

71st Ordinary session of the African Commission on Human and Peoples' Rights

Statement on the panel of the Working Group on the Rights of Older Persons and People with Disabilities in Africa

Honourable Chairperson,

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Distinguished ladies and gentlemen,

African Defenders and DefendDefenders welcome this panel discussion and seek to reiterate the importance of a regional instrument to recognise and guarantee the rights of persons with disabilities (PWDs) in Africa. Very few states in Africa explicitly provide for constitutional protection on grounds of disability, and many are yet to adopt legislation on disability. As a result, the plight, and the rights of PWDs are negated and neglected.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa Protocol builds on the rights enshrined in the UN Conventions on the Rights of Persons with Disabilities. It addresses the specific challenges PWDs face in Africa, including traditional beliefs, harmful practices, and customs, as well as the roles of caregivers and the community.

In 2021, DefendDefenders concluded a research mission in Ethiopia, Somalia, South Sudan exploring the challenges faced by human rights defenders (HRDs) with disabilities living in conflict situations. Our research findings show that all three countries lack national legislation on disability, and that PWDs face insurmountable challenges ranging from attitudinal, environmental, and institutional which are heightened during conflict or crises. The identified challenges are cross cutting and a reflection of the situation or PWDs across the continent.

Our findings also reveal the dilemma of women and girls with disabilities who face intersectional discrimination, marginalisation, and stigma due to their disability and gender. They are further at an increased risk of sexual and gender-based violence, including early and forced marriages. Defenders consulted for the research reported that women and girls face additional social, cultural, economic, and political challenges compared to their male counterparts.

Additionally, many of the barriers PWDs face are due to discriminatory laws, policies, and social practices. Persons with disabilities struggle for visibility, recognition, and protection. These challenges must be addressed at various levels through policy development and programming, national and regional collaboration on disability and upholding of disability rights under the African regional system.

We urge all African states to sign and ratify the disability protocol which offers significant potential to promote and protect the human rights of persons with disabilities. At national level, states must adopt national laws recognising and protecting HRDs including

defenders with disabilities; ensure improved accessibility to social services, and reasonable accommodation; facilitate and allow increased political participation of PWDs in governance of the respective countries including more representation in parliament.

I thank you.