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## The situation of persons with disabilities

No official reliable data on disability exist in DRC. Based on studies in sample districts, the disability federation estimates a prevalence of around 11 per cent or around 7.4 million persons. According to the disability federation, 90 per cent of persons with disabilities (PWD) are illiterate and 96 per cent live in inhuman and degrading conditions. Given DRC's general condition with the lowest position in the UNDP's Human Development Index (HDI), the second lowest per capita income in the world, high corruption levels and a seemingly never-ending cycle of violence in the eastern part of the country, the Democratic Republic of Congo may be one of the world's most challenging places for people with disabilities to live.

The main causes of disability are: poor hygiene; improper medication; insufficient vaccination programmes; parents' lack of knowledge about common diseases and their treatment; landmines; psychological stress from armed conflict; and traffic accidents (which seem to be overrepresented as a cause of disability in DRC). Leprosy has also increased and the civil wars caused many new cases of disability.

Persons with disabilities face widespread and deeply rooted prejudices resulting in structural discrimination. They often are accused of witchcraft. The belief that children with a psychosocial or intellectual disability are possessed many times lead to applied exorcism and/or rejection by the family. As much as 70 per cent of children living in the streets have been accused of witchcraft according to some figures. Discrimination against persons with albinism is widespread and limits their access to employment, health care, and education and even to marriage. Persons with albinism are frequently ostracised by their families and communities.

Women with disabilities are facing double discrimination, and are often completely excluded from decision-making and development initiatives at

all levels, including those specifically designed to address gender inequality and gender based violence. Given the country's context of civil war, organised sexual abuse and rape of women as part of the armed conflicts, it can be assumed that many women get a disability as a result of this abuse and many women with disabilities become victims because they are more vulnerable. Experiences from other countries show that women with disabilities are more frequently victims of sexual violence, trafficking and prostitution. A Human Rights Watch report from Uganda "As if we weren't human" (2010) illustrates this.

## Legal and policy frameworks

The Democratic Republic of the Congo has taken a number of legislative and policy steps that indicate commitment to advancing the rights of persons with disabilities. In terms of binding **international commitments**, these steps include:

- Signing and ratifying (in 2014) the United Nations Convention on the Rights of Persons with Disabilities (CRPD), as well as its Optional Protocol. The CRPD is the first international, legally binding treaty aimed at protecting the human rights of persons with disabilities. [www.un.org/disabilities/convention/conventionfull.shtml](http://www.un.org/disabilities/convention/conventionfull.shtml)
- Signing and ratifying (2002) the Mine Ban Treaty on 2 May 2002 and enacting legislation to implement its provisions (2011).
- Signing and ratifying other treaties that advance the rights of people, including those with disabilities, for example the UN Convention on the Rights of the Child, the African Charter on Human and People's Rights, the Convention on the Elimination of All Forms of Discrimination against Women – all of which make some reference to protecting the rights of persons with disabilities to fair treatment, appropriate care, inclusion and full participation in society.

The African Commission on Human and Peoples' Rights has drafted a Protocol on the Rights of Persons with Disabilities. It was released for comment in April 2014 and once finalised, is likely to become part of DRC's policy framework for advancing disability rights. Other important upcoming tools in 2014 are the CRPD Toolkit for Africa and the Accountability Framework for Africa which is part of the Common African position for Post 2015 Development.

In terms of **national laws and policies**, the following have the most direct bearing on the rights of persons with disabilities:

Disability is specifically mentioned in Article 49 of the Constitution, which is stating that persons with disabilities should be represented in decision-making institutions on all administrative levels. It also states that persons with disabilities and elderly people are entitled to special protection by society. Discrimination on grounds of disability is not permitted according to the constitution. There is however, no clear definition of disability. Persons with disabilities are referred to in vague medical terms, often with derogatory undertones and are not yet considered as rights-holders.

DRC has a national disability policy named "Programme National de l'integration et de Rehabilitation des Personnes Handicapées" (PNIR/PH) established in 2010. The policy outlines the rights of persons with disabilities to:

- free healthcare;
- the right to education;
- discounts on travels and tax reduction
- initiation of a CBR programme

A committee (Comité National d'intégration et de réhabilitation des Personnes handicapées) with the responsibility for the policy's coordination, funding and monitoring was established in 2010. Steps have also been taken to initiate a national legislation on disability rights.

In 2011 Law 11/007 was adopted, which prohibits the development, manufacture, production, acquisition, stockpiling, conservation, supply, sale, import, export, transfer, and use of antipersonnel mines or their components and also prohibits assistance,

encouragement, or inducement in these activities. The law also contains provisions on victim assistance.

Article 135 of the "Code du Travail" of 2002 explicitly indicates that disability is no obstacle to employment.

While, DRC's Poverty Reduction Strategy (PRS) 2008-12 explicitly introduces measures to strengthen the rights of persons with disabilities to education, employment and child protection, the new PRS (2013) does not include any such measures. It entirely focuses on building infrastructure and central government.

In general the legal and policy commitments made by the government have not yet affected people's lives. It is estimated that up to 80 per cent of persons with disabilities are involved in begging to make a living. Persons with disabilities are otherwise self-employed in agriculture and handicraft, but a few are to be found employed in special education for children with disabilities. Thanks to tax reductions for persons with disabilities, some groups in border towns are involved in trade with neighbouring countries, although this often leads to involvement in smuggling and drugs. Many are falling victim to trafficking and prostitution.

### **Implementing agencies**

Although the approach to disability is medical, DRC seems to make it multi-sectorial. Several ministries are defined as responsible for the area. The Ministry for Social Affairs, the Ministry for Health, the Ministry for Gender and Family, the Ministry for Youth and Sports and the Ministry for Education are all responsible for issues relating to persons with disabilities.

The Ministry of Social Affaires allocates around 5% of its budget to disability grants. It also heads the Comité National d'intégration et de réhabilitation des Personnes handicapées.

The **health care system** is to 43 per cent financed by fees and 34 per cent by international donors. The government only contributes 23 per cent. This indicates the vulnerability of the system and that health care mostly is provided to people who can

afford it. The policy of free health care for persons with disabilities is meeting many challenges.

In the Plan National de Développement Sanitaire (PNDS) 2011–2015, no specific reference to persons with disabilities is made. There are indications that persons with disabilities in some parts of the country are paying reduced fees for health care, up to an 80 per cent discount, but this information is not confirmed. When references to persons with disabilities in relation to healthcare are made, they usually mean people with mobility impairments only.

Government, civil society organisations (CSOs), disabled people's organisations (DPOs), churches and international donors are all involved in disability prevention. The Government makes investments in vaccination programmes and a blindness prevention programme called "Programme National des maladies oculaires". In terms of rehabilitation, physiotherapy, vocational training and assistive devices for persons with disabilities it seems that such services are very limited and mostly carried out by CSOs, DPOs and the private sector. Since most persons with disabilities cannot afford the costs and live far off this leads to unavailability for large groups.

There is some evidence that persons with disabilities who manage to get in contact with sponsors can solve their needs of assistive devices temporarily. Trade in assistive devices is wide spread, and devices donated by CSOs and international donors are sold in the street.

HIV/AIDS prevalence in DRC was estimated at 1.1 per cent of the adult population aged 15 to 49 by UNAIDS in 2012. However, an antenatal Surveillance Survey from 2008 demonstrated a prevalence of 4.3% among pregnant women attending antenatal care, with prevalence as high as 8.7% in urban Kisangani (Oriental Province) and 16.3% in rural Kasumbalesa (Katanga Province). No data seem to exist on the prevalence of HIV/AIDS among persons with disabilities.

The country's Strategy on development of **primary, secondary and tertiary education**, (2010–2015), gives one reference to children with disabilities as "children in a difficult situation". It also states that children with disabilities generally have a very low

level of education. Through support from UKAid, Handicap International (HI) and Christoffel Blindenmission (CBM) the government is piloting inclusive education in a few schools. However, in a situation where about 66 per cent of the total population is illiterate, children with disabilities are not seen as a priority. Given the UN estimate that 95 per cent of children with disabilities do not get even primary education in developing countries, it is highly probable the percentage in DRC is close to that figure or higher.

Special education is mainly organised by churches and CSO service providers, with a striking concentration in Kinshasa. Education is not free of charge and school fees are a big obstacle for families. Out of 71 schools for children with disabilities, 29 are located in Kinshasa. There exists a special school for blind children named Institut National des Aveugles (UNAV) and deaf children may be enrolled at a centre called Village Bondeko. The government has made some investments in training centres for inclusion of persons with disabilities such as the Centre National Des Personnes Vivant Avec et Intégré Handicap (CENAPHI).

Besides the above-mentioned circumstances, most children with disabilities do not get access to primary education since the families are too poor to give priority to their children with disabilities when it comes to paying school fees and transports. The teachers are inadequately trained, underpaid and unmotivated and they also lack knowledge about the pedagogical needs of children with disabilities. Furthermore, children with disabilities are not able to enter public schools due to inaccessible physical environment, inaccessible public transport and prejudice.

### **Accountability measures**

DRC has a National Human Rights Commission which was established in 2013. It has so far been busy mainly with war crimes, but has a wider mandate. It has the potential to monitor also disability rights violations.

The Comité National d'intégration et de réhabilitation des Personnes handicapées has a formal mandate to monitor and evaluate the national disability policy. It has yet to fulfil its role as such.

### **Main civil society actors**

The disability movement is fragmented and many new DPOs are appearing on the arena due to disgruntlements with the old established organisations. This situation leads to confusion over representativeness and legitimacy of the DPOs.

The most important organisations in the disability field are (according to informants at Handicap International) L'Union Nationale des Associations des Personnes Handicapées du Congo (UNHACO) with its six member DPO organisations:

- L'Association Nationale des personnes Handicapées Motrices du Congo (ANHAMCO);
- L'Association Nationale des Lépreux du Congo (ASL);
- L'Association Nationale des Personnes Handicapées Mentales du Congo (ANPHMC)
- L'Association Nationale des Aveugles et Déficients Visuels du Congo (ANADVC)
- L'Association Nationale des Sourds et Déficients Auditifs du Congo (ANSDACO)
- L'Association Nationale des Femmes Handicapées du Congo (ANAFHCO)

The Union also has some affiliates: Groupe d'Intégration des Personnes Handicapées de la Cuvette-Ouest (GIPHCO); L'Association des Enfants Albinos du Congo (ASEALCO); Handicap 3 (H-3); and Handicap - Secours du Congo (HASECO).

The other large organisation is Fédération Nationale des Associations des personnes vivant avec du Handicap DR Congo (FENAPHACO). It is a platform of 266 organisations working to promote the rights of persons with disabilities and their inclusion in society. In January 2012 they proposed a three year action plan where the government is challenged to take 13 steps including ratification of the CRPD, adoption of a disability legislation (as drafted by FENAPHACO), development of a national strategy and a plan of action and implementation of Article 49 of the Constitution which ensures persons with disabilities positions in political and administrative bodies.

Other smaller organisations working for the rights of women with disabilities are l'Association congolaise pour la libération et développement de la maman handicapée (ACOLDEMHA), le Centre de Promotion Maman Efinole des Femmes Handicapées (CEPROMEFHA), PAROUSIA and le Collectif pour la Réinsertion des Personnes vivant avec Handicap (COREPH).

Village Bondeko in Kinshasa is a collective of 15 centres providing educational support for children living with disabilities in Kinshasa in rehabilitation of the deaf, physically and psychosocial disabilities. It is estimated to have about 1,000 members.

Handicap International and CBM (besides medical projects) work on inclusion of persons with disabilities in society through CBR and inclusive education programs. None of the Swedish organisations e.g. Diakonia, Kvinna till Kvinna have yet included a specific disability dimension.

## What Sweden can do – 8 questions to discuss

In line with the upcoming results strategy for DRC, focussing on SRHR, gender based violence, women's economic empowerment and vocational skills training, and empowerment of rights holders to claim rights, Sweden has great opportunities to include the rights of persons with disabilities. Some questions to discuss:

- Women and children with disabilities are more vulnerable to violence and sexual abuse. Could Sweden do more to include these groups in programs aiming at combatting sexual violence and abuse?
  - Landmines, arms and rape cause thousands of disabilities annually. Disarmament and de-mining is effective disability prevention. Compensating and supporting the victims, with both physical and mental health impairments, is part of the peace process and reduces risk of sustained violence. Could Sweden do more to include persons with disabilities and their organisations in peace building and emergency efforts? Examples of tools can be found at the IDDC web site [here](#). Other tools are:
    - ✓ Manual on mainstreaming disability in disaster risk reduction [here](#)
    - ✓ Disability and the post-conflict agenda [here](#)
    - ✓ Involvement of Persons with Disabilities in Conflict Resolution and Peace Building Efforts [here](#)
    - ✓ Disability Inclusive Disaster Risk Management: Voice from the Field and Good Practices [here](#)
  - Could Sweden do more to include women with disabilities (for example L'Association Nationale des Femmes Handicapées du Congo (ANAFHCO) in women networks and economic empowerment initiatives? Could Sweden do more to include organisations of women with disabilities in civil society and human rights initiatives?
  - Women with disabilities are often not considered as legal persons and therefore excluded from legal processes. Could Sweden do more to include women with disabilities in programs supporting women for improved land rights, inheritance rights and access to property?
  - Could Sweden do more to ensure that private sector, micro-finance and skills training programmes are accessible to persons with disabilities, and especially women? Examples of tools can be found [here](#).
  - Could Sweden do more to include disability organisations, especially the UNHACO and its members, in social and professional networks and capacity building efforts for human rights organisations?
  - Could Sweden do more to support the government to collect reliable statistical data on disability as part of national statistics (in cooperation with the UN or World Bank)?
  - Could Sweden do more to support establishment of accountability mechanisms in the area of disability as advocated by FENAPHACO (e.g. adoption of laws, strategies and action plans and establishment of an independent disability desk at the national human rights commission)? Examples of monitoring tools can be downloaded [here](#).
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## References organisations

Village Bondeko in Kinshasa: <http://www.cbm.org/programmes/Villages-Bondeko-290961.php>

Christoffel Blinden Mission (CBM): <http://www.cbm.org/Democratic-Republic-of-Congo-253080.php>

Diakonia: <http://www.diakonia.se/congo>

Handicap International (HI): <http://www.handicapinternational.be/en/democratic-republic-of-congo>

International Committee of the Red Cross (ICRC):  
<https://www.icrc.org/en/where-we-work/africa/democratic-republic-congo>

Kvinna till Kvinna (KtK): <http://kvinnatillkvinna.se/en/dr-congo>

Liliane Foundation: <http://www.lilianefonds.org/index.php>

UNICEF: <http://www.unicef.org/infobycountry/drcongo.html>

UNESCO: <http://www.unhcr.org/pages/49e45c366.html>

## References web sites and documents

“As if we weren’t human”, a Human Rights Watch report from Uganda, 2010  
<http://www.hrw.org/reports/2010/08/24/if-we-weren-t-human>

Gender Country Profile

[http://www.swedenabroad.com/ImageVaultFiles/id\\_22003/cf\\_347/Gender\\_Country\\_Profile.PDF](http://www.swedenabroad.com/ImageVaultFiles/id_22003/cf_347/Gender_Country_Profile.PDF)

<http://www.yanous.com/espaces/femmes/femmes110603.html>

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International Disability and development Consortium (IDDC) Resources and Tools  
<http://www.iddcconsortium.net/resources-tools>

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Mental health in Congo <http://www.refworld.org/docid/50eac5442.html>

Presentation <https://prezi.com/cpamzzyn-xyx/using-the-crpd-in-the-drc/>

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