

African Disability Protocol: 12-page summary

Preamble

We, the Heads of State and Government of the Member States of the African Union:
Have agreed as follows:

Article 1

Definitions – see full protocol text.

Article 2

Purpose

The purpose of this protocol is to promote, protect and ensure the full and equal enjoyment of all human and people's rights by all persons with disabilities, and to ensure respect for their inherent dignity.

Article 3

General principles

The general principles of the protocol include:

Ensuring respect for and protection of dignity and independence, non-discrimination, full and effective participation and inclusion in society, accessibility, gender equality and respect for children's rights.

Article 4

General obligations

States Parties will take measures to ensure, respect, promote, protect and fulfil the rights and dignity of persons with disabilities, without discrimination on the basis of disability.

This will include:

- Mainstreaming disability in policies, legislation, development plans, programmes and activities and in all other spheres of life
- Providing measures to modify or abolish policies and practices that discriminate against people with disabilities
- Taking measures against harmful practices applied to persons with disabilities
- Promoting positive representations and empowerment of persons with disabilities through training and advocacy
- Taking measures to eliminate discrimination on the basis of disability

- Providing assistance and support to enable the realisation of the rights set out in the protocol
- Putting in place adequate resources, including through budget allocations, to ensure the full implementation of the protocol
- Ensuring effective participation of persons with disabilities or their representative organisations in decision-making processes

Article 5

Non-discrimination

Every person with a disability is entitled to the rights and freedoms in the protocol without distinction of any kind on any ground including, race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or any status.

States Parties will:

- Prohibit discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds
- Take steps to eliminate discrimination
- Take measures to protect family members and caregivers of persons with disabilities

Article 6

Right to equality

Every person with a disability is equal before the law and has the right to equal protection and benefit of the law.

Equality includes the full and equal enjoyment of all human and people's rights.

States Parties will take measures to promote equality for persons with disabilities.

Article 7

Equal recognition before the law

States Parties shall recognise that persons with disabilities are equal before and under the law and are entitled without any discrimination to the equal protection and equal benefit of the law.

States Parties shall take all appropriate and effective measures to ensure that:

- Persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life without violation of their legal rights
- Persons with disabilities are provided with effective legal protection and support they may require in enjoying their legal capacity consistent with their rights, will and specific needs
- Appropriate and effective safeguards are put in place to protect persons with disabilities from abuses that may result from measures that relate to the enjoyment of their legal capacity
- Policies and laws which have the purpose or effect of limiting or restricting the enjoyment of legal capacity by persons with disabilities are reviewed or repealed

- Persons with disabilities have the equal right to hold documents of identity and other documents that may enable them to exercise their right to legal capacity
- Persons with disabilities have the equal right to own or inherit property and are not arbitrarily dispossessed of their property
- Persons with disabilities have equal rights to control their own financial affairs and to have equal access to bank loans, mortgages and other forms of financial credit.

Article 8

Right to life

Every person with a disability has the inherent right to life and integrity.

States Parties will take measures to ensure this right is met, and that persons with disabilities have access to services, facilities and devices to enable them to live with dignity.

Article 9

Right to liberty and security of person

Every person with a disability has the right to liberty and security of person.

States Parties will take measures to protect persons with disabilities from all forms of exploitation, violence and abuse. They will take measures to ensure that persons with disabilities are not deprived of liberty unlawfully or forcibly confined.

States Parties will take measures to prosecute perpetrators of abuse and provide effective remedies for the victims.

Article 10

Freedom from torture or cruel, inhuman or degrading treatment or punishment

Every person with a disability shall have the right to the respect of his/her inherent dignity and to be free from torture or cruel, inhuman or degrading treatment, slavery, forced labour or unlawful punishment.

States Parties will take measures to ensure that persons with disabilities:

- Are not subjected to torture or cruel, inhuman or degrading treatment or punishment
- Are not subjected without their consent to medical or scientific experimentation or intervention
- Are not subjected to sterilisation or any other invasive procedure without their consent
- Are protected from all forms of exploitation, violence and abuse

States Parties will take measures to prosecute perpetrators of such abuse and to provide remedies for the victims.

Article 11

Harmful practices

States Parties will offer appropriate support and assistance to victims of harmful practices, including legal sanctions, educational and advocacy campaigns, to eliminate harmful practices perpetrated on persons with disabilities, including witchcraft, abandonment, concealment, ritual killings or the association of disability with omens.

States Parties will take measures to discourage stereotyped views on the capabilities, appearance or behaviour of persons with disabilities, and they shall prohibit the use of derogatory language against persons with disabilities.

Article 12

Situations of risk

States Parties will take measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, forced displacements, humanitarian emergencies and natural disasters, and ensure that persons with disabilities are consulted and participate in all aspects of planning, implementation and monitoring of pre and post-conflict reconstruction and rehabilitation.

Article 13

Right to access justice

States Parties will take measures to ensure that persons with disabilities have access to justice on an equal basis with others, that legal assistance is ensured for persons with disabilities, that legal processes are inclusive and that law enforcement personnel are trained to ensure disability rights are recognised and implemented without discrimination.

Article 14

Right to live in a community

Every person with a disability has the right to live in the community with choices on an equal basis with others.

States Parties will take measures to enable people to claim this right.

Article 15

Accessibility

Every person with a disability has the right to barrier free access to the physical environment, transportation, information, including communications technologies and systems, and other facilities and services open or provided to the public.

States Parties will take measures to facilitate full enjoyment by persons with disabilities of this right, including:

- Rural and urban settings
- Buildings, roads, transportation and other indoor and outdoor facilities, including schools, housing, medical facilities and workplaces

- Information, communications, sign languages and tactile interpretation services, braille, audio and other services, including electronic services and emergency services
- Quality and affordable mobility aids, assistive devices or technologies and forms of live assistance and intermediaries
- The modification of all inaccessible infrastructure and the universal design of all new infrastructure

Article 16

Right to education

Every person with a disability has the right to education.

States Parties will ensure persons with disabilities can claim the right to education on an equal basis with others.

States Parties will take measures to ensure that inclusive quality education and skills training for persons with disabilities is realised fully.

Article 17

Right to health

Every person with a disability has the right to the highest attainable standard of health.

States Parties will take measures to ensure persons with disabilities have access to health services, including sexual and reproductive health, by:

- Providing persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as other persons
- Prohibiting discrimination
- Making accessible formats available for health services and information
- Ensuring training for health care providers is disability inclusive

Article 18

Habilitation and rehabilitation

States Parties will take measures to enable persons with disabilities to attain and maintain maximum independence, full physical, mental, social and vocational ability, and full inclusion and participation in all aspects of life.

They will ensure access to habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services.

This will include development of training for staff and professionals, promotion of assistive devices and technology, and promotion of accessibility and universal design regulations.

Article 19

Right to work

Every person with a disability has the right to decent work, to just and favourable conditions of work, to protection against unemployment, to protection against exploitation and to protection from forced or compulsory labour.

States Parties will take measures to ensure this, including by:

- Prohibiting discrimination on the basis of disability with regard to all matters concerning all forms of employment
- Protecting the rights of persons with disabilities to just and favourable conditions of work and to exercise their labour and trade union rights
- Promoting opportunities for persons with disabilities to initiate self-employment, entrepreneurship and to access financial services
- Employing persons with disabilities in the public sector, including by reserving and enforcing minimum job-quotas for employees with disabilities
- Promoting the employment of persons with disabilities in the private sector through appropriate policies and measures
- Ensuring that reasonable accommodation is provided to persons with disabilities in the workplace
- Ensuring that employees with disabilities or those who become disabled are not unfairly dismissed from employment on the basis of their disability

States Parties will take measures to ensure that the principle of equal pay for equal work is not used to undermine the right to work for persons with disabilities. States parties will also take appropriate measures to recognise the social and cultural value of the work of persons with disabilities.

Article 20

Right to adequate standard of living

Persons with disabilities have the right to an adequate standard of living for themselves and their families, including adequate food, access to safe drinking water, housing, sanitation and clothing, to the continuous improvement of living conditions and to social protection.

Article 21

Right to participate in political and public life

Every person with a disability has the right to participate in political and public life.

States Parties will take measures to ensure this right, including through:

- Undertaking civic education to encourage full participation of persons with disabilities in democracy and development processes
- Encouraging the effective participation of persons with disabilities in political and public life including as members of political parties, electors and holders of political and public offices
- Putting in place reasonable accommodation and other support measures consistent with the secrecy of the ballot
- Realising representation and participation of persons with disabilities on an equitable basis as members of legislative bodies

- Repealing or amending laws that on the basis of disability restrict the right of persons with disabilities to vote, stand for or remain in public office

Article 22

Self-representation

States Parties will recognise and facilitate the right of persons with disabilities to represent themselves in all spheres of life.

This includes promoting an environment that enables persons with disabilities to:

- Form and participate in the activities of organisations of and for persons with disabilities at national, regional and international levels
- Build relationships and networks at national, regional and international level
- Form and participate in activities of nongovernmental organisations and other associations
- Effectively advocate for their rights and inclusion in their societies
- Gain and enhance capacities, knowledge and skills for effectively articulating and engaging in issues of disability
- Be actively consulted and involved in the development and implementation of all legislation, policies, programmes and budgets that impact persons with disabilities

Article 23

Right to freedom of expression and opinion

Every person with a disability has the right to freedom of expression and opinion including the freedom to seek, receive and impart information and ideas through all forms of communication of their choice.

States Parties will take measures to ensure that persons with disabilities can exercise these rights.

Article 24

Access to information

Every person with a disability has the right to access information.

States Parties will take measures to ensure that persons with disabilities can exercise these rights, including by:

- Providing information to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner, and without additional cost to persons with disabilities
- Requiring private entities to provide information and services in accessible and usable formats for persons with disabilities
- Recognising and promoting the use of sign languages and deaf culture

- Ensuring that persons with visual impairments or with other print disabilities have effective access to published works including by using information and communication technologies

Article 25

Right to participate in sports, recreation and culture

Every person with a disability has the right to participate in sports, recreation and cultural activities.

States Parties will take measures to ensure this right, including through ensuring:

- Access to sports and sporting facilities (including theatres, monuments, entertainment establishments, museums, libraries and other historical sites)
- Funding, research and other measures aimed at promoting the participation of persons with disabilities both in disability-specific and mainstream sporting and recreational activities
- Opportunities for children with disabilities to participate in play within the learning environment
- Addressing negative representations and stereotyping of persons with disabilities in both traditional and modern cultural activities and through the media
- Measures are put in place to mitigate barriers that hinder access to cultural materials in accessible formats
- Recognition of and support for cultural and linguistic identities of persons with disabilities, including deaf-blind and deaf culture, and sign languages

Article 26

Right to family

Everyone with a disability has a right to marry and form a family with their full, prior and informed consent.

States Parties will take measures to eliminate disability discrimination relating to family, marriage, parenthood, guardianship, adoption and relationships.

They must ensure that persons with disabilities:

- Can decide on the number and spacing of their children
- Have access to family planning, and sexual and reproductive health education and services
- Can exercise the right to keep their children
- Cannot be deprived of their children on account of their disability

Article 27

Women and girls with disabilities

States Parties will ensure the rights of women and girls with disabilities are upheld.

This includes their rights in relation to:

- Participation in social, economic and political decision-making and activities
- Removal of barriers that hinder their participation in society
- Inclusion in mainstream women's organisations and programmes

- Protection from discrimination based on disability
- Being treated with dignity
- Access to information, communication and technology
- Access to employment and training
- Social and economic inclusion
- Removal of systemic labour market barriers
- Access to income-generating opportunities and credit facilities
- Participation in sport, culture and technology
- Protection from sexual and gender-based violence
- Access to rehabilitation and psychosocial support
- Sexual and reproductive health rights
- Protection from sterilisation
- Inclusion in all aspects of activity in spheres that affect women with disabilities

Article 28

Children with disabilities

States Parties will ensure the rights of children with disabilities are upheld.

This includes their rights in relation to:

- Preserving their identities and enjoying a full and decent life
- Active participation in their communities
- Making sure their best interests are the primary consideration in any action concerning them
- Their right to express their views freely
- Disability, age and gender appropriate assistance
- Life, survival, protection and development
- Names, nationalities and birth registration
- Protection from being abducted, sold or trafficked
- Protected from sexual exploitation, abuse and forced labour
- Protection from separation from their parents, caregivers and guardians on the basis of disability (for either party)
- Access to education, training and recreational opportunities
- Protection from violence and abuse within family, institutional and other settings
- Protection from sterilisation

Article 29

Youth with disabilities

States Parties will ensure the rights of youth with disabilities are upheld.

This includes their rights in relation to:

- Policy and legislation provision/inclusion
- Access to inclusive, accessible education
- Inclusion in mainstream youth organisations, programmes, training and governance

- Participation at national, regional and international levels
- Removal of barriers that hinder or discriminate against their participation in society
- Training and access to information, communication and technology
- Economic inclusion and removal of systemic barriers in the labour market
- Access to credit facilities
- Participation in sport, culture, science and technology
- Access to sexual and reproductive health education and services
- Participation in decision-making processes

Article 30

Older persons with disabilities

States Parties will ensure the rights of older persons with disabilities are upheld.

This includes their rights in relation to:

- Policy and legislation provision/inclusion
- Access to social protection programmes
- Support with legal capacity
- Gender issues
- Service provision
- Protection from neglect and violence
- Access to sexual and reproductive health information and services

Article 31

Duties of persons with disabilities

States Parties will recognise persons with disabilities have duties on an equal basis with others, and will ensure assistance and support is available as needed to make this possible.

Article 32

Statistics, data and other surveys

States Parties will ensure the collection, analysis, storage and dissemination of statistics and data on disability, to protect and promote disability rights.

This includes:

- Disaggregating data on the basis of disability, gender, age and other relevant variables, including making sure that national population censuses and other surveys capture data on disability
- Disseminating statistics and data in forms accessible to all persons, including persons with disabilities
- Ensuring that the collection, analysis, storage and dissemination of disability data complies with ethical, confidentiality and privacy standards
- Ensuring effective involvement and participation of persons with disabilities in the design, collection and dissemination of data

Article 33

This article outlines how States Parties will cooperate to support people with disabilities and the protocol itself. This includes supporting the African Union Commission to set up an advisory council on disability.

Article 34

This article outlines how States Parties will implement the protocol. It states that the African Commission may refer disputes on implementation to the African Court on Human and Peoples' Rights.

Article 35

This article states that States Parties will make sure the protocol is disseminated as widely as possible.

Article 36

This is a safeguard clause, to ensure the protocol does not conflict with other relevant treaties or protocols for disability rights in Africa. If there is any conflict, whichever interpretation favours the rights of persons with disabilities will prevail.

Article 37

This article states that the protocol is open to member states of the African Union for signature, ratification or accession.

Article 38

This article states that the protocol will come into force 30 days after the deposit of the 15th instrument of ratification by a member state.

Article 39

This article states that a State Party may submit a written reservation on any aspect of the protocol, and may be withdrawn at any time (also in writing).

Article 40

This article states that the protocol will be deposited with the chairperson of the African Union Commission, who will give each signatory state government a certified copy.

Article 41

This article states that the protocol will be registered with the United Nations Secretary-General when it comes into force.

Article 42

This article outlines how States Parties can withdraw from the protocol.

Article 43

This article outlines how States Parties can submit proposals to amend or revise the protocol.

Article 44

This article states that the protocol is drawn up in Arabic, English, French and Portuguese.