty shall be 2 to 10 years’ imprisonment and a fine of 200,000 to 1 million Algerian dinars. The perpetrator may also forfeit one or more of the rights referred to in Art. 9bis (1) for a minimum period of one year and a maximum of five years and be subject to a restraining order as provided for in Arts. 12 and 13 of the Code. The penalties for attempts to commit the crime provided for in the preceding paragraph shall be the same as for committed crimes”.

167. Under Art. 13 of Act No. 04-18 of 25 December 2004 on the prevention and suppression of the illicit use and trafficking of narcotic drugs and psychotropic substances, anyone who supplies or offers narcotic drugs or psychotropic substances illicitly to another individual for his or her personal consumption shall be liable to 2 to 10 years’ imprisonment and a fine of 100,000 to 500,000 Algerian dinars. The maximum penalty is doubled where narcotic drugs or psychotropic substances are offered or supplied as indicated in the preceding paragraph to a minor, a person with disabilities or a person undergoing treatment for substance abuse, or in an education, training, health-care or social establishment.

168. Act No. 09-02 of 25 February 2009 amending and supplementing Ordinance No. 71-57 of 5 August 1971 substantively amended Art. 28 by granting victims of trafficking legal aid for asserting their rights before the courts.

169. Families of persons with disabilities receive various forms of assistance, including psychosocial support. Family support and advice units are available in establishments offering care services for persons with disabilities and in regional welfare offices.

170. The Social Development Agency plays a role in reporting cases covered by Arts. 15 and 16 of the Convention through the outreach work of local solidarity units. These units work closely with regional welfare offices, the official bodies responsible for ensuring respect for the rights set forth in the Convention.

171. The reports that solidarity units submit regularly to welfare offices highlight cases of ill-treatment and provide information on the events and acts requiring punishment and their physical, psychological and economic consequences. Civil society organizations play a major role in uncovering and raising public awareness of situations of mistreatment.

172. In this regard, a telephone hotline has been set up to enable members of the public to report situations of violence, harassment and mistreatment and to access support in that regard. A centre has been established to provide psychological, social and legal support and advice to persons in difficulty and extreme hardship.

173. The national mental health programme provides for local mental health clinics, new psychiatric hospitals, the creation of psychiatric services for children and adolescents who are ill and have a mental disability and the strengthening of psychological care, particularly for victims of violence and persons with chronic debilitating illnesses, with all health-care professionals contributing to efforts to prevent and combat violence.

174. Forensic experts may also be called on by the courts or by officials of the criminal investigation department to determine the nature and seriousness of injuries, estimate the degree of incapacity and give an opinion as to what caused the injuries. They perform their task with complete, genuine independence from all parties. Experts draw on the technical and legal data required to practise forensic medicine in order to guarantee the right to the truth.

### **Art. 17 — Protecting the integrity of the person**

175. The Algerian Constitution is the fundamental text that enshrines the principle of the protection of the physical and psychological integrity of all persons, guarantees the inviolability of the human person and prohibits all forms of physical or psychological violence or violation of human dignity.

176. The Constitution stipulates that: “the State shall guarantee the inviolability of the human person. All forms of physical or psychological violence or violation of human dignity shall be prohibited” (Art. 34) and “offences against rights and freedoms and violations of the physical or psychological integrity of the human person shall be punishable by law” (Art. 35).

177. Title II of the Criminal Code, entitled “Crimes against individuals”, defines and punishes the crimes of murder, murder with premeditation, infanticide, poisoning and assault and battery.

178. These penalties, within the framework of the protection of victims living in the national territory, apply without exception, reservation or distinction of any kind, such as sex, race, colour, language, religion, belief, political or other opinion, national, ethnic or social origin, nationality, age, economic situation, wealth, marital status, birth or any other situation.

179. It should be recalled that the relevant Algerian legislation, namely, Act No. 09-01 of 25 February 2005 amending and supplementing Ordinance No. 66-156 of 8 June 1966 containing the Criminal Code, introduced a new section into the chapter on “Crimes against individuals,” entitled “Organ trafficking”.

### **Art. 18 — Liberty of movement and nationality**

180. Algerian law does not provide for removal of the rights of persons with disabilities relating to residence, movement, nationality or recognition of legal personality. Art. 44 of the Constitution enshrines the right to freedom of movement and choice of place of residence: “All citizens enjoying civil and political rights have the right freely to choose their place of residence and to move freely within the national territory. They are guaranteed the right to enter and leave the national territory”. The Code of Criminal Procedure also mentions the right to enter and leave the national territory, including questions linked to its denial.

181. With regard to the right to nationality, Art. 30 of the Constitution stipulates that: “Algerian nationality is defined by law. The conditions governing its acquisition, retention, loss and removal are determined by law”. Like all children, children with disabilities have the right to be registered from birth and to have a name.

182. The Civil Code sets out the characteristics that determine legal personality. For instance, Art. 28 stipulates that: “Every person must have a surname and one or more first names. Children shall be given their father’s surname”. Persons with disabilities in Algeria are protected by the same laws as persons without disabilities, in keeping with the provisions of the Constitution, which stipulates clearly that all citizens are equal before the law.

### **Art. 19 — Living independently and being included in the community**

183. Algeria recognizes the right of persons with disabilities to equal inclusion in the community and equal opportunities. Numerous measures have been taken to facilitate the enjoyment by persons with disabilities of all their rights and to guarantee their inclusion and full participation in the life of the community by safeguarding their right to remain in their own environment and freely to choose their place of residence.



184. The Social Development Agency is involved in this process through the activities devolved to local solidarity units. When carrying out their social surveys, local solidarity units check that the provisions of Art. 19 of the Convention are being implemented.

185. In addition to its oversight role, the Social Development Agency is also involved in implementing the Government's policy of promoting occupations in the field of social work. A project for the development of such occupations has been proposed as part of cooperation with the European Union (financial support for new projects drawn from the surplus funds of the MEDA II programme).

186. The technical assistance expected under this project should make it possible to formalize plans for the development of these occupations (strategic and operational plans).

187. The Social Development Agency is also planning to focus on persons with disabilities in its project for a social monitoring mechanism. The mechanism would cover various aspects of social monitoring, such as:

- Finance: budgetary allocations for persons with disabilities;
- Demographics: structure of the population of persons with disabilities (age, sex, type of disability);
- Education and training: schooling for persons with disabilities and problems encountered;
- Society: social status of persons with disabilities and their involvement in the various social mechanisms (Social Development Agency, National Microcredit Management Agency, National Youth Employment Support Agency, etc.);
- Civil society activities: involvement of persons with disabilities in civil society activities.

188. Outreach activities carried out by local solidarity units provide relief, assistance and support to persons with disabilities. These activities include the provision of:

- Assistance in purchasing medicines, medical equipment and special devices for persons with disabilities;
- Support to ensure the inclusion of persons with disabilities in the community and in the workforce;
- Mediation with administrative bodies;
- Medical and social care;
- Help with buying somewhere to live.

189. The ability to continue living at home, subject to medical oversight, is an essential demand, particularly for older persons. Discussions are ongoing on how to apply expertise in the area of hospitalization and home-based care on a nationwide basis.

## **Art. 20 — Personal mobility**

190. In line with the goals set out in Art. 20 of the Convention, Algeria has worked to ensure the accessibility of public spaces, adapt its information and communication technologies and facilitate the mobility of persons with disabilities and their access to services, as part of its policy to ensure their inclusion in society.

191. In the context of efforts to cater for the needs of persons with disabilities, various transport sector projects have been designed with adaptations in mind, namely:

192. In urban transport:

For the metro project, the following measures have been taken to assist persons with reduced mobility:

- Platforms are set at the same level as train floors, enabling direct access for persons with reduced mobility;

- Designated seating has been provided in trains for persons with reduced mobility, with extra space to allow them to move around;
- Tactile paving surfaces have been installed along platform edges, to make persons with reduced mobility aware of their location.

For the tram project:

- Platforms are fully accessible to persons with reduced mobility;
- Designated seating has been provided in trams for persons with reduced mobility, with extra space to allow them to move around;
- Tactile paving surfaces have been installed along platform edges and on platform access ramps in order to make persons with reduced mobility aware of their location.

For bus transport:

- As of 1 March 2011, four seats located at the front of vehicles are reserved for persons with disabilities and are marked as such. Moreover, staff of *l'Entreprise de transport urbain et suburbain d'Alger* (the Algiers Urban and Suburban Transport Company) have been trained to help such users access vehicles;
- The *Société nationale pour la recherche, la production, le transport, la transformation et la commercialisation des hydrocarbures* (National Company for Hydrocarbon Research, Production, Transportation, Processing and Marketing) has helped fund two minibuses that will transport persons with disabilities to and from Tixéraise, Azur Plage and Ben Aknoun Hospitals;
- All new transport companies must ensure that their vehicles include five special buses for persons with disabilities.

193. Long-distance bus stations: the needs of persons with reduced mobility, namely, persons with disabilities, visually impaired persons, older persons, persons with push chairs, pregnant women and heavily laden persons, are taken into account in designing passenger reception and handling facilities.

194. Measures to make such facilities accessible to persons with reduced mobility, including persons with disabilities, include:

- Installation of shallow ramps;
- Adaptation of pavements and pedestrian walkways;
- Installation of tactile paving surfaces for visually impaired persons from where they enter the bus station to where they board;
- Designation of an adapted ticket booth for persons with disabilities;
- Provision of toilet facilities accessible to persons with disabilities;
- Installation of disability-friendly signs;
- Designation of disabled parking spaces;
- Installation of pedestrian crossings behind public transport stops.

## **Art. 21 — Freedom of expression and opinion, and access to information**

195. Freedom of expression and opinion is one of the fundamental freedoms protected by the provisions of the Constitution (Arts. 32, 36, 38 and 41), which are, moreover, in line with the provisions of the International Covenant on Civil and Political Rights.

Art. 32: “The fundamental rights and freedoms of the human person and the citizen are guaranteed. They represent the shared heritage of all Algerian men and women, whose duty it is to transmit them intact and inviolate from one generation to the next”.

Art. 36: “Freedom of conscience and freedom of opinion are inviolable”.

Art. 38: “All citizens are guaranteed freedom of artistic, scientific and intellectual creativity. Intellectual property rights are protected by law. The seizure of any publication, recording or any other means of communication and information must be subject to the issue of a court warrant”.

Art. 41: “Citizens are guaranteed the rights to freedom of expression, association and assembly”.

196. Numerous measures have been taken to facilitate access to information for persons with disabilities:

- Public television programmes provide sign language interpreting for deaf persons;
- The different public radio stations produce programmes for blind persons and, given the adaptability of radio broadcasting to persons with certain disabilities, also employ blind persons and persons with motor disabilities;
- By transmitting their programmes online, media outlets enable persons with disabilities to access their different programmes.

## **Art. 22 — Respect for privacy**

197. This right is enforced on the basis of the provisions of the International Covenant on Civil and Political Rights and the principles enshrined in the Constitution. Art. 39 of the Constitution states that: “The privacy and honour of the citizen shall be inviolable and protected by law. The confidentiality of private correspondence and communications in all their forms shall be guaranteed.” With regard to respect for the home, Art. 40 of the Constitution states that: “The State guarantees the inviolability of the home. No home searches may be allowed except by virtue of and in compliance with the law. Home searches must be subject to a search warrant issued by the competent judicial authority.” Furthermore, Art. 63 of chapter V of the Constitution, entitled “Obligations”, states that: “All individual liberties are enjoyed subject to respect for the rights of others recognized by the Constitution, in particular, respect for the right to honour, privacy and the protection of the family, youth and children.”

198. Sections IV and V of the second title of the Criminal Code impose different terms of imprisonment and/or fines for violations of individual liberty, attacks on the inviolability of the home and the honour, reputation and privacy of persons and the disclosure of secrets.

199. Art. 135 penalizes attacks on the inviolability of the home by any administrative, judicial or police official or any commander or member of the security forces. Art. 295 also penalizes “any individual who enters a citizen’s home by surprise or fraudulent means”, the penalty being increased when the offence is committed using threats or violence.

200. Arts. 296, 299 and 300 provide for specific penalties in cases of attacks on privacy or honour through insults, defamation or slander. Arts. 303 to 303bis (2) and Art. 137 penalize violations of the privacy of persons and the confidentiality of correspondence and communications.

201. Pursuant to Art. 40 of the Constitution, the Algerian legislative branch is working to put in place a number of strict rules and measures that protect and guarantee the inviolability of the home in the event of searches. Searches and investigations are carried out according to the procedures and conditions established by the Code of Criminal Procedure (Arts. 44 to 47, 64 and 79, among others). Fines and/or prison terms including pretrial detention (under Arts. 107 and 135 of the Code) are imposed for failure to comply with the abovementioned procedures and conditions.

202. The principle of professional secrecy and the confidentiality of health information is set forth in Executive Decree No. 92-276 of 6 July 1992 containing the Code of Medical Ethics.

### **Art. 23 — Respect for home and the family**

203. The domestic legal framework does not contain any provisions preventing persons with disabilities from marrying and starting a family in accordance with Act No. 84-11 of 8 June 1984 containing the Family Code, as amended and supplemented.

204. Marriage is now considered in family law as a voluntary contract requiring the consent of both future spouses. Consent is legally considered to be a constitutive element of marriage. Art. 10 of the Family Code stipulates that: “Consent arises from a request by one of the two parties and acceptance by the other expressed in a form signifying legal marriage. Request and consent on the part of disabled persons may be expressed in the form of writing or gestures signifying marriage in language or common usage”.

205. Algerian legislation does not restrict the spouses’ right to decide on the number of children they wish to have, nor does it contain any provisions preventing a person with disabilities from raising a child (legal placement or *Kafala*), provided that he or she is Muslim, able to make sound judgments, honest and capable of maintaining and protecting the child in question. The best interests of the child are the sole consideration when taking decisions on placement with a family.

206. Health law provides that families shall enjoy health protection in order to safeguard and promote their health and psychological and emotional wellbeing. The national family planning programme seeks to ensure harmony within the family and preserve the health of mothers and children. Projects are being carried out to improve gender balance in access to health care and reproductive and sexual health.

### **Art. 24 — Education**

207. The right to education is enshrined in Arts. 10, 11, 12, 13 and 14 of the Education Act (Act No. 08-04 of 23 January 2008).

Art. 10: “The State guarantees the right to education to all Algerians, without discrimination on grounds of sex or social or geographical origin.

Art. 11: “The right to education is ensured in practice by the generalized provision of basic education and the guarantee of equal opportunities with regard to conditions of schooling and continuation of studies after basic education”.

Art. 12: “Education is compulsory for all girls and boys aged 6 to 16 years. However, the duration of compulsory schooling may be extended by two years, where necessary, for pupils with disabilities. The State, in cooperation with parents, ensures that these provisions are implemented (...)”.

Art. 13: “Education is free at all levels in establishments of the national public education system. Moreover, the State supports the schooling of disadvantaged pupils through the provision of various forms of assistance, including scholarships, school textbooks and supplies, meals, accommodation, transport and school health care (...)”.

Art. 14: “The State ensures that children with special needs enjoy the right to education. The national education system works with hospitals and other relevant entities to ensure that pupils with disabilities or chronic illnesses receive appropriate educational support and have access to schooling”.

208. The following regulations have been drawn up in cooperation with the ministries concerned to ensure that children with disabilities have access to schooling:

- Interministerial Order of 27 October 1998 on the opening of classes in hospitals and hospital centres for children hospitalized for long periods of time;

- Interministerial Order of 10 December 1998 on the opening of special classes for children with sensory disabilities (hearing or visual impairment) in schools of the national education system;
- Interministerial Order of 7 May 2003 on the organization of assessment and school examinations for pupils with sensory disabilities.

209. Other updated texts on the provision of support to children with disabilities are currently being drafted.

210. Pursuant to the regulations in force, the Ministry of National Education, in cooperation with the other ministries concerned (notably the Ministry of National Solidarity), has taken organizational and pedagogical measures to ensure that children with disabilities enjoy the same right to education as other children. The national education system caters for the needs of the following categories of children with disabilities:

- Children with a sensory disability (deaf or blind children);
- Children with Down syndrome or slight intellectual impairment;
- Children with motor disabilities.

### **1. Catering for the needs of children with a sensory disability**

211. The following measures have been taken to meet the educational needs of children with a sensory disability:

(a) The opening of classes for hearing impaired (deaf-mute) children in primary schools;

(b) The opening of classes for visually impaired (blind) pupils in primary and secondary schools. There are now 61 classes catering for 441 pupils with sensory disabilities (deaf-mute and blind children) distributed over 13 regions, in addition to pupils who are fully included in ordinary classes.

### **2. Catering for the needs of children with Down syndrome or an intellectual impairment**

212. Classes have been opened in primary schools for children with Down syndrome or slight intellectual impairment, in coordination with associations working in that field to promote inclusive education. Schools contribute to these efforts by providing classrooms and school furnishings, while associations provide specialized educational support.

213. There are currently 596 children with Down syndrome or slight intellectual impairment enrolled in establishments of the national education system, distributed over 12 regions.

### **3. Catering for the needs of children with motor disabilities**

214. The needs of children with motor disabilities are catered for systematically in schools unless their disability requires the assistance of a third person (teaching auxiliary).

215. Organizational and pedagogical measures are being taken to facilitate the access of children with motor disabilities to school buildings and their mobility within the school, the conduct of teaching activities and the inclusion of such children in the school community.

216. Children with cerebral palsy or autism require the support and presence of a teaching auxiliary, a position that does not currently exist in the national education system. In conjunction with the Ministry of National Solidarity, there are plans to train teaching auxiliaries to meet the needs expressed by families of children with cerebral palsy or autism and to enable such children to exercise their right to education.

217. Providing better support for children and adolescents with disabilities is a therapeutic, pedagogical, educational and social priority. In that regard, reforms are currently under way to take account of changing practice in the provision of schooling for children with disabilities. The aim is to respond to new demands and adopt a holistic approach to catering for the needs of vulnerable persons through institutional care and adapted educational provision in a mainstream school setting. This approach is in line with

Act No. 02-09 of 8 May 2002 on the protection and promotion of persons with disabilities, in particular Arts. 14, 15, 16 and 17 thereof.

218. In the 2013-2014 school year, there were 201 specialized establishments catering for the needs of children with disabilities (schools for visually or hearing impaired children, centres for children with respiratory difficulties and psychopedagogical centres for children with intellectual disabilities or motor disabilities). These establishments provide specialized education and teaching through the use of disability-specific resources and technologies. The State pays for the schooling, assistive devices, transport and meals of children with disabilities. The following is a breakdown of the types of establishment currently providing an education (on a residential or semi-residential basis) for 18,846 children and adolescents with disabilities:

**Special education establishments for children with disabilities (2013-2014 school year)**

<i>Type of establishment</i>	<i>Number of establishments</i>	<i>Number of children with disabilities enrolled</i>
Psychopedagogical centres for children with intellectual disabilities	122	12 951
Psychopedagogical centres for children with motor disabilities	7	320
Schools for children with hearing impairment	43	4 020
Schools for children with visual impairment	22	1 395
Centres for children with respiratory difficulties	7	160
<b>Total</b>	<b>201</b>	<b>18 846</b>

219. These children are looked after by a multidisciplinary team consisting of 4,999 special education teachers and instructors, specialized educators, social workers and psychologists. Specialized staff providing services to children with disabilities are trained at national training centres.

220. Following the example of support activities carried out by specialized establishments in the national solidarity sector, 55 associations manage 73 establishments for children and adolescents with disabilities, who are charged a set daily rate that is covered by the National Social Security Fund. There are also seven registered supported employment centres, two educational farms and eight sheltered employment workshops managed by five associations.

221. As part of efforts to enhance the quality of services for children with disabilities, since the beginning of the 2010/2011 school year priority has been given to improving preschool education for children aged three to six years to ensure that they benefit from a mainstream school curriculum. The programme for this preparatory phase is based on developing the sensory, psychomotor and compensatory skills of children with disabilities.

222. The operating budget allocated in 2013 to specialized educational and teaching establishments for children with disabilities was 9,877,307,000 Algerian dinars.

223. All children with disabilities attending school receive an annual educational allowance of 3,000 Algerian dinars.

224. As part of efforts to renovate living spaces in residential centres for children and adolescents with disabilities, the interiors of specialized establishments have been adapted in order to improve accessibility to buildings.

225. Alongside institutional care and in order to give children with disabilities every opportunity to participate in the life of the community, the Ministry of National Solidarity promotes inclusive education for children with disabilities in ordinary schools of the

national education system. In addition to catering for the needs of children with sensory disabilities, pilot classes for children with slight intellectual impairment have been opened in ordinary schools of the national education system in a number of regions.

226. To ensure equal opportunities in end-of-year examinations, the necessary educational tools (tablets, stylus pens, speaking scientific calculators, etc.) are made available to pupils with disabilities taking the various examinations. Pupils with disabilities are subject to the same rules governing the conduct of end-of-year examinations but are given extra time and assistance for transcribing subjects in Braille.

227. The results achieved by pupils with disabilities educated in specialized institutions and in ordinary schools in the 2012/2013 end-of-year examinations are as follows:

- Primary education (fifth year), pass rate: 92.26%;
- Lower secondary education (fourth year), pass rate: 58.36%;
- High school diploma, pass rate: 47.10%.

228. All schools for children with visual impairments have sound libraries and Braille Internet workstations. The Ministry of National Solidarity has Braille and audio printing facilities for transcribing school textbooks.

229. As part of the overhaul of the care system for children with disabilities, the regulations governing specialized establishments for such children have been revised and updated, taking into account the nature of each type of disability, in order to ensure their educational, social and occupational inclusion.

230. Arts. 4 and 42 of Executive Decree No. 08-287 of 17 September 2008 establishing the conditions governing the creation, organization, operation and monitoring of early childhood centres are devoted to the provision of care for young children with disabilities in public and private establishments and the introduction of incentives for early childhood centres that provide children with disabilities with educational support. An order on such incentives is currently being drafted.

231. With regard to the provision of vocational training to persons with disabilities and as part of the policy for combating social exclusion included in the Government's programme, the vocational training and education system is making significant efforts to enable persons with disabilities to obtain an occupational qualification through its vocational training establishments.

232. Since the 1980s, the vocational training system has been providing vocational training to persons with physical disabilities (sensory and motor disabilities and chronic illnesses), young persons affected by social problems in rehabilitation centres and minors and adults in prison.

233. Act No. 02-09 of 8 May 2002 on the protection and promotion of persons with disabilities, which provides a definition of persons with disabilities and establishes principles and rules for their protection and promotion, devotes an entire chapter to education, vocational training, rehabilitation and functional rehabilitation. Art. 15(1) of the Act stipulates that: "attendance at educational and vocational training establishments is compulsory for children and adolescents with disabilities". Art. 16(1) states that: "where required by the nature and degree of the disability, education and vocational training for persons with disabilities shall be provided in specialized establishments".

234. Art. 4 of Act No. 08-07 of 23 February 2008 on guidelines for vocational training and education stipulates that: "the attainment of a recognized vocational qualification by all citizens is a permanent national objective". This principle guides public policy on vocational training and education.

## **Art. 25 — Health**

235. The Algerian health system enshrines the fundamental principles of accessibility, equity and access to quality care at the local level, with particular emphasis on persons with

disabilities and older persons. The system has benefited from significant investments designed to guarantee the protection and promotion of citizens' health through the construction and renovation of a large number of health-care facilities that include not only small-scale local clinics but also a network of general, specialized and teaching hospitals.

(a) Access to public health facilities is free and persons with disabilities benefit from all the health-care services available to the general population, as well as the special re-education and rehabilitation services being developed to meet the specific needs of persons with disabilities;

(b) National maternal and child health programmes remain a priority for the health sector and include monitoring in pregnancy, childbirth and the perinatal period, immunization, nutritional practices and family planning;

(c) Preventive medical visits, carried out up to the age of five years and then in schools, ensure early detection and medical diagnosis of congenital or acquired deficiencies and permit early medical, social and educational interventions to address any major causes;

(d) The adoption of ways of organizing health-care provision to reduce regional disparities by developing local facilities (polyclinics and health-care centres) and local primary health-care units, particularly in rural and isolated areas, in cooperation with hospitals in order to ensure continuity of care;

(e) Initial and in-service staff training remains crucial for improving the quality of health care and efforts are under way to increase the numbers of health-care personnel and offer new training courses, particularly in the field of rehabilitation;

(f) Health care for vulnerable groups is a priority and resources are allocated to ensure that the appropriate services can be delivered. Discrimination is contrary to the ethical principles enshrined in law.

236. Persons with disabilities who are not working are eligible for social security and consequently enjoy the same health insurance benefits as non-disabled persons covered by social security.

237. As part of the implementation of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction and in line with the Cartagena Action Plan 2010-2014, a national action plan on assistance for victims of anti-personnel mines was launched in 2013. Three workshops were held in October and November 2013 on:

- Personalized social support for victims of anti-personnel mines;
- Quantitative and qualitative improvement of physical rehabilitation services;
- Accessibility and awareness-raising.

238. Once the plan has been finalized, it will be possible to improve care and assistance for persons with disabilities.

## **Art. 26 — Habilitation and rehabilitation**

239. National health programmes cover preventive and remedial aspects, but also re-education and rehabilitation. Accordingly:

- Several programmes covering different stages of life provide care for persons with physical and intellectual disabilities, namely, the national maternal and child health programme, the national mental health programme, the national programme to combat deafness through cochlear implants and the national programme to combat avoidable blindness through the promotion of corneal transplants;
- Initial and in-service training for health-care professionals is constantly assessed and improved. Training for paramedical staff, which used to be provided by the health-care system, will henceforth be provided by the higher education system (Bachelor's degree, Master's degree, Doctorate);



- Specialized functional re-education and rehabilitation services for the treatment of debilitating osteoarticular and neuromuscular conditions have benefited from the updating of technical capabilities and will be strengthened by new facilities designed to meet growing needs in this area. A number of services help supply orthopaedic devices.

240. In partnership with youth associations, the Government is focusing on the habilitation and rehabilitation of young persons with special needs in all youth activities.

241. In this regard, associations wishing to obtain funding for youth projects must make provision in their funding applications for the inclusion and participation of young people with special needs. In 2013, 85 national and local associations received funding for activities to assist such young people, including:

- Association locale des sourds muets d'Ouled Djellal (Ouled Djellal Local Association for Deaf-Mute Persons);
- Association Synergie Réadaptation (Synergy Rehabilitation Association);
- Association locale des sourds muets (Local Association of Deaf-Mute Persons);
- Fédération algérienne des handicapés moteurs (Algerian Federation of Persons with Motor Disabilities);
- Association Chems pour les arts thérapeutiques (Chems Association for Therapeutic Arts);
- Ligue de wilaya de sport des sourds muets (Regional Sports League for Deaf-Mute Persons);
- Association de promotion de l'enfant handicapé (Association for the Advancement of Children with Disabilities);
- Association de wilaya des handicapés El Amel (El Amel Regional Association of Persons with Disabilities);
- Association de la promotion des jeunes filles sourdes muettes (Association for the Advancement of Young Deaf-Mute Girls);
- Association culturelle et touristique des sourds (Cultural and Tourist Association of Deaf Persons);
- Association culturelle des jeunes muets (Cultural Association of Young Mute Persons);
- Association culturelle Amel des sourds muets (Amel Cultural Association of Deaf-Mute Persons);
- Association des handicapés auditifs (Association of Persons with Hearing Impairments);
- Association El Amel pour le soutien des enfants et adultes handicapés mentaux (El Amel Association for the Support of Children and Adults with Intellectual Disabilities).

## **Art. 27 — Work and employment**

242. Art. 23 of Act No. 02-09 of 8 May 2002 on the protection and promotion of persons with disabilities, which establishes the right to work of persons with disabilities, states that one way for persons with disabilities to be included in society is for them to engage in an appropriate or adapted occupation that gives them physical and financial autonomy. The Act also states that no applicant may be barred from taking a competitive examination or recruitment test because of his or her disability (Art. 24).

243. Arts. 25 to 29 of the Act define the principles governing the employment of persons with disabilities in the public and private sectors and the benefits granted to anyone who employs persons with disabilities. The Act establishes, for the first time, a quota system for

the employment of persons with disabilities. Art. 27(1) provides that “all employers must ensure that at least 1 per cent of posts are filled by persons with disabilities whose status as workers is recognized”. The Act also provides for alternative measures (Art. 27 (2)) where a person with disabilities cannot be recruited directly. In such cases, the employer must make a financial contribution to a special fund that finances the protection and promotion of persons with disabilities. Art. 28 provides for incentives to encourage employers to hire persons with disabilities. Employers who adapt workplaces, including equipment, for persons with disabilities receive grants under agreements concluded by the State, local authorities and social security bodies.

244. In order to put in place regulations on the obligation to employ persons with disabilities pursuant to Arts. 27 and 28 of Act No. 02-09 of 8 May 2002, it was necessary to draft an executive decree to establish the procedures for setting aside posts, determining the employer’s financial contribution and providing grants for the adaptation of workplaces and equipment for persons with disabilities.

245. With regard to the exemptions applied to employers of persons with disabilities, the following measures should be mentioned:

- Wages and other remuneration paid to persons with disabilities are exempt from income tax and excluded from the calculation of lump-sum payments (1992 Finance Act, Art. 35);
- Businesses operated by approved associations of persons with disabilities, as well as their subsidiary structures, are permanently exempt from income tax (1993 Finance Act, Art. 43);
- Businesses operated by approved associations of persons with disabilities, as well as their subsidiary structures, are permanently exempt from corporation tax (1993 Finance Act, Art. 112);
- Employers benefit from a 50-per-cent reduction in their social security contributions whenever they recruit a person with disabilities or an employee with a disability (1996 Finance Act, Art. 163).

246. The Algerian legislative and regulatory framework governing labour relations and the promotion and protection of persons with disabilities grants such persons:

- The right to work in a job that they have chosen freely on the labour market and in an open working environment that is organized according to their intellectual and physical capabilities;
- Access to a job without discrimination, based on their physical and mental condition;
- With regard to inclusion in the workforce, public sector employers must set aside jobs for persons with disabilities. An instruction to this effect from the Ministry of Labour, Employment and Social Security was sent to all public sector bodies and institutions under its responsibility and the number of employees with disabilities now appears in the statistical reports on public sector employment;
- In the area of occupational health and safety, employers are barred from assigning heavy work and night work to persons with disabilities and must make such adaptations to their workplaces and equipment as are necessary for such persons to do their jobs or remain in their jobs and cover the costs of their outpatient care and their treatment for occupational diseases.

247. The following outcomes were achieved as a result of the measures taken by the Ministry of Labour, Employment and Social Security to create business opportunities for young entrepreneurs aged 18 to 35: from 1997 to 31 December 2010, 350 micro-businesses out of a total of 140,503 were created by young entrepreneurs with disabilities, creating 885 direct jobs; 45 of these projects were carried out in the service sector and 15 were launched by female entrepreneurs with disabilities.

248. As part of the promotion of the employment and social and workplace inclusion of persons with disabilities, supported employment centres and sheltered employment

workshops may be set up. These establishments, which provide support to persons with disabilities of working age, fall into two categories:

- Sheltered employment workshops, governed by Executive Decree No. 08-83 of 4 March 2008, which comprise sheltered workshops and distribution centres for home-based work. They employ workers with disabilities who are able to work but unable to do so in a normal working environment. Such workers are paid a fixed wage that is determined by their job, their qualifications and their performance;
- Persons with disabilities who are unable to work in either a normal working environment or a sheltered workshop can work in supported employment centres (Executive Decree No. 08-02 of 2 January 2008) that provide support for work-based rehabilitation. Such workers are covered by the regulations on social security, health, hygiene, safety and occupational medicine and are paid for the work that they do.

249. Persons with disabilities benefit from the different welfare, inclusion and employment mechanisms put in place by the State and managed by the national solidarity system. These programmes or mechanisms are as follows:

- The fixed solidarity allowance (*allocation forfaitaire de solidarité*);
- The community service allowance (*Indemnité des activités d'intérêt général*);
- The young graduates inclusion programme (*dispositif d'insertion des jeunes diplômés*) aimed at young university graduates and advanced technicians who do not have an income, are living in poverty, are unemployed or have a disability;
- Programme beneficiaries are found work appropriate to their degree and qualification in either the public or the private sector;
- Employers are required to support and mentor young graduates;
- Young people who find jobs through the programme receive a monthly allowance and are also covered by social security;
- The social inclusion programme (*Dispositif d'activité d'insertion sociale*), designed to ensure the social inclusion of young people with no income or qualifications in public or private sector bodies. Beneficiaries receive an allowance and are eligible for health insurance or industrial accident coverage.

250. Self-employment also contributes to social inclusion. The National Microcredit Management Agency (*Agence nationale de gestion du micro crédit*), through the microcredit mechanism, helps combat inequality and all forms of exclusion or discrimination in access to work. It also provides a way to ensure the autonomy and personal, family and occupational development of persons with disabilities.

251. To permit their inclusion, persons with disabilities are treated in the same way as persons without disabilities by giving them the opportunity to create their own economic activities and their own jobs and to generate a decent income.

252. Specifically, the Agency provides ongoing support for the economic inclusion of persons with disabilities through the following actions:

- Targeting and identifying persons with disabilities: in partnership with representatives of civil society, the Agency strives to reach persons with disabilities and support them in creating income-generating economic activities;
- Awareness-raising: the objective is to promote decent self-employment and to support persons with disabilities in finding ways to improve their lives, in order to end their isolation and help them become financially independent;
- Personalized support and special monitoring: given the specific characteristics of this sector of the population, the Agency provides personalized support and special monitoring, taking into consideration the human and social dimension of persons with disabilities;

- Persons with disabilities are offered activities in line with their skills. The funding available is between 100 000 and 1 million dinars;
- Setting up an adapted document library: to better assist partially sighted persons, documents translated into Braille explain the Agency's objectives and how to access the services it offers;
- Given the reduced mobility of persons with disabilities, the support and monitoring provided for their economic activities take place on site: in their home or place of work. The aim is to avoid persons with disabilities having to make expensive and burdensome visits to the Agency's offices;
- Training: training in creating and managing micro-activities and/or micro-businesses is offered to persons with disabilities on the same basis as to persons without disabilities;
- Efforts are made to ensure that persons with disabilities take part in trade fairs and sales exhibitions for products produced using microcredit. The aim is both social and economic, as it enables persons with disabilities to open up to the outside world, become less isolated and be considered fully responsible for their own development.

253. In terms of activity creation, the results achieved between 2005 and November 2013 are as follows:

<i>Type of disability</i>	<i>Number of activities financed</i>			<i>Number of jobs created</i>
	<i>Women</i>	<i>Men</i>	<i>Total</i>	
Motor	218	460	678	
Hearing	101	142	243	
Visual	34	72	106	
<b>Total</b>	<b>353</b>	<b>674</b>	<b>1 027</b>	<b>1 541</b>

254. Algeria has also set up a National Council for Persons with Disabilities (Executive Decree No. 06-145 of 26 April 2006), which includes a joint technical committee bringing together all stakeholders concerned with employment. The Council's aim is to study problems related to the employment of persons with disabilities and suggest solutions for improving their working conditions, including making recommendations on finding, keeping and advancing in a job.

255. Given the importance that Algeria ascribes to efforts to raise awareness of the skills of persons with disabilities, regional, national and international meetings are organized several times a year to reflect on issues relating to the employment of persons with disabilities.

256. Art. 341bis of Act No. 04-15 of 10 November 2004, amending and supplementing Ordinance No. 66-156 of 8 June 1966 establishing the Criminal Code, provides for protection against sexual harassment in the workplace: "anyone who abuses the authority conferred by his or her post or profession by giving other persons orders, making threats, imposing restrictions or putting pressure on them in an attempt to obtain sexual favours shall be deemed to have committed the offence of sexual harassment and shall be punished by two months' to one year's imprisonment and a fine of 50,000 Algerian dinars. If the person reoffends, the penalty shall be doubled".

257. Act No. 09-01 of 25 February 2009, which amends and supplements Ordinance No. 66-156 of 8 June 1966 establishing the Criminal Code, defines forced labour, slavery and servitude as forms of human trafficking and imposes prison sentences and fines on perpetrators, with penalties increased in some cases.

## Art. 28 — Adequate standard of living and social protection

258. In keeping with the principle of equality among all citizens without distinction on the basis of gender, race, colour or state of health, Algeria has guaranteed the right of persons with disabilities to a decent standard of living and social protection by introducing a support system and habilitation and rehabilitation services.

259. The State implements programmes that provide support and social protection for persons with disabilities, including:

- Cash welfare payments aimed at providing an income to persons with disabilities who do not have an income and are recognized by the regional welfare and solidarity offices;
- Support for access to basic social services, involving coverage of social security contributions for access to health care and partial or total coverage of the costs of urban and road, rail and air transport.

260. Financial assistance is provided for under: Executive Decree No. 03-45 of 19 January 2003 on arrangements for implementing the provisions of Art. 7 of Act 02-09 of 8 May 2002 on the protection and promotion of persons with disabilities, as amended; Executive Decree No. 03-175 of 14 April 2003 on the *wilaya* specialist medical committees and the National Appeals Board; Executive Decree No. 06-144 of 26 April 2006 on arrangements to provide persons with disabilities with free transport and reduced fares; Interministerial Decision No. 06 of 8 January 2001 extending the fixed solidarity allowance to persons with disabilities, older persons, terminally ill persons and blind persons; and Interministerial Decision No. 01 of 14 February 2009 increasing the amount of the fixed solidarity allowance.

### (a) Financial assistance allocated to persons with a disability rate of 100 per cent

261. Financial assistance amounting to 4,000 Algerian dinars per month is allocated to persons with disabilities who are over 18 years of age and have no income.

- For 2013, a budget of 12,178,656,000 Algerian dinars was allocated for the payment of this assistance;
- In the first half of 2013, a total of 224,437 persons received this financial assistance, distributed as follows:
  - Men: 134,130 persons, or 59.76 per cent;
  - Women: 90,307 persons, or 40.24 per cent.

### (b) Financial assistance allocated to persons with a disability rate of less than 100 per cent

262. The fixed solidarity allowance of 3,000 Algerian dinars per month, supplemented by 120 Algerian dinars per month per dependant, up to a maximum of three dependants, is allocated to persons with a disability rate of less than 100 per cent.

263. For the first half of 2013, a budget of 8,210,016,000 Algerian dinars was allocated to provide the fixed solidarity allowance to 206,276 persons with disabilities, distributed as follows:

- Men: 132,737 persons, or 58.20 per cent;
- Women: 95,319 persons, or 41.80 per cent.

264. Social security coverage is provided for by: Act No. 83-11 of 2 July 1983, the Social Security Act, as amended and supplemented; Decree No. 85-34 of 9 February 1985 setting the social security contributions for specific categories of persons covered by social security; and Executive Decree No. 03-175 of 14 April 2003 on the *wilaya* specialist medical committees and the National Appeals Board.

265. Persons with disabilities who are not working receive financial assistance (monthly allowance) and in-kind benefits, such as social security coverage enabling them to access

social security benefits. In-kind benefits include outpatient medical and surgical care, hospitalization, medicines, laboratory tests, glasses, dental care and prostheses, prosthetic devices and functional rehabilitation. They also benefit from free urban transport and/or a 50-per-cent reduction on rail, road and air fares.

**(c) Social security coverage for persons with a disability rate of 100 per cent**

- In 2013, a budget of 2,520,344,000 Algerian dinars was allocated to social security coverage for persons with a disability rate of 100 per cent
- The number of beneficiaries in the first half of 2013 totalled 223,082 persons with a disability rate of 100 per cent, distributed as follows:
  - Men: 134,829 persons, or 60.44 per cent;
  - Women: 88,253 persons, or 39.56 per cent.

**(d) Social security coverage for persons with a disability rate of less than 100 per cent and receiving the fixed solidarity allowance**

266. All persons with disabilities receiving the fixed solidarity allowance also benefit from social security coverage. In the first half of 2013, a budget of 2,955,605,760 Algerian dinars was paid to the National Social Security Fund to cover social security contributions.

267. Access to transport is organized by Executive Decree No. 06-144 of 26 April 2006 on arrangements to provide persons with disabilities with free transport and reduced fares. With regard to access to basic social services, the State covers some or all transport costs for persons with disabilities. The relevant agreements are concluded with public transport companies (urban, road, rail and air).

- In 2013, a budget of 230 million Algerian dinars was allocated to cover transport costs for persons with disabilities and 53 agreements were drawn up for that purpose;
- As with sickness insurance, persons with disabilities who work receive the same retirement benefits as persons without disabilities, in accordance with the same rules.

**Art. 29 — Participation in political and public life**

268. Algerian legislation guarantees all citizens the right to participate in political life without any discrimination pursuant to the provisions of the Constitution, Arts. 50 and 51 of which state, respectively, that: “all citizens fulfilling the legal conditions are eligible to vote and to be elected” and “equal access to State office and employment is guaranteed to all citizens without any conditions other than those prescribed by law”.

269. Successful development cannot be achieved without the active participation of all stakeholders in society, because such participation is a fundamental principle of development. Participation is both a right and an obligation. Indeed, the Constitution devotes a number of provisions to this principle. Art. 31 provides for the “effective participation of all citizens in political, economic, social and cultural life”. In this context, civil society organizations are encouraged (Art. 43). The freedoms of expression, association and assembly are protected (Art. 41) and the right to create political parties is recognized and guaranteed while respecting fundamental freedoms (Art. 42).

270. Algeria has made efforts to ensure that persons with disabilities are represented on all bodies responsible for putting in place strategies for developing the rights of persons with disabilities, such as the National Council for Persons with Disabilities, the National Commission on Accessibility for Persons with Disabilities, the *wilaya* specialist medical committees, the Commission for Special Education and Vocational Guidance, the National Commission for Adapted Physical Activity, the National Commission for the Translation of School Textbooks into Braille and the steering committee of the national survey on disability.

271. To promote and revitalize civil society organizations, the Government has implemented a programme to set up 48 solidarity centres for civil society organizations in

response to their requests for premises and spaces in which to carry on consultation, information and training activities. Twenty-one such solidarity centres have already been funded under this programme.

272. Voting requirements are set out in Act No. 12-01 of 12 January 2012 on the electoral system, which states that: “All Algerians aged 18 and over on the day of the election, in possession of their civil and political rights and not deemed to lack legal capacity in any way under the law in force, are eligible to vote” (Art. 3).

273. The Act also includes provisions enabling persons with disabilities to exercise their right to stand for election as members of local or national deliberative assemblies, except where they are deemed to lack legal capacity under the law in force. To facilitate the equal access of all citizens to their right to vote, Art. 45 provides that: “any voter with a disability that makes it impossible for him or her to insert the ballot paper in the envelope and to place the envelope in the ballot box is authorized to be assisted by a person of his or her choosing”.

### **Art. 30 — Participation in cultural life, recreation, leisure and sport**

274. Since the practice of physical education and sports is recognized as a right of all citizens, regardless of age or sex, Art. 9 of Act No. 04-10 on physical education and sport makes physical and sports education mandatory in specialized establishments for persons with disabilities and provides for those in charge of such persons to receive specialized training.

275. As part of the effort to humanize vocational training and education, cultural and sporting activities are included in the action plan for the sector by providing vocational training establishments with:

- Reading and recreation areas (library, multimedia room, chess etc.);
- Sports facilities (AstroTurf sports fields, sports halls).

276. The vocational training system organizes WorldSkills events every year for trainees, including trainees with disabilities. Trainees compete in these events as a means of showcasing their skills and vocational expertise. Holiday camps for children with disabilities are also held each year, in collaboration with associations working in the field of disability.

277. The Ministry of Youth and Sports supports and assists two national federations specialized in the promotion and development of sports for persons with disabilities, in order to enable such persons to express themselves and develop their potential through the different sports offered by the two federations:

(a) The Algerian Deaf Persons Sports Federation, which is responsible for sport for deaf-mute persons and works in several sports such as table tennis, wrestling, athletics and Greco-Roman wrestling;

Like all sports federations and in an attempt to promote sport for persons with disabilities, the Federation has several development hubs for the different sports (22 regional leagues, 40 clubs and 22 specialized schools);

The Federation’s activities cover various regions and municipalities and it has taken part in national, regional and international competitions, with promising results in all categories and in different sports;

(b) The Algerian Disabled Sports Federation, which covers a range of sports (athletics, basketball, wheelchair basketball, judo, swimming, table tennis, weightlifting etc.). It assists persons with various types of disabilities and meets their needs in several regions and municipalities through its 90 sports clubs and 28 regional leagues. The participation of these athletes in disabled sports has led to important successes, especially at the Paralympic Games and World Championships;

Algerian elite disabled athletes receive support and rewards from the Government in the same way as other athletes when they compete in international competitions, such as the All-Africa Games, the Pan Arab Games and the Paralympic Games.

278. With the same objective of promoting and developing physical and sporting activities in specialized environments, several actions, projects and provisions have been implemented:

- Relaunching and mainstreaming physical activity in specialized environments;
- A project to create a national sports school for persons with disabilities;
- A preliminary draft law introducing the speciality “Sports training adapted to persons with disabilities” at the Higher School for Sport Science and Technology (*École supérieure en science et technologie du sport*);
- Follow-up to the draft ministerial decision to set up a sports centre for Algerian elite disabled athletes in the Tchaker stadium in the Blida region;
- Making sports facilities available free of charge to athletes with disabilities in all sports.

279. With regard to cultural, recreational and leisure activities, young persons with disabilities have the same access to all socio-educational, leisure and youth exchange programmes in youth facilities as other young persons. Such programmes (cultural, scientific and leisure activities, tourism and exchanges) aim to help young people manage their free time. Youth facilities put on rich and varied programmes throughout the year, focusing on:

- Cultural and artistic activities;
- Technical and scientific activities;
- Outdoor and leisure activities;
- Sport and recreation activities;
- Youth exchange and tourism programmes;
- Leisure centre activities;
- Event-related activities (festivals, meetings, commemorative days, national and international days).

280. Algerian legislation requires all organizers of leisure, exchange and tourism activities, including holiday and leisure centres for young people (holiday camps), to include a certain percentage of young persons with disabilities.

281. Some Algerian associations working in this field would like to:

- Set up a system for rebroadcasting television news and certain other (sport and religious) television programmes in sign language that is sufficiently rich and up to date with the latest developments;
- Return to the earlier practice of retransmitting National People’s Assembly debates in sign language;
- Promote the learning of sign language in entities that are in contact with the public (National People’s Assembly, police, Gendarmerie, Social Security Fund, Algerian postal service, Algeria Telecommunications Corporation, hospitals, etc.) and introduce their staff to this vital language.

### **Art. 31 — Statistics and data collection**

282. Algeria is aware of the importance of statistics and data collection and research work and their contribution to the design of strategies, policies and programmes for the promotion and protection of persons with disabilities. For this reason, it decided to launch a national survey on disability in January 2014, with a budget of 140 million Algerian dinars.



283. The aim of this survey was to learn about disability in Algeria and its causes, consequences and magnitude, using statistical data that are as exhaustive as possible and adopting the latest internationally recognized conceptual and scientific approaches in the field of disability.

284. This survey is part of the programme to readjust the Government's political vision and ensure that the action taken with regard to persons with disabilities is consistent with the principles of the Convention on the Rights of Persons with Disabilities.

285. The findings of this important survey will assist decision-making on:

- Improving programmes for the social and workplace inclusion of persons with disabilities;
- Putting in place a multidisciplinary support network distributed equitably across the country;
- Strengthening funding mechanisms for specific aids.

286. It was in this spirit that the survey's terms of reference were defined and a steering committee was created, bringing together representatives of all ministries and civil society organizations working in the field of disability. The committee's work allowed the survey's terms of reference and initial framework to be validated.

287. The Office of National Statistics designed the survey, using a representative sample of around 37,000 households.

288. As an example, the Ministry of Vocational Training and Education has an integrated sectoral database, into which data are inputted regularly from the biannual and annual surveys completed by all vocational training establishments, including specialized establishments. The data are disaggregated under the following headings:

- Number of trainees by type of training: residential training and apprenticeship (region, gender and level of training);
- Number of trainees by type of disability (motor, hearing, visual, chronic illness, learning difficulties);
- Number of trainees by type of class:
  - Inclusive classes;
  - Special classes;
  - Off-site classes;
  - Specialized centres.

289. The table below gives figures for the number of persons with physical disabilities trained between 1999 and 2012.

	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Trainees with physical disabilities	1 211	1 642 of which 652 girls	1 347 of which 637 girls	1 353 of which 600 girls	1 308 of which 608 girls	1 554 of which 684 girls	1 917 of which 718 girls	1 976 of which 797 girls	2 171 of which 779 girls	1 790 of which 616 girls	1 715 of which 606 girls	1 827 of which 625 girls	2 064 of which 753 girls	1 922 of which 748 girls

290. The Ministry of Justice has 172 persons with disabilities on its staff, as shown in the table below:

<i>Physically disabled</i>			<i>Visually impaired</i>			<i>Hearing impaired</i>			<i>Total</i>
<i>Men</i>	<i>Women</i>	<i>Subtotal</i>	<i>Men</i>	<i>Women</i>	<i>Subtotal</i>	<i>Men</i>	<i>Women</i>	<i>Subtotal</i>	
95	36	131	18	09	27	09	05	14	172

291. With regard to the number of prisoners with disabilities:

292. The number of prisoners with disabilities in prison establishments is 400, distributed as follows:

- 251 convicted prisoners;
- 50 persons in pretrial detention;
- 11 persons who have filed an appeal;
- 88 persons who have applied for a judicial review.

293. In the health field, a multiple indicator cluster survey was carried out in 2006 by the Ministry of Health, Population and Hospital Reform and the Office of National Statistics, which found through household surveying that the proportion of persons with disabilities in the entire population is an estimated 2.5 per cent. The relevant data are currently being updated and show that the prevalence of disability is significantly higher among men than among women (3.9 per cent and 1.1 per cent respectively).

#### Prevalence of disability by age and sex

<i>Age group</i>	<i>Men</i>		<i>Women</i>		<i>All</i>	
	<i>% prevalence</i>	<i>Number</i>	<i>% prevalence</i>	<i>Number</i>	<i>% prevalence</i>	<i>Number</i>
0-19 years	0.1	34 303	0.1	33 425	0.1	67 728
20-59 years	4.4	45 316	1.1	45 002	2.8	90 318
60 years	19.8	6 676	6.2	6 362	13.2	13 038
<b>Total</b>	<b>3.9</b>	<b>86 298</b>	<b>1.1</b>	<b>84 802</b>	<b>2.5</b>	<b>171 100</b>

#### Relative distribution of persons with disabilities by severity of disability and place of residence

<i>Severity of disability</i>	<i>Urban</i>	<i>Rural</i>	<i>Total</i>
Severe disability	41.4	37.3	39.5
Moderate disability	58.6	62.7	60.5
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>

#### Relative distribution (per cent) of persons with disabilities by type of disability and place of residence

<i>Type of disability</i>	<i>Urban</i>	<i>Rural</i>	<i>Total</i>
Motor	43.9	44.7	44.2
Understanding and communication	32.4	28.2	30.4
Vision	21.4	25.2	23.2
Interaction with people	20	16.9	18.6
Personal care	17.8	15.3	16.7
Hearing	14.7	17.2	15.9

294. The prevalence of chronic illnesses is 10.5 per cent and is significantly higher among older persons, especially those aged over 35 years.

**Prevalence of chronic illnesses by age and sex**

Age group	Men		Women		Total	
	% prevalence	Number	% prevalence	Number	% prevalence	Number
0-18 years	2.9	32 386	2.4	31 440	2.6	63 827
19-24 years	3.4	12 030	3.0	11 901	3.2	23 932
25-35 years	3.6	14 946	5.1	14 498	4.3	29 462
35-59 years	12.7	20 238	24.3	20 587	18.5	40 826
60 and over	42.0	6 676	60.4	6 362	51.0	13 038
<b>Total</b>	<b>8.4</b>	<b>86 298</b>	<b>12.6</b>	<b>84 802</b>	<b>10.5</b>	<b>171 100</b>

**Prevalence of chronic illnesses by age and type of illness**

	0-18	19-24	25-34	35-59	60 and over	Total
	Hypertension	0.06	0.13	0.57	7.82	31.15
Diabetes	0.16	0.23	0.42	4.13	12.52	2.10
Joint diseases	0.22	0.26	0.46	2.91	10.59	1.70
Asthma	0.7	0.80	0.91	1.80	3.09	1.20
Cardiovascular diseases	0.24	0.26	0.31	1.65	6.98	1.11
Other illnesses	1.27	1.58	1.90	4.08	5.72	2.43
<b>Total</b>	<b>63 827</b>	<b>23 932</b>	<b>29 462</b>	<b>40 826</b>	<b>13 038</b>	<b>171 100</b>

**Art. 32 — International cooperation**

295. The project to support Algerian development associations (ONG II) was the subject of a funding agreement between the European Union and the Algerian Government. Of the 131 development association projects funded by the ONG II project, 21 (16 per cent) are devoted to the protection of persons with disabilities (including funding of networks of associations).

296. The 21 projects focus on the following:

- Medical, psychological and pedagogical care of persons with disabilities;
- Social and occupational inclusion of persons with disabilities;
- Support for children with disabilities and their families.

297. A cooperation agreement signed with Handicap International on 14 March 2011 concerns the institutional care of children with disabilities and the need to ensure both the quality of institutionalization and a process of deinstitutionalization. The objectives of this agreement are to:

- Put in place an institutional model and a personalized model;
- Set up a “one-stop-shop” diagnosis, guidance and monitoring service for persons with disabilities in order to meet the expectations of persons with disabilities and their families;
- Identify and promote existing good practice in public institutions and those operated by associations that care for children with disabilities;
- Introduce new approaches (Quebec International Classification: Disability Creation Process) in the syllabus for the initial and in-service training of specialized staff.

298. In order to improve the technical and pedagogical care of deaf children, a partnership agreement was signed between the Algiers School for Children with Hearing

Impairments and the Malgrange Institute for Deaf Persons (*Institut des sourds de la Malgrange*), France.

299. As part of Algerian-French cooperation, the Maison du XXI<sup>e</sup> siècle in Paris is working with specialized establishments in Algeria to update and adapt the methods used to care for persons with pervasive developmental disorders.

300. Following the implementation of decentralized cooperation between the Adrar region and the General Council of the Gironde, France, the two entities launched a cooperation project for improving the care of children with disabilities in the region.

### **Art. 33 — National implementation and monitoring**

301. The central structure of the Ministry of National Solidarity, the Family and the Status of Women includes a directorate for the protection and promotion of persons with disabilities, which has branches at the local level, namely, regional welfare and solidarity offices and municipal welfare offices. It also has an advisory body, the National Council for Persons with Disabilities. This body provides a bridge between the public authorities in charge of social policy and representatives of civil society.

302. Prime Ministerial Instruction No. 368 of 21 December 2013, on the mainstreaming of disability in sectoral programmes pursuant to Art. 33(1) of the Convention on the Rights of Persons with Disabilities, calls for an intersectoral approach to disability, to be implemented by appointing a focal point for disability questions in each ministry. A central focal point, responsible for coordinating and supervising programmes for persons with disabilities, will be appointed in the Ministry of National Solidarity.

303. The different ministries have appointed their focal points, who will soon become part of the National Council for Persons with Disabilities. Their tasks will include promoting and guiding programmes that deal with disability questions and coordinating and reporting on the action taken by the different ministries.

### **Conclusion**

304. In ratifying the Convention, Algeria confirmed its willingness to participate actively in the development of the international system for the promotion and protection of the rights of persons with disabilities.

305. It is working to implement the provisions of the Convention by harmonizing its domestic legislation and bringing it into line with the Convention, while accompanying the adaptation of its laws and regulations by actions and achievements on the ground in the areas of both promotion and protection.

306. In the area of promotion, all relevant ministries, as well as the National Advisory Commission for the Promotion and Protection of Human Rights, are ensuring the dissemination of the Convention's provisions.

307. In the area of protection, Algerian legislation and the resulting measures have steadily expanded opportunities for the effective enjoyment of the rights of persons with disabilities and their well-being.

308. It is in this spirit of full adherence to the Convention that the present report was drafted. Its submission is proof of the Government's readiness to expand its cooperation with the Committee and to provide any additional information or replies to the questions that the Committee may see fit to ask it under the pre-session procedure.