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RIGHTS OF DISABLED PERSONS IN EGYPT

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Introduction:

Activists in the filed of human rights and civil society in Africa have paid increased attention to disabled persons and the means of caring for them since awareness has risen regarding the necessity of having them reintegrated into society.

Disabled person means a person who need rehabilitation service to meet the basic needs in society because impairment such as movement-related function, sensory function and mental function brings physical, social, economical and psychological disability\(^1\).

People with disabilities in developing countries in Africa face many limitations, despite the proclamation of the African Decade of Disabled Persons (1999-2009)\(^2\). Their human rights receive little or no respect, the general development programs do not take into account their needs or their participation in programs, disabled people have little access to services offered to other citizens, they are unable to make decisions concerning their future, and they are generally living at the bottom of the social scale.

In Egypt, according to the central authority for public mobilization and statistics there are approximately 5.7 million persons with disabilities, which represents about 7% (2006) of the total population.

For sure, this number of disabled persons is on the increase in tandem with growth of population. Factors causing the increase in their number include forms of violence, inadequate medical care, and natural and other disasters.

In order to deal with these problems, it is necessary to promote appropriate rehabilitation activities aimed at the acquisition of functional abilities and

\(^1\) Amira Sobeh: "Youth and special needs - A brief review on disability in Arab Republic of Egypt", SDA, p.4.

integration of disabled people in society. For such rehabilitation efforts to be successful, the involvement of professionals from different sectors, as well as non-professionals, is necessary.

In this paper we will try to deal with these problems from its legal vision, talking about the rights of persons with disabilities granted in the current Egyptian laws: The existing situation (I) and what should be (II).

(I) Egyptian laws concerning the rights of disabled persons:

Laws concerning the disabled in Egypt can be traced to the mid 20th century. The first piece of legislation was developed in 1950. The law came as a response to the International Human Rights Declaration proclaimed in 1948 to which Egypt was a signatory. However, the 1950 Law number 116 mentioned the disabled only within the context of their eligibility to some forms of social insurance and pensions.

The basic legislation which organizes the rights of disabled persons came in 1975. In fact, it is the current law n. 39 for the year 1975 concerning the rehabilitation of the disabled. This law is comprised of (21) articles addresses the following topics: Definition of disabled and rehabilitation services; information related to the establishment of the higher council of rehabilitation, to be chaired by the Ministry of Social Affairs, to have representation from other ministries, associations of disabled people, six experts or activists in the affairs of the disabled and their rehabilitation; detailed explanations of rights to receive health, rehabilitation and support services; right to work and job opportunities. It provides that the Ministry of Social Affairs has the duty to establish the different necessary institutions to provide vocational rehabilitation for the disabled. A certificate would be given to all disabled who received vocational rehabilitation

According to article (1) the rehabilitation services were defined as: “All social, psychological, medical, educational and vocational services required to enable the disabled and his/her family to overcome the consequences of his/her disability.”

In addition to the above, the Egyptian labour law promulgated in 1959 provided that all firms must designate 2% of their jobs for the disabled, who are exempted from normal literacy requirements. This percent has increased in the year 1982, when the law 39 for the year 1975 was amended to became 5% and it was generalized to include jobs in the governmental and public services, including administrative and higher posts.

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3 Alaa Shukrallah & others: The Current State Of The Disability Question In Egypt, Egypt Preliminary National Study, NORTH-SOUTH INSERM NETWORK, April – 1997.
Also the Egyptian childhood law number 12 for the year 1996 concerned the disabled children in its 6th chapter under the name “Care and Rehabilitation for the Disabled Child”, articles (76) and (77) provides that disabled child have the right to:

1- Enjoy special social, health and psychological care, which increases their ability to depend on themselves and to facilitate their integration and participation in their society.

2- Rehabilitation, which includes all social, psychological, medical, educational and vocational services, required to help the disabled child and their families to overcome the consequences of their handicap.

The above mentioned law says that the state should provides the rehabilitation services, the technical aids and appliances free of charge and according to the budget allocated for this purpose. It provides that The Ministry of Social Affairs has the duty to establish the institutions and bodies required to provide rehabilitation services to children with disabilities. In addition, the Ministry of Social Affairs can provide certificates giving the rights to other bodies to open such institutions according to the regulations identified by the internal charter. On the other hand, the Ministry of Education is entrusted with establishing schools and classes to educate the disabled children according to their abilities and potential, and the entry requirements, curricula, and examinations are to be decided by the internal charter. (art. 78).

It is important to mention that the basic law for persons with disabilities, enacted in 1975 did not include provisions for the protection of rights and prohibition of discrimination. No law on such rights has been legislated since then, however the government makes some efforts to address their rights in the last few years. It works with U.N. agencies and other international aid donors to design job-training programs for the disabled. It also seeks to increase the public's awareness of the capabilities of the disabled in television programming, the print media, and in educational material in public schools.

4 "An anti-discrimination law would need to clarify what actions or situations should be prohibited as discrimination against the disabled persons" said Shawki Affifi in a conference held at Alexandria university in April 15th 2004.


(II) Need for comprehensive legislation concerning disabled persons:

Thirty three years have passed since the existing law concerning the rehabilitation of the disabled persons was enacted in 1975, the provisions are inadequate and do not deal with the issue of disability comprehensively. Therefore, there is an urgent need for a new legislation that covers comprehensive guidelines to ensure that all forms of discrimination against disabled people are eliminated. In addition, mechanisms for addressing complaints should be set in place and enforcement officers appointed to ensure that the laws are implemented.

There is a need for comprehensive legislation in order to ensure the rights of disabled persons in all aspects- political, civil, economic, social and cultural rights- on an equal basis with persons without disabilities. Appropriate measures are required to address existing discrimination and to promote thereby opportunities for persons with disabilities to participate on the basis of equality in social life and development.

There is also a need for a legal remedy mechanism in case of violation of rights. A system for the participation by the disabled persons themselves in the policy-making process is another essential issue. Further, there must be explicit provisions on education, employment, independent living and housing environment, income security, provision of care, appropriate medical care, and access to information.

The proposed comprehensive legislation should further clarify the rights of the disabled to play a role in state affairs and social life, stipulating that their voice must be heard when laws, regulations and policies concerning them are made. It should seeks to:

1- Spell out the state's responsibility towards prevention of impairments and protection of disabled people's rights in health, education, training, employment and rehabilitation;

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7 "It is worth nothing that, within this context, some NGO’s and organizations concerned with the rights of disabled persons, reiterated the importance of drafting a comprehensive law that would regulate the rights of disabled persons in Egypt that would be in conformity with the political, economic and social changes taking place in Egypt during the past two decades". Annual Report of The National Council for Human Rights 2005 / 2006, p.70.

8 "Although Egypt ratified a recent UN convention on the Rights of Persons with Disabilities, persons with disabilities will be not able to access their basic human rights until many changes are made in both the physical and the social environment," said Elizabeth Coker, AUC associate professor and psychology unit head, conference Held at AUC in may 2008.
2- work to create a barrier-free environment for disabled persons;

3- work to remove discrimination in the sharing of development benefits and set out the punishments for those who discriminate against disabled persons;

4- counteract any abuse or exploitation of disabled people;

5- Lay down strategies for a comprehensive development of programs and services and for equalization of opportunities for disabled people;

6- Make provision for the integration of disabled people into the social mainstream.

**Conclusion:**

In conclusion, we can say that existing disability-related laws in Egypt need to be reviewed in order to achieve equalization of opportunities for persons with disabilities. There is an urgent need for a unified law that covers comprehensive guidelines to ensure that all forms of discrimination against disabled people are eliminated. Improving legislation and implementation strategies has been identified as one of the main issues to be tackled in the African Decade of Disabled Persons 1999-2009.