



## PRESS STATEMENT

# CENTRE FOR HUMAN RIGHTS WELCOMES THE COMING INTO FORCE OF THE AFRICAN DISABILITY PROTOCOL

3 October 2024

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The Centre for Human Rights, Faculty of Law, University of Pretoria, welcomes the coming into force of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (African Disability Protocol), which came into force on 3 May 2024, following the receipt of the 15th instrument of ratification, in accordance with article 38 of the Protocol. The fifteen African Union (AU) Member States that have ratified the African Disability Protocol include Angola, Burundi, Cameroon, Republic of Congo, Kenya, Mali, Malawi, Mozambique, Namibia, Nigeria, Niger, Rwanda, South Africa, Sahrawi Arab Democratic Republic and Uganda. The Protocol's entry into force creates an enabling legal framework in the African Human Rights System for the protection, promotion and fulfilment of the rights of persons with disabilities in Africa.

### Complementing the CRPD

The African Disability Protocol complements the UN Convention on the Rights of Persons with Disabilities (CRPD) insofar as it addresses the unique African context. Adopted by the 30th Ordinary Session of the Assembly of the AU Heads of States, held in Addis Ababa, Ethiopia on 29th January 2018, ten years after CRPD came into force on 3 May 2008, the Protocol is the culmination of decades of advocacy by the African Disability Rights Movement which sought a home-grown disability-specific instrument addressing African realities. By including new provisions such as freedom from harmful practices (article 11), older persons with disabilities (article 30), persons with disabilities as duty-bearers (article 31), and amending existing provisions by, for example, incorporating the right to hold identity documents within the right to legal capacity (article 7(2)(f)) and customary law under the right to access justice (article 13(2)), the Protocol complements the CRPD.

Together, the CRPD and the African Disability Protocol hold the potential to bring about the required social change for persons with disabilities in Africa that can only be realised if Member States implement their provisions.

### **A call to action**

Despite the African Disability Protocol having come into force, practical social change remains contingent upon full and effective implementation of the Protocol's provisions. The transition from rhetoric to practice can be achieved through Member States taking appropriate and effective measures, including policy, legislative, administrative, institutional and budgetary steps, to ensure, respect, promote, protect and fulfil the rights and dignity of persons with disabilities, without discrimination on the basis of disability (article 4). Article 34(1) of the Protocol stipulates that Member States should ensure the implementation of this Protocol, and indicate in their periodic reports submitted to the African Commission in accordance with Article 62 of the African Charter, the legislative and other measures undertaken for the full realisation of the rights recognized in this Protocol. Article 34(2) further requires States Parties to establish or designate national mechanisms, including independent national institutions, to monitor the implementation of the rights of persons with disabilities. The Centre therefore, call on the 15 Member States that have ratified the Protocol to take immediate steps to give effect to its provisions, in collaboration with various other stakeholders, particularly organisations of persons with disabilities.

### **Wider ratification required**

Although the coming into force of the African Disability Protocol is indeed an achievement worth celebrating, it is important to remember that only 15 of the 55 AU Member States have ratified the Protocol. In order to promote, protect and fulfil the rights of all persons with disabilities in Africa, the remaining 40 Member States need to ratify and implement the Protocol. Therefore, the Centre urges Member States who have not yet ratified the Protocol to do so without delay in order to ensure the protection of the rights of all persons with disabilities on the continent.

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