

# **African Disability Protocol: 5-page summary**

This summary is a short, simplified version of the African Disability Protocol.

The African Disability Protocol is made up of 44 articles.

## **Article 1: Definitions**

This has definitions of terms used in the protocol.

## **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 promoting positive representation and empowerment of persons with disabilities, taking measures to eliminate discrimination, ensuring adequate resources and budgets are provided to implement the protocol, ensuring participation of persons with disabilities in decision-making processes and addressing harmful practices.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **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.

## **Article 22: Self-representation**

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

## **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 this right.

## **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.

## **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.

## **Article 27: Women and girls with disabilities**

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

## **Article 28: Children with disabilities**

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

## **Article 29: Youth with disabilities**

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

## **Article 30: Older persons with disabilities**

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

## **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.

## **Articles 33-44**

These articles outline:

- Article 33: how States Parties will cooperate to support people with disabilities and the protocol
- Article 34: how States Parties will implement the protocol
- Article 35: that States Parties will make sure the protocol is disseminated as widely as possible
- Article 36: a safeguard clause, to ensure the protocol does not conflict with other relevant treaties or protocols for disability rights in Africa
- Article 37: that the protocol is open to member states of the African Union for signature, ratification or accession
- Article 38: that the protocol will come into force 30 days after the deposit of the 15<sup>th</sup> instrument of ratification by a member state
- Article 39: that a State Party may submit a written reservation on any aspect of the protocol, and may be withdrawn at any time
- Article 40: 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: that the protocol will be registered with the United Nations Secretary-General when it comes into force
- Article 42: how States Parties can withdraw from the protocol
- Article 43: how States Parties can submit proposals to amend or revise the protocol

- Article 44: that the protocol is drawn up in Arabic, English, French and Portuguese