



Contribution to the Debate on advocacy strategy for the promotion of ratification of the Protocol and domestication of the African Model Law on Disability jointly with African Disability Organisations

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- ***Chairperson of the Pan African Parliament Committee on Gender, Family, Youth and People with Disability, Hon.***
- ***Hon Members of Parliaments***
- ***Ladies and Gentlemen***
- ***All protocol observed.***

Women with disabilities are one of the most marginalized, under-served populations in Africa, yet they offer tremendous potential for leadership and the ability to transform communities. Disabled Women in Africa (DIWA), realizes the potential women and girls with disabilities have and is working to set stepping stones for their growth, participation and enjoyment of their rights as per relevant constitutional and policy provisions both nationally and internationally.

Disabled Women in Africa (DIWA) is an independent organisation of women and girls with disabilities that was established in Africa in 2002 in Tanzania and in 2012 in Malawi, which is currently its headquarters. DIWA focuses its work on women and girls with disabilities because it is a group of people that are found to experience greater discrimination than men with disabilities and non-disabled women, arising from the dual effect of their gender and disability.

Furthermore, women and girls with disabilities are at high risk of gender-based and other forms of violence based on social stereotypes and biases that attempt to dehumanize or infantilize them, exclude or isolate them, target them for sexual and other forms of violence. Sexual and gender-based violence also has the consequence of contributing to the incidence of disability among women. In recent years, the violence and discrimination experienced by women with disabilities has become somewhat more visible and noted by the international community as a result of the advocacy work and research of women with disabilities and their allies.

The Ratification of the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Elimination of All forms of Discrimination Against Women



(CEDAW) and the Convention on the Rights of the Child (CRC) is widespread. However, it has been more difficult to determine whether there has been effective implementation of these obligations with regard to preventing, remedying and responding to violence against women and girls with disabilities.

However, yet again, it is noticeable that there is a significant political commitment observed from the African Union (AU) to gender equality and women's empowerment, and rights. There are a number of political platforms for women empowerment in Africa such as the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Declaration 2003). The AU Aspiration 6 of the Agenda 2063 calls for "*An Africa where Development is People-driven, relying particularly on the potential of Women and Youth, a continent with gender equality in all spheres of life*"¹.

An overarching goal is that by 2063, all forms of violence and discrimination (social, economic, political) against women and girls would have been eliminated, including violence and discrimination at work. Objectives of the AU Agenda include aiming at increasing their income, ending poverty, providing affordable social security and protection and reaching full gender equality in all spheres of life.

The African Disability Protocol (ADP)² and the Model Disability Law (MDL)³ sufficiently include the needs and rights of African girls/ women with disabilities. The ADP (Article 38) and the MDL (Article 39) share many common principles such as to alleviate the effect that stereotypes have on emphasizing notions of inequality towards women with disabilities and include provisions to achieve full participation and equal rights for women with disabilities.

In spite of the progress observed in the continent, further support is required to stakeholders to understand the ADP and MDL in terms of support to women and girls with disabilities. That is to say, all sectors of society must be made aware of their roles, responsibilities and obligations related to existing and new laws. Women with disabilities in Africa need to become aware of the ADP/MDL as well as the Maputo Protocol and learn how the articles can enable them to advocate for policies, laws and programmes to address their issues. We are happy that

1. Women with Disabilities are Uniquely Prioritized in the ADP

Historically, human rights instruments included women with disabilities by applying women's rights or disability rights to women with disabilities without recognizing the specific challenges they face in the protection or enjoyment of their rights. The Protocol recognizes that the intersection of gender and disability along with other grounds of discrimination creates increased vulnerability and requires specific protection. It explicitly

¹ Our Aspirations for the Africa We Want, available at [this link](#)

² Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, adopted January 29, 2018, available at [this link](#)

³ The African Model Law on Disability, adopted by the Pan African Parliament on October 11, 2019



tackles the different forms of violations that women and girls with disabilities in Africa are particularly at risk of. By outlining specific and detailed provisions, the Protocol creates a more effective legal framework to protect women and girls with disabilities.

2. Fighting Against Discrimination by Association

The Protocol protects caregivers and family members who are discriminated because of their association with a person with a disability. Women and girls are disproportionately affected by discrimination by association and stigmatized as mothers who gave birth to a child with a disability⁴. Women and girls are also more responsible for domestic labour⁵ which includes caring for family members, increasing the risk of being discriminated by association⁶ as caregivers.

3. Protection from Harmful Practices

Women and girls with disabilities are disproportionately affected by harmful practices including forced sterilization and abortion, virgin testing, virgin rapes and infanticide. The Protocol protects persons with disabilities, including women and girls with disabilities, from harmful practices in Africa. It calls States to act and implement legal sanctions and educational and advocacy campaigns. The Protocol also categorizes stereotyping and derogatory language as harmful practices.

4. Disability Inclusive Gender Perspectives Progressively Implemented

The Protocol takes special care to specify that disability inclusive gender perspectives are applied in all spheres that affect women with disabilities, making sure intersectionality is considered in “policies, legislation, plans, programs, budgets and activities”.

5. Unprecedented Protection of Girls with Disabilities

Girls are largely undifferentiated in the main human rights treaties protecting women in general such as CEDAW or the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa which use general terms such as “women” and “children.” The Protocol unprecedentedly mentions girls with disabilities in six different occasions. By specifically including girls with disabilities in different provisions, the Protocol acknowledges that girls with disabilities are at a high risk of violence, exploitation, neglect, and abuse. It demonstrates a clear prioritization of protection for African girls with disabilities.

DIWA has an excellent opportunity to meaningfully promote and campaign for ratification and domestication of the African Disability Protocol and domestication of the PAP Model Law on Disability.

⁴ <https://www.apjhs.com/pdf/29-Challenges-experienced-by-home-based-caregivers-of-HIV-AIDS-patients-in-chifubu-kawama-community-Ndola-Zambia.pdf>

⁵ <https://www.who.int/ageing/ageing-global-strategy-draft1-en.pdf> (p27)

⁶ https://www.who.int/disabilities/world_report/2011/report.pdf#12%3DChapter%205refs.indd%3ATPSXRefTextDestination%3A6%3AAbib-r-R36%3A38344 (p141)



• **Hon Members of Parliaments,**

• **Ladies and Gentlemen,**

We are fully committed to the strengthening of continental advocacy networks for the adoption of the ADP and MDL; to create a critical mass of actors that are committed to Africa's legal architecture. It is important for the women with disabilities organizations to be aware of these laws to be able to embrace the importance of such advocacy in their countries.

We believe that all sectors of society must be made aware of their roles, responsibilities and obligations related to existing and new laws.

We also propose having Legal counsel from different national, provincial and county legislatures in Africa. Capacity building of Counsel serving in legislatures should be enhanced on matters concerning persons with disabilities. Legal Counsel can ensure that civil society is prepared and ready to enforce their rights.

In addition, we suggest, the formation of a restricted committee to facilitate strategic communication aimed at creating political synergies between parliamentarians and organizations of Persons with Disabilities, including resource mobilization to support the advocacy strategy activities. The Committee will create and monitor action plans to advocate for the ADP/MDL. It will address a variety of issues including appropriate funding, and other issues. This Committee may also address other matters as directed by the PAP.

The true adherence to African Human Rights systems also requires educating practitioners, government officials and the public to the existence of regional human rights, definitions laws and practices.

The African Disability Protocol and the Model Disability Law is that they help us domestically fight for individual's human rights while also building human rights standards and understanding with one unique goal, to advance the rights of persons with disabilities across the region.

We express our gratitude to the AU and the PAP for their support to advance human rights of persons with disabilities in Africa.

We further acknowledge with sincere thanks the Committee on Gender, Family, Youth and People with Disability for its tireless work on promoting the implementation of the Maputo Protocol particularly mechanism that promote gender equality and women's rights.