



Protecting, Promoting and Monitoring the Rights of  
Persons with Disabilities

# Guide for African National Human Rights Institutions

on the implementation of the Convention  
on the Rights of Persons with Disabilities

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ISBN 978-9966-1765-2-3

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Supported by Swedish Development Cooperation



# Table of Contents

<b>Acronyms and Abbreviations</b>	<b>6</b>
<b>Acknowledgements</b>	<b>7</b>
<b>Foreword</b>	<b>8</b>
<b>Introduction</b>	<b>9</b>
<b>Conceptual and Normative Basis for Monitoring the Human Rights of Persons with Disabilities</b>	<b>11</b>
<i>Meaning, purpose and principles of human rights monitoring</i>	11
<i>Monitoring under Convention on the Rights of Persons with Disabilities</i>	12
<i>Functions of the Framework of Independent Mechanisms</i>	15
<i>The respect-protect-fulfil obligations framework</i>	17
<i>How to Use the Guide</i>	19
<b>Indicative Issues/Questions for Monitoring Implementation of the Convention on the Rights of Persons with Disabilities</b>	<b>21</b>
<i>Article 5 - equality and non-discrimination</i>	21
<i>Article 9 - accessibility</i>	22
<i>Article 10 - right to life</i>	24
<i>Article 11 - situations of risk and humanitarian emergencies</i>	25
<i>Article 12 - equal recognition before the law</i>	27
<i>Article 13 - access to justice</i>	28
<i>Article 14 - liberty and security of the person</i>	30
<i>Article 15 - freedom from torture or cruel, inhuman or degrading treatment or punishment</i>	31
<i>Article 16 - freedom from exploitation, violence and abuse</i>	32
<i>Article 17 - protecting the integrity of the person</i>	34
<i>Article 18 - liberty of movement and nationality</i>	35
<i>Article 19 - living independently and being included in the community</i>	36
<i>Article 20 - personal mobility</i>	37
<i>Article 21 - freedom of expression and opinion, and access to information</i>	38
<i>Article 22 - respect for privacy</i>	40
<i>Article 23 - respect for home and the family</i>	41
<i>Article 24 - education</i>	42
<i>Article 25 - health</i>	44
<i>Article 26 - habilitation and rehabilitation</i>	45
<i>Article 27 - work and employment</i>	46
<i>Article 28 - adequate standard of living and social protection</i>	48
<i>Article 29 - participation in political and public life</i>	51
<i>Article 30 - participation in cultural life, recreation, leisure and sport</i>	52
<b>Other Useful Resources</b>	<b>54</b>

# Acronyms and Abbreviations

ACHPR	African Commission on Human and Peoples' Rights
ATM:	Automated Teller Machine
'CRPD' or 'Convention':	Convention on the Rights of Persons with Disabilities
CSOs:	Civil Society Organisations
DPOs:	Disabled Peoples' Organisations
KNCHR:	Kenya National Commission on Human Rights
MHRC:	Malawi Human Rights Commission
NANHRI:	Network of African National Human Rights Institutions
NGOS:	Nongovernmental Organisations
NHRIs:	National Human Rights Institutions
RWI:	Raoul Wallenberg Institute of Human Rights and Humanitarian Law
SAHRC:	South African Human Rights Commission
UHRC:	Uganda Human Rights Commission
ZHRC:	Zambia Human Rights Commission
VCT	Voluntary counseling and testing

# Acknowledgements

The Network of African National Human Rights Institutions (NANHRI) would like to acknowledge the Swedish International Development Cooperation Agency (SIDA), which through the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI), financially supported the process of developing the this guide. NANHRI expresses gratitude to Sida and RWI for the trusted and continuous partnership in promoting and protecting human rights in Africa.

A number of individuals from National Human Rights Institutions as well Disabled People's Organisations have been instrumental to the finalization of this Guide, and NANHRI's gratitude towards them is great.

NANHRI sincerely appreciates the dedicated work of Lawrence Mute for developing this Guide and making his expertise on the rights of people with disabilities available to the Africa's NHRIs.

# Foreword

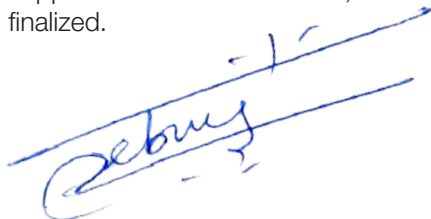
In 2008, the Convention on the Rights of Persons with Disability (CRPD) came into force “to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity”. Many National Human Rights Institutions in Africa have identified the rights of people with disabilities as an area of priority. Across the continent, as in other parts of the world, people with disabilities face stigma, discrimination and other barriers which deny them full enjoyment of their human rights for them to be equal members of society. Although the international treaties to protect and promote human rights are universally applicable, persons with disabilities are still often excluded from many areas of society and restricted in exercising their rights.

Article 33 of the CRPD outlines the responsibilities of state parties to designate focal points within the government for matters relating to the implementation of the rights of people with disability as well as providing an enabling environment for independent mechanisms to promote, protect and monitor the implementation of the CRPD. Furthermore, the Convention stresses the importance of the active involvement of people with disabilities in decision-making processes and the implementation of the CRPD.

National Human Rights Institutions (NHRIs) are key institutions for applying international human rights standards to national contexts, and they have the mandate to monitor duty bearers to ensure that rights of citizens are not violated. NHRIs play an important role as capacity strengthening actors to states’ periodic reports and can, if needed, facilitate processes of alternative reports by non-governmental organisations.

The Network of African National Human Rights Institutions (NANHRI) in partnership with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) and financed by the Swedish International Development Cooperation Agency (SIDA) have in the past three years addressed the rights of people with disabilities and in an inclusive process under the guidance of one of the most prominent experts on the rights of people with disabilities in Africa, developed this Guide on how NHRIs may implement the CRPD. It is anticipated that the Guide will be used by NHRIs in their work to promote and protect the rights of people with disabilities, and can be adapted to the context of individual countries should need be.

NANHRI would like to express the appreciation to all NHRIs and Disabled Persons Organisations, as well as to the development cooperation partners. Without the support from all these actors, the Guide would not have been drafted, tested and finalized.



Gilbert Sebihogo  
Executive Director  
Network of African National Human Rights Institutions



# Introduction

The Convention on the Rights of Persons with Disabilities ('CRPD' or 'the Convention')<sup>1</sup> was adopted in 2006 following five years' negotiations involving States as well as other stakeholders. By 2015, 160 States including 42 African countries were party to the Convention while 88 States including 25 African countries were party to its Optional Protocol.

The CRPD was established "*to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity*". The CRPD is a truly revolutionary human rights instrument; it is both a human rights norm setter and a practice changer. It requires persons with disabilities to be treated as individuals with rights rather than objects of charity or 'broken' persons who need to be 'fixed'. The Convention provides policy and law makers as well as implementers and monitors with standards for ensuring the rights of persons with disabilities. It affirms that persons with disabilities are human beings with personhood and dignity. The implementation of the CRPD is monitored by the Committee on the Rights of Persons with Disability. Optional Protocol recognizes the role of the Committee on the Rights of Persons with Disability to consider individual or group complaints. The Optional Protocol entered into force in 2008.

This guide was commissioned by Network of African National Human Rights Institutions (NANHRI) within the framework of its cooperation with the Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI). NANHRI is a membership organisation presently comprised of 44 African NHRIs. NANHRI encourages the establishment of NHRIs, and it facilitates their coordination. The Network also works towards strengthening the NHRIs with the aim of greater effectiveness of the institutions in their role to promote and protect human rights at the national level. Another key role of NANHRI is its encouragement of cooperation among NHRIs on the continent as well as between NHRIs and governmental, intergovernmental and nongovernmental institutions. The NANHRI-RWI framework of cooperation aims at enhancing the capacities and roles of NHRIs to effectively fulfil their mandates in promoting and protecting human rights in Sub-Saharan Africa.

The objective of the Guide is to assist Africa's NHRIs as they monitor implementation of the CRPD. This Guide will also benefit public officials who plan or execute implementation of the Convention as well as disabled peoples' organisations (DPOs) and other civil society organisations (CSOs) which monitor implementation of the Convention specifically or the implementation of other international or regional human rights instruments. It sets out some of the process and substantive questions which should be taken into account when monitoring the implementation of the Convention.

The Guide does not provide an exhaustive list of questions/issues to be raised or sought by human rights monitors. Rather, it establishes a framework which can be adapted and varied as appropriate to fit different country, thematic and other local

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1 Convention on the Rights of Persons with Disabilities, <http://www.un.org/disabilities/convention/conventionfull.shtml>

specificities. The Guide anticipates that a monitoring organisation will draw from tools appropriate to the organisation's monitoring demands in relation to variables such as thematic choices, duration of monitoring, geographic scope and available resources. Specific tools therefore may include questions or issues not captured in this Guide or they may exclude questions or issues proposed in the Guide.

The Guide was prepared in a multiple step initiative. A draft was presented at a workshop held in Kampala, Uganda, in August 2014, with participation of commissioners and programme officers from seven NHRIs and representatives from NANHRI and RWI. During the workshop, participants visited a number of state agencies in Kampala where they learned about the measures Uganda is taking to implement the CRPD. The Guide was then revised and circulated for testing and feedback from a number of NHRIs. In September 2015 the NHRIs as well as representatives from Disabled People's Organisations (DPOs) met in Nairobi to validate the Guide.

NANHRI's primary goal in preparing this Guide is to build the medium and long-term institutional and staff monitoring capacities of NHRIs across the Continent. This Guide remains a living document and NANHRI recognises that information in the Guide may continue to be updated from time to time.

The following section of the Guide, introduces the concept of human rights monitoring as well as providing the context for monitoring the rights of persons with disabilities. The main part of the Guide explains relevant Articles of the CRPD and sets out indicative questions/issues which should be considered as organisations prepare their monitoring instruments. It also provides illustrations of human rights violations that persons with disabilities encounter and the measures that states may take to enable realisation of the rights of persons with disabilities. The last section lists further useful resources which monitors can refer to in their work

# Conceptual and Normative Basis for Monitoring the Human Rights of Persons with Disabilities

## ***Meaning, purpose and principles of human rights monitoring***

Human rights monitoring is a term that describes the collection, verification and use of information to address human rights problems. It involves the systematic collection and evaluation of evidence about the extent to which rights are being protected, promoted and fulfilled. It seeks to improve the protection and promotion of human rights by establishing the extent to which states are implementing their human rights commitments and by making specific suggestions for improved implementation. It reviews the national practice of human rights in relation to treaty-commitments made by a state and the extent to which such commitments are legislated in national law. It provides a state with information on the actions it should take to ensure effective implementation of rights; and it provides rights-holders with information to enable them to hold the state accountable.

According to Disability Rights Promotion International, monitoring is:

*'The active collection, verification and immediate use of information to address human rights problems. Human rights monitoring includes gathering information about situations, observing events, visiting sites and holding discussions with government authorities to obtain information and to pursue remedies.'*<sup>2</sup>

Monitoring comprises what is called the monitoring-cycle. This cycle involves collection of information; legal and information analysis; documentation and reporting; corrective action and follow up; and evaluation.

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2 Disability Rights Promotion International, 'A Guide to Disability Rights Monitoring: Participant Version', 2011, available at: <http://drpi.research.yorku.ca/resources/regionalTrainingManual> (accessed on 5 September 2014)

Principles of human rights monitoring include the following:

- The monitoring team should be guided by the do-no-harm principle. Monitors should ensure their activities do not cause harm on interviewees or others.
- Monitoring should be undertaken regularly. A one-off monitoring activity will be inadequate as an effective basis for measuring progress.
- Monitors should demonstrate independence while undertaking their tasks.
- A monitoring team should include multiple disciplines and it should have various competencies. It should be trained and the assumption should not be made that all members of the team understand the rights of persons with disabilities.
- Monitoring the rights of persons with disabilities should employ a holistic approach which triangulates information gathered from individual experiences, systems and societal attitudes. Primary sources are important and information should be recent.
- The team should adopt an inquisitive mind-set. It should question and test the reliability of information, sources and contacts.
- Collected information should be stored securely.

### ***Monitoring under Convention on the Rights of Persons with Disabilities***

The CRPD provides for monitoring of the rights of persons with disabilities at the *international* and *national* levels.

At the international level, Article 34 of the Convention establishes the Committee on the Rights of Persons with Disabilities which plays monitoring roles. It receives and reviews reports from states on the extent to which they have implemented their obligations under the Convention, and it provides recommendations on measures for improving implementation of the Convention.<sup>3</sup>

Many African states parties to the Convention have either prepared or are in the process of preparing their initial reports for submission to the Committee on the Rights of Persons with Disabilities.<sup>4</sup> The norm is that NHRIs do not write these state reports, but they have a capacity-building function during report-writing, and they facilitate the preparation of alternative reports by CSOs. On occasion NHRIs can prepare their own reports for submission to the Committee.

At the national level, Article 33 of the CRPD provides as follows:

*'1. States Parties, in accordance with their system of organisation, shall designate one or more focal points within government for matters relating to the implementation of the present Convention, and shall give due consideration to the establishment or designation of a coordination mechanism within government to facilitate related action in different sectors and at different levels.*

*'2. States Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, pro-*

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<sup>3</sup> Articles 35 and 36 of the Convention.

<sup>4</sup> As of September 2015, the following African states had presented their initial reports to the Committee: Gabon, Kenya, Mauritius and Tunisia.

*tect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.'*

This Article establishes provisions for implementation and monitoring of the Convention at the national level.

First, it requires each state to designate one or more focal points within government for matters relating to implementation of the rights of persons with disabilities. Hence each state is required to consider establishing or designating a coordination mechanism within government to facilitate actions in different sectors and at different levels for implementing the rights of persons with disabilities. Some countries have established councils with representation from different government departments and invariably including DPO representation, to play this coordinating function. Focal-points are also established in each government department.

Second, Article 33 requires each state to maintain, strengthen, designate or establish a framework, such as one or more independent mechanisms, for promoting, protecting and monitoring implementation of the Convention. Such independent mechanism should be designated or established considering the principles relating to the Status and Functioning of National Institutions for Protection and Promotion of Human Rights (the Paris Principles)<sup>5</sup>.

Hence, where a state establishes a monitoring framework which for example is overseen by the executive and therefore is not independent, such state is also under the obligation to establish a further monitoring framework which is independent.

Thus, the Convention anticipates the establishment of a framework for promoting, protecting and monitoring the rights of persons with disabilities. There is expressed requirement for an independent monitoring mechanism which in the minimum complies with the Paris Principles.

Drawing from the Paris Principles, the key attributes that the Article 33 independent monitoring body should have, are that the NHRI should:

1. be vested with competence to promote and protect human rights with a broad constitutionally or statutorily-established mandate covering composition and sphere of competence;
2. include in its composition the pluralist representation of the social forces of civilian society involved in the protection and promotion of human rights;
3. have an infrastructure, including adequate funding and stable mandate for members of the Institution, suited to the smooth conduct of its activities including enabling its independence and stability; and
4. operate independently to consider matters falling within its competence.

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5 Principles Relating to the Status of National Institutions, adopted by General Assembly Resolution 48/134 of 20 December 1993, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/StatusOfNationalInstitutions.aspx>

In practice, the framework of independent mechanisms could include one or more institutions, and some African countries indeed have established multiple agencies to protect, monitor and implement the Convention. Nonetheless, such a framework should comply with the following three guidelines:

1. Some of those institutions should be independent in terms of the Paris Principles;
2. Their totality should ensure they are pluralistic; and
3. The Framework should include a coordinating organisation.

Third, it is important that persons with disabilities participate integrally in monitoring initiatives. The Convention in Article 3(c) identifies their participation as essential to effective monitoring. Full and effective participation is one of the Convention's overarching principles. Article 33 (3) provides that *'Civil society, in particular persons with disabilities and their representative organisations, shall be involved and participate fully in the monitoring process.'*

Further, Article 4 (3) of the Convention provides that: *'In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organisations.'*

Persons with disabilities, therefore, should be involved in monitoring activities both as monitors and as respondents. Monitoring planning and reporting should involve the voices and experiences of persons with disabilities:

*'Monitoring the rights of persons with disabilities must have a cross-disability and cross-society focus. That is, monitoring must involve women, men, girls and boys with the full spectrum of types of disabilities—including those with physical, mental, intellectual or sensory impairments—and from all socio-economic and ethnic backgrounds, age groups and walks of life.'*<sup>6</sup>

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6 OHCHR, 'Monitoring The Convention on The Rights of Persons with Disabilities, Guidance for Human Rights Monitors', Professional series no. 17, available at: [http://www.ohchr.org/Documents/Publications/Disabilities\\_training\\_17EN.pdf](http://www.ohchr.org/Documents/Publications/Disabilities_training_17EN.pdf) (accessed on 19 August 2014)

## **Functions of the Framework of Independent Mechanisms**

The functions of the Framework of Independent Mechanisms are threefold: to promote, protect and monitor. These functions are not mutually-exclusive and they entail a multitude of interrelated and cross-cutting activities.<sup>7</sup>

### **The promotion function**

Promoting implementation of the Convention entails awareness-raising activities as well as other engagements to advance implementation. Activities to support the Framework's promotion function may include:

Examples on how to promote the Framework of Independent Mechanisms include the work of the Malawi Human Rights Commission (MHRC) and the Kenya National Commission on Human Rights (KNCHR).

In 2013, the MHRC trained 24 disability focal officers assigned to disability desks in various ministries, departments and parastatals. The same year, the MHRC distributed 2,000 copies of the CRPD in the Chichewa language to stakeholders at various disability rights forums.

Another example is when the KNCHR made submissions to the Committee on the Rights of Persons with Disabilities when the Committee was preparing General Comment No. 1 and General Comment No. 2.

1. Organising training on the CRPD for policy-makers and implementers, and helping government departments to mainstream the rights of persons with disabilities
2. Organising training for persons with disabilities on how to advance meaningful participation in policy-making, build capacity for self-advocacy and take action to protect their rights.
3. Researching and proposing policy and law changes to take account of provisions in the CRPD.
4. Reviewing and disseminating the jurisprudence of United Nations and regional treaty bodies.
5. Organising campaigns and other awareness-raising activities about the CRPD.

The number of complaints on violations to the rights of persons with disabilities and older persons registered at the MHRC increased by 57 percent in 2013 from 2012 figures, according to the MHRC Annual Report.

### **The protection function**

Activities to support the Framework's protection function revolve around the investigation and determination of complaints, and may include:

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<sup>7</sup> Some of the activities listed under this sub-section are adapted from: Mental Disability Advocacy Centre, 'Building the Architecture for Change: Guidelines on Article 33 of the UN Convention on the Rights of Persons with Disabilities' available at: [http://www.mdac.info/en/building\\_the\\_architecture\\_for\\_change\\_guidelines\\_on\\_article\\_33\\_of\\_the\\_un\\_convention\\_on\\_the\\_rights\\_of\\_people\\_with\\_disabilities](http://www.mdac.info/en/building_the_architecture_for_change_guidelines_on_article_33_of_the_un_convention_on_the_rights_of_people_with_disabilities) (accessed on 19 August 2014)

1. Handling individual complaints on alleged violations of the CRPD reported by persons with disabilities and making remedial recommendations.
2. Providing direct or financial assistance to persons with disabilities in domestic courts; and lobbying government to provide legal aid so that people with disabilities can bring alleged violations of the CRPD in domestic courts.
3. Taking legal action in the name of victims of alleged violations of the CRPD in domestic courts and filing amicus curiae briefs or third-party interventions to provide domestic courts with in-depth expertise on the rights and obligations set out in the CRPD and assisting courts in the proper administration of justice.
4. Helping persons with disabilities to introduce complaints before regional and international bodies and tribunals, including the Committee on the Rights of Persons with Disabilities and the African Commission on Human and Peoples' Rights.
5. Acting upon issues or individual cases which have been brought to light by domestic as well as regional or international inspection mechanisms.

Of particular note are National Monitoring Mechanisms established under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and Article 16 (3) of the CRPD which provides that:  
 'In order to prevent the occurrence of all forms of exploitation, violence and abuse, States Parties shall ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities.'

### **The monitoring function**

Activities to support the Framework's monitoring function may include:

1. Developing or participating in the development of a strategic monitoring plan which may be theme or group-specific and should include time-framed programmes and key governmental departments.
2. Evaluating compliance of legislation and policies with the CRPD and/or recommending their harmonisation with the CRPD.
3. Monitoring practice by undertaking or commissioning research into the lived experiences of persons with disabilities and by carrying out field visits to where persons with disabilities live.
4. Conducting formal investigations and general inquiries on issues of grave or systemic violations of the CRPD and recommending remedies and prevention measures.
5. Encouraging the government to involve persons with disabilities in the development of laws, policies and programmes.
6. Providing training and information to policy-makers on preparation of the initial or periodic reports to the Committee on the Rights of Persons with Disabilities.
7. Seeking follow-up to the concluding observations of the Committee on the Rights of Persons with Disabilities.



Examples on how to monitor the Framework of Independent Mechanisms include the work from the Zambia Human Rights Commission (ZHRC), The South Africa Human Rights Commission (SAHRC), the Uganda Human Rights Commission (UHRC) and the Kenya National Commission on Human Rights (KNCHR).

The ZHRC developed a specific tool to monitor the rights of persons with disabilities in detention facilities, and the SAHRC made comments on the Disability Monitoring and Evaluation Policy and the Disability Disaggregated National Development Plan. Furthermore, the SAHRC submitted an equality report to the Government which, among other things, recommended the elimination of barriers with adverse effects on persons with disabilities.

The UHRC inspected 538 health facilities and found that 477 were not accessible to patients with disabilities. The UHRC similarly made remedial recommendations when it noted that in 2013 most courts were not accessible to persons with disabilities. KNCHR conducted a public inquiry into sexual and reproductive health rights called "Realising Sexual and Reproductive Health Rights in Kenya: A Myth or Reality?" in 2012.

### ***The respect-protect-fulfil obligations framework***

A state party to an international or regional human rights instrument is the principal authority for the legal enforcement of such instrument. National and international non-state actors may partner with the state in implementation and they may play monitoring functions to assess the extent to which implementation is occurring.

Obligations cover, on one hand, limitations on the actions that a state may take (negative obligations) and, on the other hand, the proactive measures that a state must take (positive obligations). Monitoring the rights of persons with disabilities is undertaken on the basis of the three types of state obligations set out in Article 4 of the Convention: the obligation to respect; the obligation to protect; and the obligation to fulfil (facilitate and provide).

The obligation to **respect** requires the state to refrain from interfering directly or indirectly with the enjoyment of the rights of persons with disabilities. This obligation is established in paragraph (d) of Article 4 of the Convention as follows:

*(d) 'To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention'.*

The obligation to **protect** requires the state to take steps that prevent third parties from or sanction them for interfering with the enjoyment of the right, including by regulating, investigating, punishing and offering other remedies for such violations when they occur. Paragraph (e) of Article 4 requires the state:

*(e) 'To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organisation or private enterprise'.*

The obligation to **fulfil (facilitate)** requires the state to adopt appropriate legislative, administrative, budgetary, judicial, promotional and other measures towards the full realisation of the right. Article 4 of the CRPD includes the following relevant provisions in paragraphs (a), (b) and (c):

(a) *'To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention;*

(b) *'To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;*

(c) *'To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes'.*

The obligation to **fulfil (provide)** requires the state to directly provide assistance or services for the realisation of the right. Relevant provisions in Article 4 paragraphs (f) to (i) of the Convention are:

(f) *'To undertake or promote research and development of universally designed goods, services, equipment and facilities ... which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;*

(g) *'To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and assistive technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;*

(h) *'To provide accessible information to persons with disabilities about mobility aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support services and facilities;*

(i) *'To promote the training of professionals and staff working with persons with disabilities in the rights recognised in this Convention so as to better provide the assistance and services guaranteed by those rights.'*

Monitoring economic, social and cultural rights involves particular special considerations.

Article 3 (2) of the Convention provides that:

*2. 'With regard to economic, social and cultural rights, each State Party undertakes to take measures to the maximum of its available resources and, where needed, within the framework of international cooperation, with a view to achieving progressively the full realisation of these rights, without prejudice to those obligations contained in the present Convention that are immediately applicable according to international law.'*

The effect of this provision is that the state should apply the maximum of its available resources towards full realisation of economic, social and cultural rights. Monitoring initiatives should assess the presence of progress in the realisation of these rights. Where progress is stalled or 'standing still', explanations must be sought. Retrogressive measures or effects are totally unacceptable.

Moreover, the principle of progressive realisation of rights applies in relation to some but not all economic, social and cultural rights. Civil and political rights obligations

apply fully immediately as do *core* economic, social and cultural rights obligations. An example of a core obligation in the right to health is the obligation to provide essential drugs. Non-discrimination in respect of the right to health is also a right of immediate obligation.

Human rights monitors should take note of two additional important matters. First, monitoring the rights of persons with disabilities should involve a twin-track approach. It should cover mainstreaming of disability in all projects. In this sense, monitoring the rights of persons with disabilities should be integrated into general human rights monitoring. This approach ensures that persons with disabilities are not left on the margins of policy and law-making which may result in their ghettoization. Second, and at the same time, human rights monitoring should focus on disability-specific rights such as the ones established in the CRPD which include specific substantive actions as well as binding reporting obligations.

Qualitative and quantitative indicators are important markers of the extent to which implementation of state obligations is being realised. There are three types of indicators, namely:

1. Structural indicators establish commitment to international and regional human rights standards – e.g. whether the state has ratified the CRPD;
2. Process indicators assess efforts being made to meet obligations flowing from the standards – e.g. whether norms established in the Convention have been incorporated into domestic legislation; and
3. Outcome indicators assess the results of such efforts – e.g. whether an aggrieved person has received redress.

### ***How to Use the Guide***

This Guide was developed as a complementary tool and should be used together with other relevant documents as well as with the Convention. The questions/issues listed under the next section are only indicative. Whenever an NHRI or other organisation plans to undertake monitoring under the Convention, its monitors will determine the specific areas of rights they wish to monitor and prepare more comprehensive and context-specific tools which will borrow from this Guide. Information may also be drawn from this Guide when an organisation is undertaking general human rights monitoring covering other human rights instruments but also including the rights of persons with disabilities. The illustrations which are included under some of the questions/issues are drawn from real life situations which persons with disabilities deal with on a continuing basis across Africa.

The rights established in the CRPD are threaded together by a core of principles cross-cutting the whole Convention. Any monitoring exercise therefore should also investigate the extent to which the violation of a specific right undermines overall implementation of the cross-cutting provisions.

Monitors should in particular keep in mind Article 3 of the Convention which establishes the following guiding principles of the Convention:

1. Respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons;

2. Non-discrimination;
3. Full and effective participation and inclusion in society;
4. Respect for difference and acceptance of persons with disabilities as part of human diversity and humanity;
5. Equality of opportunity;
6. Accessibility;<sup>8</sup>
7. Equality between men and women;<sup>9</sup> and
8. Respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.<sup>10</sup>

Whereas monitoring should focus on and seek responses regarding specific CRPD rights, no single right is exclusive and rights interdepend and interrelate with each other. Indeed, specific questions have not been framed in respect of a number of articles whose provisions involve issues that cut across the other articles. In particular, exercise of the rights of persons with disabilities in respect of women with disabilities (Article 6), children with disabilities (Article 7), and awareness-raising (Article 8) should be kept in mind whenever a right such as to education or health or indeed legal capacity is under consideration.

Specific questions have also not been framed for Article 31 which obligates states to collect appropriate information to enable them to formulate and implement policies to give effect to the Convention, and Article 32 which requires states to acknowledge the importance of international cooperation.

Finally, the first four Articles of the CRPD address the purpose, definitions and other general principles and obligations, hence this Guide starts with illustrating Article 5.

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8 Also see Article 9 of the Convention.

9 Also see Article 6 of the Convention.

10 Also see Article 7 of the Convention.

# Indicative Issues/Questions for Monitoring Implementation of the Convention on the Rights of Persons with Disabilities

## **Article 5 - equality and non-discrimination**

*'2. States Parties shall prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds.'*

Some African States have equality and non-discrimination legislation which to various extents covers persons with disabilities. For example, see: Sections 9 and 28 of The Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 (South Africa)

### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in acts, customs or practices which discriminate persons with disabilities on the basis of disability or which interfere with the exercise by persons with disabilities of equal and effective legal protection against discrimination?

Illustrations:

- Where the agency which employs teachers refuses to employ a qualified candidate because she is deaf (direct discrimination); or
- Where an applicant with physical disability finds that job interviews by a government agency to which she has applied are being undertaken in an upstairs room in a building with no lift or ramp (indirect discrimination).

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from engaging in acts, customs or practices which discriminate persons with disabilities on the basis of disability or which interfere with the exercise by persons with disabilities of equal and effective legal protection against discrimination?

Illustration:

- Where the airlines regulatory agency enforces sanctions against an airline which has refused to carry a person who has epilepsy because her disability may cause discomfort to other passengers.

**Obligation to fulfil (facilitate):**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full prohibition of all discrimination on the basis of disability and full guarantee to persons with disabilities of equal and effective protection of the law? To what extent are those measures being implemented?

Illustration:

- Where equality provisions are included in the national constitution entrenching substantive equality.

What steps is the state taking to ensure reasonable accommodation is provided to persons with disabilities so as to promote equality and eliminate discrimination? To what extent are those steps being implemented?

Illustration:

- Where a policy is adopted requiring public employers to provide appropriate reasonable accommodations to employees with disabilities.

**Article 9 - accessibility**

*'1. ... States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas. ...'*

For interpretation of Article 9 by the Committee on the Rights of Persons with Disabilities, see General Comment No. 2 on Accessibility.

The African Commission on Human and Peoples' Rights in ACHPR/Res 305. Resolution on Accessibility for Persons with Disabilities calls on African states and the African Union and its organs to take immediate and effective measures to ensure that all facilities and services open or provided to the public are accessible to persons with disabilities.

**Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the right of persons with disabilities to access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas?

Illustration:

- Where a public hospital continues to use information and communication platforms which are not accessible to persons with disabilities.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with the right of persons with disabilities to access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas?

Illustrations:

- Where the driver of a commuter bus is investigated for rejecting a passenger with physical disability from the bus because she refuses to pay an extra charge for the space taken up by her wheelchair; or
- Where an automated teller machine (ATM) is placed in a way that a person in a wheelchair cannot access the machine.

### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right by persons with disabilities to access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas? To what extent are those measures being implemented?

Illustration:

- Where measures are put in place requiring road designers and contractors to incorporate accessibility features such as ramps and sound signals onto streets and pathways used by the public; or
- Where the state requires the use of universally designed products and services.

### **Obligation to fulfil (provide):**

To what extent does the state provide training for stakeholders on accessibility issues facing persons with disabilities?

Illustration:

- Where information on the importance of accessibility for persons with disabilities is included in school curricula.

To what extent does the state provide signage in Braille and in easy to read and understand forms in buildings and other facilities open to the public?

To what extent does it provide forms of live assistance and intermediaries, including guides, readers and professional Sign Language interpreters, to facilitate accessibility to buildings and other facilities open to the public?

Illustrations:

- Where a judge orders that appropriate support be provided to enable a witness with intellectual disability to testify about how the accused defiled her; or
- Where the state sets certification standards for Sign Language interpreters.

### **Article 10 - right to life**

*'States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others.'*

In respect of the violation of the right to life of persons with albinism, see: Paragraphs 12-20 of the Report of the Human Rights Council Advisory Committee on the Study of the Situation of Persons Living with Albinism, Human Rights Council 28th Session.

#### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with enjoyment of the right to life by persons with disabilities?

Illustration:

- Where a person with albinism is killed despite police officers being warned of an imminent attack by an organ-harvesting gang.

#### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with enjoyment of the right to life by persons with disabilities?

Illustration:

- Where the police investigate members of a pastoralist community who have left an infant to die in the forest because she has a disability.



### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right to life by persons with disabilities? To what extent are those measures being implemented?

What measures is the state taking to modify or abolish existing laws, regulations, customs and practices that undermine enjoyment of the right to life by persons with disabilities? To what extent are those measures being implemented?

Illustration:

- Where awareness-raising is undertaken in a community which traditionally saw children with disabilities as a curse and which therefore abandoned them when they were born.

## **Article 11 - situations of risk and humanitarian emergencies**

*'States Parties shall take ... all necessary measures to ensure the protection and safety of persons with disabilities in situations of risk, including situations of armed conflict, humanitarian emergencies and the occurrence of natural disasters'.*

See the Statement of the Committee on the Rights of Persons with Disabilities on Disability Inclusion for the World Humanitarian Summit.

### **Obligation to respect**

To what extent does the state, its public authorities and institutions engage in any acts, practices or customs which interfere with the protection and safety of persons with disabilities in situations of risk, including instances of armed conflict, humanitarian emergencies and natural disasters?

Illustration:

- Where facilities and services in a camp for displaced persons are not accessible to persons with disabilities.

### **Obligation to protect**

What measures does the state take to prevent third parties, including any person, organisation or private enterprise, from interfering with the protection and safety of persons with disabilities in situations of risk, including instances of armed conflict, humanitarian emergencies and natural disasters?

Illustration:

- Where staff who neglect to evacuate a guest with physical disability from a hotel when it catches fire are investigated and punished.

**Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure the full protection and safety of persons with disabilities in situations of risk? To what extent are those measures being implemented?

Illustration:

- Where specific plans and protocols for evacuating persons with disabilities from flood or earthquake emergencies or from emergency situations in public buildings are established.

To what extent do the state's policy and programmatic plans and responses to armed conflict, humanitarian emergencies and natural disasters take into account the protection of persons with disabilities at risk?

Illustration:

- Where emergency departments such as firefighters and the police receive appropriate training.

To what extent does the state include persons with disabilities in disaster preparedness planning and to what extent do its plans cover inclusive services such as appropriate evacuation procedures?

Illustration:

- Where fire-drills in buildings are conducted with the involvement of resident persons with disabilities.

## **Article 12 - equal recognition before the law**

*'2. States Parties shall recognise that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life'.*

For interpretation of this Article by the Committee on the Rights of Persons with Disabilities, see General Comment No. 1 on Equal Recognition Before the Law.

The Kenya National Commission on Human Rights has prepared a briefing paper detailing the situation of the right to legal capacity in Kenya and recommending how the right to exercise legal capacity can be enhanced. See: 'How to Implement Article 12 of Convention on the Rights of Persons with Disabilities Regarding Legal Capacity in Kenya: A Briefing Paper'.

### **Obligation to respect**

To what extent does the state, its public authorities and institutions engage in any acts, practices or customs which interfere with the enjoyment of legal capacity by persons with disabilities in any aspects of life?

Illustration:

- Where the electoral management body prevents a person with psychosocial disability from registering as a voter or registering as a candidate for an elective office.

### **Obligation to protect**

What measures does the state take to prevent third parties, including any person, organisation or private enterprise, from interfering with enjoyment of legal capacity by persons with disabilities in any aspects of life?

Illustrations:

- Where financial regulators investigate a bank which declines to provide an account-holder who is blind with an ATM card so as to 'protect him' from people who may access his account using the card; or
- Where the State land agency intervenes against the siblings of a brother with intellectual disability who conspire to share amongst themselves the acre of land he is inheriting from their parents.

### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of legal capacity by persons with disabilities in all aspects of life? To what extent are those measures being implemented?

Illustration:

- Where policies are put in place detailing the safeguards for protecting against abuses of measures provided to persons who require support to exercise their legal capacity.

## **Article 13 - access to justice**

*'1. States Parties shall ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of procedural and age-appropriate accommodations, in order to facilitate their effective role as direct and indirect participants, including as witnesses, in all legal proceedings, including at investigative and other preliminary stages.'*

For more information, see: Stephanie Ortoleva, 'Inaccessible Justice, Human Rights Persons with Disabilities and the Legal System', 17 ILSA J.Int'l and Comp. L. 281 (Spring 2011).

### **Obligation to respect**

To what extent does the state, its public authorities and institutions engage in any acts, practices or customs which interfere with enjoyment of effective access to justice by persons with disabilities on an equal basis with others?

Illustrations:

- Where a court dismisses a criminal prosecution against the defilement of a teenager with autism spectrum disorder on the basis that her evidence is unreliable on account of her disability;
- Where court proceedings involving a litigant with physical disability are held in a courtroom on the second floor of a building with no lift or ramp; or
- Where police officers arrest and hand-cuff a deaf person, rendering him unable to communicate using Sign Language.

To what extent do persons with disabilities serve as judges, jurors or witnesses in judicial proceedings?

Illustration:

- Where the judiciary decides that a person who is blind or deaf cannot serve as a judge or juror since she will not be able to discern the demeanour of a witness.

### **Obligation to protect**

What measures does the state take to prevent third parties, including any person, organisation or private enterprise, from interfering with enjoyment of effective access to justice by persons with disabilities?

Illustration:

- Where a legal aid NGO is investigated for refusing to litigate a matter on the basis that litigating the case will be more onerous because the litigant has a disability.

**Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of effective access to justice by persons with disabilities? To what extent are those measures being implemented?

Illustrations:

- Where regulations establish how evidence from persons with disabilities will be adduced to ensure the court takes full account of such evidence;
- Where a dedicated legal aid programme is established for indigent litigants with disabilities; or
- Where the state establishes guidelines to ensure effective use of alternative dispute resolution mechanisms by persons with disabilities.

What procedural and age-appropriate accommodations has the state put in place to facilitate the effective role of persons with disabilities as direct and indirect participants in all legal proceedings?

Illustration:

- Where witnesses with intellectual disabilities are enabled to use intermediaries or where persons who are deaf use Sign Language interpreters.

**Obligation to fulfil (provide)**

What measures has the state taken to promote appropriate training including on effective access to justice for those working in the field of administration of justice? To what extent are those measures being implemented?

Illustration:

Where training courses for investigators, prosecutors and judges include information on how to enable persons with disabilities to access justice.

To what extent is the state promoting universal design in the development of standards and guidelines within institutions that administer justice?

Illustration:

- Where justice administration institutions consult persons with disabilities in the course of developing justice standards and guidelines.

## **Article 14 - liberty and security of the person**

*'1. States Parties shall ensure that persons with disabilities, on an equal basis with others: a. Enjoy the right to liberty and security of person; b. Are not deprived of their liberty unlawfully or arbitrarily, and that any deprivation of liberty is in conformity with the law, and that the existence of a disability shall in no case justify a deprivation of liberty.'*

For more information, see Guideline 33 of the Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention in Africa.

*'2. States Parties shall ensure that if persons with disabilities are deprived of their liberty through any process, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and shall be treated in compliance with the objectives and principles of this Convention, including by provision of reasonable accommodation.'*

### **Obligation to respect**

To what extent does the state, its public authorities and institutions engage in any acts, practices or customs which interfere with the enjoyment of the right to liberty and security of person by persons with disabilities on an equal basis with others?

Illustration:

- Where a person with psychosocial disability who voluntarily seeks treatment at a public hospital is held in the hospital against his will.

To what extent does the state deprive persons with disabilities of their liberty unlawfully or arbitrarily? To what extent does it use the existence of a disability as justification for depriving a person of their liberty?

Illustration:

- Where the police detain a person with psychosocial disability who was walking about on the streets talking to himself and looking through the contents of dustbins.

### **Obligation to protect**

What measures does the state take to prevent third parties, including any person, organisation or private enterprise, from interfering with enjoyment of the right to liberty and security of person by persons with disabilities on an equal basis with others?

Illustration:

- Where the police arrest officials of a church who coerce a person with psychosocial disability to remain at a prayer camp to be 'exorcised of the demons preying upon her mind'; or
- Where a girl with multiple disabilities is hidden in the house by her family.

**Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right to liberty and security of person by persons with disabilities? To what extent are those measures being implemented?

What measures has the state taken to modify or abolish existing laws, regulations, customs and practices that interfere with the right to liberty and security of person by persons with disabilities? To what extent are those measures being implemented?

What reasonable accommodations are provided to persons with disabilities who are deprived of their liberty?

Illustration:

Where remand and correctional facilities incorporate in their design and approaches modifications and communications for use by inmates with physical, visual, intellectual or psychosocial disabilities or inmates who are deaf.

**Article 15 - freedom from torture or cruel, inhuman or degrading treatment or punishment**

*'2. States Parties shall take all effective legislative, administrative, judicial or other measures to prevent persons with disabilities, on an equal basis with others, from being subjected to torture or cruel, inhuman or degrading treatment or punishment.'*

Also see: 'Like a Death Sentence', Human Rights Watch

**Obligation to respect**

To what extent does the state, its public authorities and institutions engage in any acts, practices or customs which interfere with the enjoyment of protection for persons with disabilities from being subjected to torture or other cruel, inhuman or degrading treatment or punishment?

Illustrations:

- Where a person with psychosocial disability is restrained in a mental health institution by being shackled to his bed;
- Where the officials of a remand centre confiscate the crutches of a remandee with physical disability thereby forcing him to crawl about in the remand centre on his buttocks or on his hands and knees, including when he has to use the toilet; or
- Where a deaf person is slapped by a police officer for not heeding to the officer's shouted call for him to stop.

### **Obligation to protect**

What measures does the state take to prevent third parties, including any person, organisation or private enterprise, from subjecting persons with disabilities to torture or other cruel, inhuman or degrading treatment or punishment?

Illustration:

- Where the state investigates a private school which punishes a pupil with intellectual disability for 'slowing down' the rest of the class.

What measures does the state take to protect persons with disabilities from being subjected without their free consent to medical or scientific experimentation?

### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of protection of persons with disabilities from being subjected to torture or other cruel, inhuman or degrading treatment or punishment? To what extent are those measures being implemented?

Illustration:

- Where regulations are put in place on how to acquire free and informed consent from persons with psychosocial disabilities who require treatment.

## **Article 16 - freedom from exploitation, violence and abuse**

*'1. States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.'*

For more information, see: 'Thematic Study on the Issue of Violence Against Women and Girls and Disability', Report of the United Nations Office of the High Commissioner for Human Rights, A/HRC/20/5

### **Obligation to respect**

To what extent does the state, its public authorities and institutions engage in any acts, practices or customs which subject persons with disabilities to exploitation, violence and abuse, within and outside the home?

Illustration:

- Where a vocational training centre subject trainees with disabilities to long hours of work with little food and without recompense.



**Obligation to protect:**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from subjecting persons with disabilities to exploitation, violence and abuse, within and outside the home?

Illustration:

- What the children's protection agency does to rescue a child who is blind from being made by his father to sit at a street corner every day to beg for money from passers-by.

**Obligation to fulfil (facilitate):**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of protection for persons with disabilities against exploitation, violence and abuse, within and outside the home? To what extent are those measures being implemented?

What gender-focused, age-focused and disability-focused measures is the state taking to protect persons with disabilities against exploitation, violence and abuse, within and outside the home? To what extent are those measures being implemented?

Illustration:

- Where programmes are put in place to enable girls and women with intellectual disabilities to report instances where they are abused sexually by their carers and others.

What policies and laws is the state putting in place to ensure that instances of exploitation, violence and abuse against persons with disabilities are identified, investigated and where appropriate prosecuted? To what extent are those measures being implemented?

Illustration:

- Where investigators and prosecutors are trained that the evidence of persons with disabilities can be as reliable as the evidence of non-disabled persons to track and successfully prosecute abusers.

What measures is the state taking to ensure that all facilities and programmes designed to serve persons with disabilities are effectively monitored by independent authorities? To what extent are those measures being implemented?

Illustration:

- Where a specific mandate requires an NHRI to undertake independent monitoring.

### **Obligation to fulfil (provide)**

What measures is the state taking to provide to persons with disabilities and their families and caregivers information and education on how to avoid, recognise and report instances of exploitation, violence and abuse?

Illustration:

- Where toll-free helplines are established for persons with disabilities or their parents or caregivers to report instances of exploitation, violence and abuse.

## **Article 17 - protecting the integrity of the person**

*'Every person with disabilities has a right to respect for his or her physical and mental integrity on an equal basis with others.'*

The Public Inquiry on Sexual and Reproductive Health Rights undertaken by the Kenya National Commission on Human Rights in 2011 found that health workers performed medical procedures on persons with disabilities without first obtaining their informed consent. When a woman with disability inquired from the surgeon why a hysterectomy was performed on her without her consent, she was reportedly told that persons with disabilities should not be allowed to give birth to children because they have no potential to adequately bring up the children. Another woman went through what she deemed an unnecessary caesarean section: the health practitioner assumed this would be in her best interest merely because she had a disability. Instances were narrated to the Inquiry where health care providers forcefully and without the consent of their disabled clients sterilised women with disabilities. This often happened with the collusion of relatives. See: Realising Sexual and Reproductive Health Rights in Kenya: A Myth or Reality? A Report of the Public Inquiry into Violations of Sexual and Reproductive Health Rights in Kenya, Kenya National Commission on Human Rights, 2012.

### **Obligation to respect**

To what extent does the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the enjoyment by persons with disabilities of respect for their physical and mental integrity on an equal basis with others?

Illustration:

- Where a doctor sterilises a woman with intellectual disability without her free and informed consent.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from violating enjoyment by persons with disabilities of the right of respect for their physical and mental integrity on an equal basis with others?

Illustration:

- Sanctions enforced against a newspaper which continually uses derogatory or demeaning language to refer to persons with disabilities.

**Obligation to fulfil (facilitate):**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right to respect for the physical and mental integrity of persons with disabilities? To what extent are those measures being implemented?

Illustration:

- Where programmes to train professionals and to raise awareness for the public are undertaken to demystify the myths and stigma surrounding persons with disabilities.

**Article 18 - liberty of movement and nationality**

*'1. States Parties shall recognise the rights of persons with disabilities to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others ...'*

**Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the enjoyment by persons with disabilities of their rights to liberty of movement, to freedom to choose their residence and to a nationality, on an equal basis with others?

To what extent is the state preventing persons with disabilities from acquiring or changing their nationality or depriving them of their nationality arbitrarily or on the basis of their disability?

To what extent is the state depriving persons with disabilities, on the basis of disability, of their ability to obtain, possess and utilise documentation of their nationality or other documentation of identification?

Illustration:

- Where officials fail to issue national identification documents to a person with disability who requires more intensive support and is therefore unable to present himself physically at the issuing office.

To what extent is the state preventing persons with disabilities from leaving the country, and is it arbitrarily or on the basis of disability preventing them from entering the country?

To what extent are children with disabilities registered immediately after birth, and do they have rights from birth to a name, to acquire a nationality and, as far as possible, to know and be cared for by their parents?

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with exercise by persons with disabilities of their right to leave the country or enter the country?

Illustration:

- The sanctions enforced against an airline which refuses to carry a group of passengers using wheel-chairs, thereby denying them the ability to leave or return to the country.

### **Obligation to fulfil**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure the equal exercise by persons with disabilities of their liberty of movement, to freedom to choose their residence and to a nationality? To what extent are those measures being implemented?

Illustration:

- Where policy is established involving measures for registering at birth children with disabilities and providing documents of nationality to all persons with disabilities.

## **Article 19 - living independently and being included in the community**

*'States Parties ... recognise the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community ...'*

See: Elizabeth Kamundia, 'Choice, support and inclusion: Implementing article 19 of the CRPD in Kenya'.

### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the right of persons with disabilities to live in the community with choices equal to others?

Illustration:

- Where the state fails to establish within local communities universally-designed products or services to enable persons with disabilities to live in the community.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with the right of persons with disabilities to live in the community with choices equal to others?

Illustration:

- Steps taken against a landlord who refuses to make reasonable adjustments to premises so that a tenant with disability may rent it.

### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right by persons with disabilities to live in the community with choices equal to others? To what extent are those measures being implemented?

Illustration:

- Where national and local governments ensure that community services and facilities for the general population are responsive to the needs of persons with disabilities.

## **Article 20 - personal mobility**

*'States Parties shall take effective measures to ensure personal mobility with the greatest possible independence for persons with disabilities ...'*

### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the exercise by persons with disabilities of personal mobility with the greatest possible independence?

Illustration:

- Where a remandee with physical disability is stopped from using his crutches in the remand centre on the apparent basis that they may be used as a weapon.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with the exercise by persons with disabilities of personal mobility with the greatest possible independence?

Illustration:

- Where a proprietor stops a tourist who is blind from entering a restaurant because he insists on sitting with his guide-dog in the dining area.

**Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation by persons with disabilities of personal mobility with the greatest possible independence? To what extent are those measures being implemented?

Illustrations:

- Where the state recognises the white cane as a symbol of visual impairment; or
- Where the state implements duty waivers and other tax breaks to ensure that mobility aids such as canes and electronic and/or optical mobility aids may be supplied to blind and partially-sighted persons at an affordable cost.

**Obligation to fulfil (provide)**

To what extent does the state provide training in mobility skills to persons with disabilities and to specialist staff working with persons with disabilities?

**Article 21 - freedom of expression and opinion, and access to information**

*'States Parties shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas, on an equal basis with others and through all forms of communication of their choice ...'*

See Communication 1/2010, Szilyia Nyutsiand Peter Takacs v Hungary, Committee on the Rights of Persons with Disabilities.

**Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the exercise of the right to freedom of expression and opinion and access to information by persons with disabilities on an equal basis with others?

Illustrations:

- Where the public broadcasting service uses communication formats and art forms that exclude a deaf person from accessing news and other programmes; or
- Where the public transportation agency or the airports authority uses electronic billboards exclusively to announce the arrival and departure of public transport vehicles, trains or planes.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with exercise of the right to freedom of expression and opinion and access to information by persons with disabilities?

Illustration:

- Sanctions against a private university which fails to provide reading material in an accessible format for a student who is blind or which fails to provide sign language interpretation for a deaf student.

What measures is the state taking to encourage private entities providing services to the general public to avail information and services in accessible and usable formats for persons with disabilities?

Illustrations:

- Where the ATM uses a touch screen instead of a tactile screen which a person that is blind cannot use.

### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right to freedom of expression and opinion and access to information by persons with disabilities? To what extent are those measures being implemented?

What measures is the state taking to accept and facilitate the use of accessible means, modes and formats of communication by persons with disabilities in official interactions? To what extent are those measures being implemented?

Illustration:

- Where legislation requires the use of Sign Language in all official events.

What measures is the state taking to encourage the mass media to make their services accessible to persons with disabilities? To what extent are those measures being implemented?

Illustration:

- Where the state offers tax breaks to media entities that make their services accessible to persons with disabilities.

### **Obligation to fulfil (provide)**

To what extent is the state providing information intended for the general public to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner and without additional cost?

Illustration:

- Where information on government websites, such as job advertisements, is set out in formats accessible to persons who are blind or who have intellectual disabilities.

## **Article 22 - respect for privacy**

*'2. States Parties shall protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others.'*

### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which subject persons with disabilities to arbitrary or unlawful interference with their privacy, family, home or correspondence or other types of communications?

Illustration:

- Where an officer at a voluntary counselling and testing (VCT) centre hands the HIV test results of a person with disability to that person's carer or aide.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from subjecting persons with disabilities to arbitrary or unlawful interference with their privacy, family, home or correspondence or other types of communications?

Illustration:

- Sanctions against a person who uses confidential information gained while assisting a person with disability.

### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full protection of the law for persons with disabilities against interference with their privacy or unlawful attacks on their honour and reputation? To what extent are those measures being implemented?



What measures is the state taking to protect the privacy of personal, health and rehabilitation information of persons with disabilities on an equal basis with others? To what extent are those measures being implemented?

Illustration:

- Where specific regulations are established to protect the personal, health and rehabilitation information of persons with disabilities.

### **Article 23 - respect for home and the family**

*'1. States Parties shall take effective and appropriate measures to eliminate discrimination against persons with disabilities in all matters relating to marriage, family, parenthood and relationships, on an equal basis with others ...'*

Some countries have laws which discriminate against persons with psychosocial disabilities in relation to marriage. See: sections 5 (2) (a) and 11(2)(c) of Kenya's Marriage Act (No. 4 of 2014).

#### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which encourage discrimination against persons with disabilities in matters relating to marriage, family, parenthood and relationships?

To what extent does the state recognise the right of all persons with disabilities who are of marriageable age to marry and to found a family on the basis of free and full consent of the intending spouses?

Illustration:

- Where the state declines to allow a consenting adult to marry because she has an intellectual or psychosocial disability

To what extent does the state engage in acts, practices or customs that interfere with the right of persons with disabilities to retain their fertility on an equal basis with others?

Illustration:

- Where a doctor in a public hospital decides to sterilise a pregnant woman with intellectual disability so that she will not become pregnant again if she is raped or 'taken advantage of sexually'.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from engaging in any acts, practices or customs which encourage discrimination against persons with disabilities in matters relating to marriage, family, parenthood and relationships?

Illustration:

- Sanctions against an extended family which takes away a child from its parents because they are deaf.

### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the rights and responsibilities of persons with disabilities, with regard to guardianship, wardship, trusteeship, adoption of children or similar institutions? To what extent are those measures being implemented?

Illustrations:

- Where policy reaffirms that a person with disability may adopt a child; or
- Awareness-raising measures on communities which forbid marriage between disabled and non-disabled persons.

## **Article 24 - education**

*'1. States Parties recognise the right of persons with disabilities to education. With a view to realising this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and life long learning ...'*

In respect of the challenges which States face as they endeavor to implement inclusive education, see: 'Complicit in Exclusion', Human Rights Watch.

Also see: Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa.

### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the enjoyment of the right to education by persons with disabilities?

Illustrations:

- Where the state decides not to invest in the education of children with intellectual disabilities on the basis that such children are 'uneducable'; or
- Where the state discourages pupils with disabilities from going to school in inclusive settings.

**Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from excluding children with disabilities from free and compulsory primary education or from secondary education?

Illustration:

- Where a pupil with dyslexia is told by the principal of her school to enrol in a different school because she is lowering the mean score of the school.

**Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right to education by persons with disabilities? To what extent are those measures being implemented?

What measures is the state taking to ensure that persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live? To what extent are those measures being implemented?

Illustration:

- Where further resources are included in the national budget as commensurate costs for reasonable accommodations which pupils with disabilities require.

**Obligation to fulfil (provide)**

What reasonable accommodations are provided to individuals with disabilities to enable them to have effective exercise of their right to education?

What measures is the state taking to employ teachers, including teachers with disabilities, who are qualified in Sign Language and/or Braille, and to train professionals and staff who work at all levels of education?

Illustration:

- Where an institute is established to train education professionals on Sign Language, Braille or other skills for supporting the education of persons with disabilities.

## **Article 25 - health**

*'States Parties recognise that persons with disabilities have the right to the enjoyment of the highest attainable standard of health without discrimination on the basis of disability. States Parties shall take all appropriate measures to ensure access for persons with disabilities to health services that are gender-sensitive, including health-related rehabilitation.'*

See: 'We are Also Dying of AIDS', Human Rights Watch

### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any discriminatory acts, practices or customs which on the basis of disability interfere with the enjoyment of the highest attainable standard of health by persons with disabilities?

To what extent is the state providing persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons?

Illustration:

- Where a public hospital fails to ensure that a patient who is deaf may communicate effectively with a nurse, doctor or pharmacist.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from discriminatory acts, practices or customs which on the basis of disability interfere with the enjoyment of the highest attainable standard of health by persons with disabilities?

Illustration:

- Sanctions against a nurse on the maternity ward who treats a woman with physical disability in an undignified way by wondering out aloud how anyone could be so callous as to make a woman with disability pregnant!

To what extent is the state prohibiting discrimination against persons with disabilities in the provision of health insurance and life insurance?

Illustration:

- Where the health insurance premiums for a woman with psychosocial disability are higher than those of her peer without disability.

To what extent is the state preventing discriminatory denial of health care or health services or food and fluids on the basis of disability?

**Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right to enjoy the highest attainable standard of health by persons with disabilities? To what extent are those measures being implemented?

Illustrations:

- Where regulatory measures are established to ensure that VCT centres for HIV/AIDS have effective communication and confidentiality protocols for clients with disabilities; or
- Where the national health service provides free or affordable sun-screen to persons with albinism.

What measures is the state taking to require health professionals to provide care of the same quality to persons with disabilities as to others?

Illustration:

- Where training on disability is included in the curricula of health professionals.

**Article 26 - habilitation and rehabilitation**

*'1. States Parties shall take effective and appropriate 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. To that end, States Parties shall organise, strengthen and extend comprehensive habilitation and rehabilitation services and programmes, particularly in the areas of health, employment, education and social services ...'*

**Obligation to fulfil (facilitate)**

What effective and appropriate measures is the state taking 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? To what extent are those measures being implemented?

Illustration:

- Where a comprehensive policy on rehabilitation is adopted.

### **Obligation to fulfil (provide)**

What comprehensive habilitation and rehabilitation programmes and services has the state organised, strengthened and extended in the areas of health, employment, education and social services?

Illustration:

- Where rehabilitation services have been established within communities where persons with disabilities may receive training such as in the use of computers with screen-reading software.

## **Article 27 - work and employment**

*'1. States Parties recognise the right of persons with disabilities to work, on an equal basis with others ... (including) the right to the opportunity to gain a living by work freely chosen or accepted in a labour market and work environment that is open, inclusive and accessible to persons with disabilities. States Parties shall safeguard and promote the realisation of the right to work, including for those who acquire a disability during the course of employment, by taking appropriate steps, including through legislation ...'*

Section 12 (3) (f) of the Malawi Disability Act 2012 establishes affirmative action measures and incentives as means to increase the number of employees with disabilities.

Article 54 (2) of the Constitution of Kenya provides for the progressive implementation of the principle that at least five per cent of the members of the public in elective and appointive bodies are persons with disabilities.

### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the enjoyment of the right to work by persons with disabilities on an equal basis with others?

Illustration:

- Where the national police service dismisses a police officer on the mere basis that he has become disabled.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with enjoyment of the right to work by persons with disabilities?

**Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right to work by persons with disabilities? To what extent are those measures being implemented?

What measures is the state taking to promote employment, career advancement and reemployment opportunities and opportunities for self-employment for persons with disabilities?

What measures is the state taking to promote the employment of persons with disabilities in the private sector?

Illustration:

- Where tax waivers and incentives are provided to private companies which hire employees with disabilities.

What measures is the state taking to ensure that reasonable accommodation is provided to persons with disabilities in the workplace?

Illustration:

- Where the Teachers Service Commission agrees flexible hours for a teacher with psychosocial disability.

**Obligation to fulfil (provide):**

To what extent is the state enabling persons with disabilities to have effective access to general technical and vocational guidance programmes, placement services and vocational and continuing training?

Illustration:

- Where issues of disability are mainstreamed into general technical and vocational training programmes.

To what extent is the state employing persons with disabilities in the public sector?

Illustration:

- Where employment quotas are implemented for persons with disabilities.

## **Article 28 - adequate standard of living and social protection**

### **Adequate standard of living**

*'1. States Parties recognise the right of persons with disabilities to an adequate standard of living for themselves and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions, and shall take appropriate steps to safeguard and promote the realisation of this right without discrimination on the basis of disability.'*

#### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the enjoyment of the right to an adequate standard of living by persons with disabilities and their families?

Illustration:

- Where a public institution provides its staff with housing quarters which an employee with a physical disability cannot use because they are not designed in an accessible manner.

#### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with enjoyment of the right to an adequate standard of living by persons with disabilities and their families?

Illustration:

- Sanctions against a family which fails to feed and clothe a child because she has a disability.

#### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right to an adequate standard of living by persons with disabilities? To what extent are those measures being implemented?

What measures is the state taking to ensure equal access by persons with disabilities to clean water services?

What measures is the state taking to ensure access by persons with disabilities to appropriate and affordable services, devices and other assistance for disability-related needs?

Illustration:

- Where measures are taken to ensure that persons with disabilities may have affordable wheel-chairs, hearing aids, white-canes or speech input or output software and hardware.



What measures is the state taking to ensure access by persons with disabilities to public housing programmes?

### **Social protection**

*'2. States Parties recognise the right of persons with disabilities to social protection and to the enjoyment of that right without discrimination on the basis of disability, and shall take appropriate steps to safeguard and promote the realisation of this right ...'*

For more information see: Report of the Special Rapporteur on the Rights of Persons with Disabilities on the Right to Social Protection, 70th Session of the United Nations General Assembly. Some of the social protection measures African states employ include cash transfers in Kenya to persons with severe disabilities under Section 23 (1) of the Social Assistance Act No. 24 of 2013. Also see the African Policy on Social Protection

### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the enjoyment by persons with disabilities of the right to social protection without discrimination on the basis of disability?

Illustration:

- Where the state omits to identify or register certain households as including persons with disabilities, consequently not providing them with necessary services such as disability allowance.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with enjoyment by persons with disabilities of the right to social protection without discrimination on the basis of disability?

Illustrations:

- Sanctions against a company whose pension scheme provides lesser benefits to employees who have disabilities; or
- Sanctions against an insurance company which declines to provide life insurance cover to a person with disability.

### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right to social protection by persons with disabilities?

What measures is the state taking to ensure access by persons with disabilities to appropriate and affordable services, devices and other assistance for disability-related needs?

Illustration:

- Where measures are taken to ensure that persons with disabilities may have affordable wheel-chairs, hearing aids, white-canes or speech input or output software and hardware.

What measures is the state taking to ensure access by persons with disabilities to social protection programmes and poverty reduction programmes?

Illustration:

- Where support measures are put in place to enable a poor single parent to take care of a child with disability.

What measures is the state taking to ensure equal access by persons with disabilities to retirement benefits and programmes?

Illustration:

- Where employees with disabilities are given the option to retire at a later age than their peers who have no disabilities.

#### **Obligation to fulfil (provide)**

What assistance, including adequate training, counselling, financial assistance and respite care, does the state provide to persons with disabilities and their families living in situations of poverty to mitigate disability-related expenses?

Illustration:

- Where persons with disabilities who are unemployed receive State financial support.

## **Article 29 - participation in political and public life**

*'States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others ...'*

For the extent of participation by persons with disabilities in political life across the world, see website of International Foundation for Electoral Systems. Also see: 'Everybody counts: The right to vote of persons with psychosocial disabilities in South Africa'

### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the enjoyment of political rights by persons with disabilities on an equal basis with others?

Illustration:

- Where officials of the electoral management body refuse to register a person as a voter or where they stop her from voting on the basis that she is of 'un-sound mind'.

### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with enjoyment of the right to political rights by persons with disabilities on an equal basis with others?

Illustration:

- Sanctions against a political party whose campaign material urges the electorate not to vote for a rival candidate because that candidate has a disability.

### **Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of political rights by persons with disabilities? To what extent are those measures being implemented?

What measures is the state taking to ensure that persons with disabilities can effectively and fully exercise their right to vote and be elected?

Illustrations:

- Where regulations are in place to ensure assisted voting for voters with disabilities who may so require; or
- Where regulations require that voter registration centres and polling stations be accessible to voters with physical and other disabilities.

What measures is the state taking to promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others?

Illustrations:

- Whether the national assembly or local assemblies have legislators with disabilities; or
- The reasonable accommodation measures in place to ensure that legislators with disabilities participate effectively in the assemblies' work.

### **Article 30 - participation in cultural life, recreation, leisure and sport**

*'1. States Parties recognise the right of persons with disabilities to take part on an equal basis with others in cultural life ...*

*'5. (States Parties shall take appropriate measures) ... to enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities ...'*

#### **Obligation to respect**

To what extent is the state, its public authorities and institutions engaging in any acts, practices or customs which interfere with the right by persons with disabilities to take part on an equal basis with others in cultural life?

Illustrations:

- Where sports officials provide inferior incentives and rewards to a person participating in a national athletics competition because he has a disability; or
- Where the state ensures that public museums and stadiums are accessible to persons with disabilities.

#### **Obligation to protect**

What measures is the state taking to prevent third parties, including any person, organisation or private enterprise, from interfering with the right by persons with disabilities to take part on an equal basis with others in cultural life?

Illustrations:

- Sanctions against a proprietor who refuses a person from entering an entertainment event on the basis that his disability will cause discomfort to other patrons; or
- Sanctions where an attendant ignores to serve a person who walks alone into a restaurant because the attendant thinks the person cannot afford to pay because he has a physical disability.

**Obligation to fulfil (facilitate)**

What policy, legislative, administrative, promotional or other measures is the state taking to ensure full realisation of the right by persons with disabilities to participate in cultural life? To what extent are those measures being implemented?

Illustration:

- The measures the state is taking to discourage popular culture from using negative representations of persons with disabilities.

What measures is the state taking to ensure that persons with disabilities enjoy access, in accessible formats, to cultural material, television programmes, films, theatre and other cultural activities?

Illustration:

- Legislative and other regulatory measures which the state is taking to ensure that copyright laws do not stop persons who are blind or partially blind from accessing published material.

What measures is the state taking to ensure that persons with disabilities enjoy access to places for cultural performances or services and to monuments and sites of national cultural importance?

What measures is the state taking to enable persons with disabilities to participate on an equal basis with others in recreational, leisure and sporting activities?

**Obligation to fulfil (provide)**

To what extent does the state recognise and support, on an equal basis with others, the specific cultural and linguistic identity of persons with disabilities, including Sign Languages and Deaf culture?

Illustration:

- Where the state recognises Sign Language and where its cultural and linguistic institutes research in and advocate for Deaf Culture and Sign Language.

## Other Useful Resources

- ACHPR/Res 305. Resolution on Accessibility for Persons with Disabilities [www.achpr.org/sessions/18th-ao/resolutions/305/](http://www.achpr.org/sessions/18th-ao/resolutions/305/)
- African Policy on Social Protection <http://www.un.org/esa/socdev/egms/docs/2009/Ghana/au2.pdf>
- CCPR General Comment No. 6 (Article 6), Right to Life: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=HRI%2fGEN%2f1%2fRev.9%20\(Vol.%20I\)&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=HRI%2fGEN%2f1%2fRev.9%20(Vol.%20I)&Lang=en)
- CCPR General Comment No. 8 (Article 9), Right to Liberty and Security of Person: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=HRI%2fGEN%2f1%2fRev.9%20\(Vol.%20I\)&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=HRI%2fGEN%2f1%2fRev.9%20(Vol.%20I)&Lang=en)
- CCPR General Comment No. 13, Equality before the Courts and Right to a Public and Fair Hearing by an Independent Court Established by Law: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f39%2f40\(SUPP\)&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f39%2f40(SUPP)&Lang=en)
- CCPR General Comment No. 18, Non-discrimination: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f45%2f40\(VOL.I\)\(SUPP\)&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f45%2f40(VOL.I)(SUPP)&Lang=en)
- CCPR General Comment 20 (Article 7), Prohibition of Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f44%2f40&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=A%2f44%2f40&Lang=en)
- CCPR General Comment No. 27 (Article 12), Freedom of Movement: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.9&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2f21%2fRev.1%2fAdd.9&Lang=en)
- CEDAW General Comment No. 18, Women with Disabilities: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom18>
- CEDAW General Recommendation No. 24, Women and Health: <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom24>
- CEDAW General Comment No. 30, Women in Conflict Prevention, Conflict and Post Conflict: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/GC/30&Lang=en)
- CESCO General Comment No. 14 (2000), Right to the Highest Attainable Standard of Health: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2000%2f4&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f2000%2f4&Lang=en)
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- CRC General Comment No. 8 (2006), Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f8&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f8&Lang=en)

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- CRC General Comment No. 15 (2103), Right of the Child to the Enjoyment of the Highest Attainable Standard of Health: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f15&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f15&Lang=en)
- CRC General Comment No. 17 (2013), Right of the Child to Rest, Leisure , Play, Recreational Activities, Cultural Life and the Arts: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f17&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fGC%2f17&Lang=en)
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- National Human Rights Institutions involved in the process of developing this Guide were Uganda Human Rights Commission; Commission for Human Rights and Governance (Tanzania); South Africa Human Rights Commission; Kenya National Commission on Human Rights; Malawi Human Rights Commission; Nigeria Human Rights Commission; and Zambia Human Rights Commission. DPOs which participated in the process were: National Union of Disabled Persons of Uganda, Tanzania Association of the Deaf, Ecumenical Disability Advocates Network, Users and Survivors of Psychiatry in Kenya and Kenya National Association of the Deaf.