## Research Articles

# Exploring Disability Policy in Africa: An Online Search for National Disability Policies and UNCRPD Ratification

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**Abstract:** This research brief presents a search for national policies on disability and UN CRPD ratification in African countries.  The results of the search found that over half of the countries in continental Africa have a current disability policy and that the majority of countries have ratified the UN CRPD.  Many of the countries that have neither ratified the UN CRPD nor implemented national policies on disabilities are characterized by conflict and/or weak or absent governments.  We anticipate that the results could be beneficial in providing a scope of disability policy in Africa and in helping to easily identify policy and/or geographic locations for future detailed policy analysis.

**Keywords:** national disability policy, UN CRPD, Africa

## Introduction

National disability policies intend to acknowledge the meaning and experience of persons with disabilities in society by granting both individual and collective rights (Leshota, 2013).  Although people with disabilities are included in general human rights instruments, policies specific to disability are necessary because in the past, "traditional human rights instruments provided persons with disabilities nominal protection, but the interpretation of these instruments often discounted persons with disabilities rights" (Harpur, 2012, p.5).  In other words, people with disabilities require increased protection and acknowledgment of rights, as their basic rights are often violated in an inaccessible or ablest society.  Contributions from the disability rights movement and the rise in prominence of the social model of disability has led to the emergence of disability policy as a "legitimate issue on the policy agenda" (Vaughn, 2003, p.12).  In addition to ensuring the innate human rights of persons with disabilities, disability policies can also acknowledge the inherent contribution that persons with disabilities make, including in the cultural, social, and economic aspects of society (Vaughn, 2003).  Once implemented, national disability policies demonstrate a government's responsibility to propel a collective eagerness for rights of persons with disabilities, with the hope of identifiable social progress (Aldersey & Turnbull, 2011).  The theoretical framework supporting this study aligns with what Barnes (2007) terms a "reinterpretation of disability," whereby "the main problems faced by people viewed as disabled…stems from disabling environmental, economic, and cultural barriers" (204).  Disability, therefore, is a human rights and socio-political issue that necessitates relevant international and national policies.

Following the landmark entry into force of the United Nations Convention on the

Rights of Persons with Disabilities (UN CRPD) in 2006, many countries have fulfilled promises imbued in the ratification of the CRPD to formally promote disability rights through their national policies.  The Convention aims to globally "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" (United Nations, 2006, Article 1).  Although rights instruments unique to Africa acknowledge concerns for persons with disabilities, their content can often be based on "deficit/medical rather than the social/rights model of disability" (Combrinck & Mute, 2014, p.314).  Indeed, although there are several human rights instruments and institutions in Africa that should be commended for their initiative to protect the rights of persons with disabilities, their written contents can often lack detail, clarity and overall influence (Abbay, 2015).  Likewise, Oyaro (2015) states that current African regional documents regarding disability fail to meet the standards of international human rights policies, such as the CRPD, which view disability as a holistic issue using the social model of disability as a framework.  Thus, some rights demonstrate progressive realization, while other rights do not; this is why conforming to the CRPD is so important, as it upholds a human rights model (Birtha, 2013).  Nations that have ratified the Convention commit to formulate or re-evaluate their national disability policy to align with the CRPD (Mittler, 2015).

The purpose of this research brief is to share the process we used to identify which countries in Africa (a) have a national disability policy; and (b) have ratified the UN CRPD.  The resulting findings are presented in a map and narrative form.  The sharing of the policy gathering process, as well as the identification of existing disability policies, may assist future researchers to conduct further in-depth analysis and critique of the individual policy documents identified.

## Methods

To conduct an exploratory search for the national disability policies of African countries, two researchers independently searched for policies before comparing results among the full research team.  We defined disability policy as an instrument used by a national government that is multisectoral and targeted toward public issues related to people with disabilities (Scotch, 2000).  We used a Boolean search on CINAHL, Google, Advanced Google, and the Queen's University Library Database using these key search terms: (a) Africa disability policy, (b) disability policy, (c) disability law, (d) disability act, (e) disability bill, (f) disability rights, (g) disabled, (h) handicap, (i) rehabilitation, (j) law, (k) action plan, (l) strategy, (m) framework, (n) document, (o) UN CRPD report, and (p) country specific names.  We searched each phrase independently and in conjunction with one another.  Results from this phase of the search yielded the identification of 15 policies.  Next, we explored several websites in depth, including the WHO, specifically the WHO MiNDbank, the International Labor Organization, the World Bank, Disabled People's International, International Disability Alliance, Handicap International, and a number of UN sites, including UN Enable, UN

CRPD, UN Treaties, UN Development Program, and UN Development Group.  This exploration resulted in an additional 21 policies.  We searched relevant government websites of each country (e.g., Ministry of Health and Ministry of Social Welfare), as well as news websites such as Global Accessibility News, and African websites of organizations who advocate for disability rights, such as Somali Disability.  Moreover, we conducted a hand search of eight targeted journals, outlined in Table 1, to further identify policy.

**Table 1:** *List of Hand-Searched Journals*

| Title of Journal |
| --- |
| African Human Rights Law Journal |
| African Journal of Disability |
| African Journal of Physiotherapy and Rehabilitation Sciences |
| Disability and Rehabilitation Journal |
| Harvard Africa Policy Journal |
| International Journal of Disability, Community and Rehabilitation |
| Journal of Disability Policy Studies |
| South Africa Journal of Occupational Therapy |

The titles, dates, and abstracts of articles were scanned to verify that they were relevant to disability and/or rehabilitation policies in Africa.  We cross checked reference lists for other relevant articles and/or for policy documents.  The articles that described African disability policies provided an opportunity to conduct further targeted searches to locate the policy document.  If a policy document was mentioned in the above searches but not available online, we contacted the authors of the articles to request access to policies discussed in the study.  This yielded one result.  Lastly, we emailed nine individuals who we identified as potentially well positioned in the field of disability (e.g., University professors, research fellows, the CEO of the Africa Disability Alliance, a program manager of the Secretariat of the African Decade of Persons with Disabilities, a member of VSO International) for advice and further direction on locating specific policies.  This yielded one result.
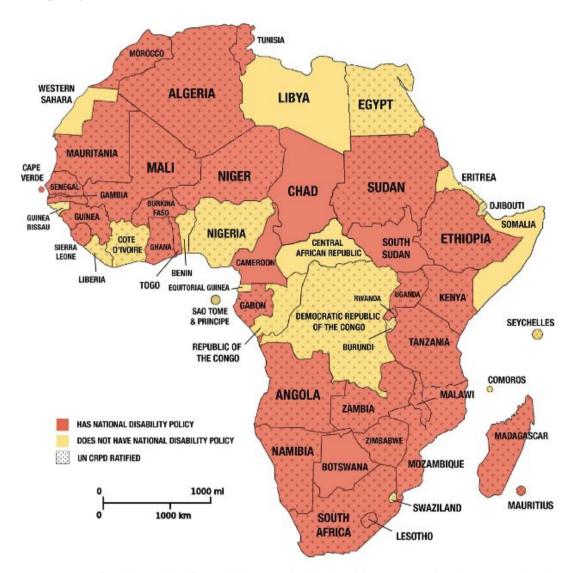
We excluded two questionable policy documents because factors indicated that they may be out of date (e.g., no date, and no additional recent sources mentioning its existence).  We excluded a third policy because recent academic literature (Aldersey, 2013) indicates that it is no longer in effect. Figure 1 visually depicts this full search process.

In sum, as a result of our extensive search, we were able to identify 35 disability policies that we believe to be current or relevant national policy documents.  Of the 35 documents we identified to exist, we were able to obtain 27 soft copies.  Of the 27 soft copies, 21 are accompanied by evidence (e.g., recent journal articles, UN CRPD reports and legitimate news sources) to further support their continued application or relevancy.  For the remaining eight documents in which we were unable to obtain a soft copy, we were able to

verify their existence through evidence in both grey literature and scholarly journal articles.

## Results

Ultimately, we compiled a list of a total of 35 documents, which include more currently relevant policies, laws, reports, and plans of action. Figure 1 illustrates the results of our comprehensive online search of African countries, identifying countries that have a national disability policy and/or those that have ratified the UN CRPD, and those that have neither a policy nor have ratified the UN CRPD.



**Figure 1.** Map of Africa. This figure illustrated which African countries have a national disability policy, which African countries does not have national disability policy and which African counties that have been ratified UN CRPD.

At the time of research (May, 2015 – April, 2016) of the 55 African countries included in the search, we found evidence that 44 have ratified the UN CRPD, and 35 have a national policy on disability. Table 2 outlines each African country, the title and year of their most current national disability policy, and, if applicable, the date in which each country ratified the

UN CRPD. Countries for which we were unable to find evidence of a current national policy or UN CRPD ratification include: Central African Republic, Comoros, Equatorial Guinea, Eritrea, Libya, and Somalia. Western Sahara is not recognized as a state by the UN, and thus has also not ratified the CRPD.

**Table 2:** *List of African Countries with National Disability Policies and Applicable UN CRPD Ratification Date*

| Country | Title of National Disability Policy Document | Year | UN CRPD Ratification |
|---|---|---|---|
| Algeria | Law No. 02-09 on the Protection and Promotion of Disabled Persons | 2002 | 4 Dec 2009 |
| Angola | Persons with Disabilities Act, Law no. 21/12 | 2012 | 19 May 2014 |
| Benin | | | 5 Jul 2012 |
| Botswana | National Policy on Care for People with Disabilities | 1996 | |
| Burkina Faso | Law no.012-2010/AN on the Protection and Promotion of Disabled Persons | 2010 | 23 Jul 2009 |
| Burundi | | | 22 May2014 |
| Cameroon | Law no.2010/002 on the Protection and Promotion of Disabled Persons | 2010 | |
| Cape Verde | National Plan of Action for the African Decade of Persons with Disabilities | 2006 | 10 Oct 2011 |
| Central African Republic | | | |
| Chad | Law Bearing Protection for Disabled Persons | 2007 | |
| Comoros | | | |
| Cote d'Ivoire | | | 10 Jan 2014 |
| Democratic Republic of the Congo | | | 30 Sep 2015 |
| Djibouti | | | 18 Jun 2012 |
| Egypt | | | 14 Apr 2008 |
| Equatorial Guinea | | | |

| Eritrea | | | |
|---|---|---|---|
| Ethiopia | National Plan of Action of Persons with Disabilities | 2012 | 7 Jul 2010 |
| Gabon | Law no.19/95 Relative to the Organization of Social Protection of Disabled People in Gabon | 1996 | 1 Oct 2007 |
| Gambia | Integrated National Disability Policy | 2009 | 7 July 2015 |
| Ghana | Persons with Disability Act | 2006 | 31 Jul 2012 |
| Guinea | People with Disabilities Policy Directive | 2004 | 8 Feb 2008 |
| Guinea-Bissau | | | 24 Sept 2014 |
| Kenya | Act 14 - Persons with Disabilities | 2003 | 19 May 2008 |
| Lesotho | The National Disability and Rehabilitation Policy: Mainstreaming Persons with Disabilities into Society | 2011 | 2 Dec 2008 |
| Liberia | | | 26 Jul 2012 |
| Libya | | | |
| Madagascar | Law Relative to Individuals with Disabilities | 1998 | 12 Jun 2015 |
| Malawi | Disability Act | 2012 | 27 Aug 2009 |
| Mali | Persons with Disabilities Bill | 2009 | 7 Apr 2008 |
| Mauritania | Disability Act | 2006 | 3 Apr 2012 |
| Mauritius | National Policy Paper and Action Plan on Disability | 2007 | 8 Jan 2010 |
| Morocco | Social Integration for Persons with Disabilities | 2008 | 8 Apr 2009 |
| Mozambique | Strategy for Persons with Disabilities in the Public Sector | 2009 | 30 Jan 2012 |
| Namibia | National Policy on Disability | 1997 | 4 Dec 2007 |
| Niger | Disability Law | 2014 | 24 Jun 2008 |
| Nigeria | | | 24 Sept 2010 |
| Republic of the Congo | | | 2 Sept 2014 |
| Rwanda | National Council of Persons with | 2013 | 15 Dec 2008 |

| | | | |
|---|---|---|---|
| | Disabilities Strategic Plan and its Operational Plan for the Implementation | | |
| Sao Tome and Principe | | | 5 Nov 2015 |
| Senegal | Social Orientation Law no.2010-15 | 2010 | 7 Sept 2010 |
| Seychelles | | | 2 Oct 2009 |
| Sierra Leone | The Persons with Disabilities Act | 2011 | 4 Oct 2010 |
| Somalia | | | |
| South Africa | National Disability Policy | 2010 | 30 Nov 2007 |
| Sudan | National Policy for Disability | 2003 | 24 Apr 2009 |
| South Sudan | National Disability and Inclusion Policy | 2013 | |
| Swaziland | | | 24 Sept 2012 |
| Tanzania | The Persons with Disability Act | 2010 | 10 Nov 2009 |
| Togo | Act of April 23, 2004 on the Social Protection of Persons with Disabilities | 2004 | 1 Mar 2011 |
| Tunisia | National Disability Prevention Plan | 2007 | 2 Apr 2008 |
| Uganda | National Policy on Disability | 2006 | 25 Sept 2008 |
| Western Sahara | | | |
| Zambia | Persons with Disability Act | 2012 | 1 Feb 2010 |
| Zimbabwe | Disabled Persons Act | 2010 | 23 Sept 2013 |

## Discussion

The results of this policy search and retrieval demonstrate that many nations on the continent of Africa have taken steps to ensure the rights of their citizens with disabilities by creating national policies on disability and by ratifying the UN CRPD. It is notable that 32 out of the 35 nations that have national policies on disability have also ratified the CRPD. This may indicate a connection between ratifying the Convention and also ensuring the existence of national policies on disabilities. This study also illuminates the potential progress being made in public acknowledgement of the rights of persons with disabilities, as the majority of countries in Africa with a current national disability policy have also ratified the CRPD. It is interesting to note that many of the countries that do not have a national disability policy, nor have ratified the CRPD, are also those characterized by conflict and/or

government impunity. This is likely to have played a role in disability policy creation, implementation, and CRPD ratification. Indeed, without "coherent, legitimate, and effective states", policy development and implementation is much more difficult to achieve (Joseph, 2003, p.159). Countries may also delay or refuse ratification of the CRPD because they do not believe they have the financial and infrastructural capacity to actually implement the policy. For example, countries that do not have a disability policy may not have the resources to execute quality research, an important factor in development and implementation of quality disability policies (Ohemeng, 2014). Additionally, nations may believe that the rights outlined in the CRPD either contradict or are not necessary to add to their current policies, as is the case in the United States (Blanchfield & Brown, 2015).

Still, the CRPD has been recognized to promote and interpret rights in order to maximize inclusion (Harpur, 2012) and was strongly embraced by African states (Lord & Stein, 2013). Perhaps one of the greatest impacts of the CRPD on the lives of individuals with disabilities relates to the structure it provides to groups, organizations and governments for targeted rights and support. For example, the CRPD has inspired policy proposals, such as by Elizabeth Kamundia, a disability rights scholar. Kamundia (2013) proposed that the state of Kenya implement article 19 of the CRPD, which promotes education, community based rehabilitation, government funding and overall independent living in the community for persons with disabilities. Another example comes from the Zambia Federation of Disability Organizations, which is encouraging the Zambian government and civil society to use the CRPD as a framework to implement disability rights (Birtha, 2013). Although it is already apparent that the Convention has the ability to influence state policies and provide disability organizations a useful structure to promote, advocate for, and implement rights for persons with disabilities, further research should explore how and if CRPD ratification has an empirical impact at an individual level.

In spite of widespread progress toward full ratification of the CRPD on the continent, there still remains a "lack of awareness of the potential of the CRPD" in the media, public, academia, and in the professional world (Mittler, 2005, p.6). With lack of knowledge of the CRPD, people with disabilities, families, and communities cannot hold their government accountable for implementation and fulfillment of policy. Schneider and Stein (2001), in the context of HIV/AIDS policy in South Africa, note that "the presence of individuals and groups, both inside and outside government willing to challenge and provide a critical mirror to government and the society, is key to the medium and long term success of…policy implementation" (p.729).

This research brief shows that the creation of national disability policies and ratification of the CRPD throughout the African continent has intended to enhance the quality of life for individuals with disabilities. However, it is important to note that there is a large distinction between producing a written policy and implementing and enforcing a policy. As well, there remains debate as to whether or not the CRPD is the most appropriate and effective policy document to be enforced. For example, the CRPD has been criticized for its

overall appropriateness to the African context: Thomas Ong'olo of the African Decade Secretariat noted that discussions in New York were set by the affluent, and some issues discussed were not relevant to the African culture or economic status (Abbay, 2015). Inasmuch as the CRPD incorporates input from African states, it does not include an exhaustive list of issues most prominently facing Africa, such as the prevalence of HIV/AIDS, malaria, widespread poverty, and adverse cultural behaviours and rituals targeted towards persons with disabilities (Oyaro, 2015). Oyaro (2015) argues that a "specially doctored regional instrument would address unique regional issues and reaffirm the commitment to promoting human rights for a group that has historically faced and continues to face extreme discrimination and violation" (p.362). Further, Abbay (2015) suggests that Africa could benefit from a comprehensive regional convention on the rights of persons with disabilities as current regional legal frameworks are characterized as insufficient, ineffective and ill-defined. The "persistent lack of institutional coordination, proliferation, limited financing and human resource incapacities" contribute to the weaknesses of implementing African human rights instruments (Oyaro, 2015, p.359). A proposed regional convention might compliment the CRPD, rather than negate it. A major benefit to this convention involves the acknowledgement of local issues that international instruments do not recognize. A regional convention could also increase enforcement, compliance, and awareness about the status of current human rights of persons with disabilities at regional and national levels (Abbay, 2015). And while Oyaro (2015) argues that significant, Africa-specific issues have been left out of the final CRPD document, he asserts that it can still be considered a sufficient instrument to protect the rights of persons with disabilities in Africa.

For future research, it would be beneficial to investigate how well the national disability policies identified in this study are being implemented and adhered to in practice. This kind of information will reveal the true commitments of these states to create an inclusive environment for individuals with disabilities and will give us a more accurate indication of the status of persons with disabilities in African contexts. Specifically, further research questions may identify how ratification of the CRPD has impacted persons with disabilities in African contexts, on individual, organizational and/or national levels; what barriers exist for African governments to both ratify and implement the CRPD; and what accountability mechanisms are more effective in ensuring that states parties on the continent adhere to and implement international and national policy documents.

## Limitations

This research brief is not without its limitations. First, the process of identifying policy documents using online methods proved particularly challenging as many nations did not have a fully digitized national policy archive or even national ministry websites with updated information. Online searches of public policy on the continent can be challenging, as many African countries, representing "only 7 percent of the globe's total Internet users" (Mlot, 2013, para. 1), may not have the same online infrastructure as other nations worldwide.

Furthermore, the digital divide between Western and African countries continues to expand despite Africa's technological advancements (Penard, Poussing, Mukoko, & Piaptie, 2015). It is difficult to ascertain whether or not the results of our study accurately depict the current status of disability policy creation and implementation in many African countries, or if the desired public policy was simply not available to us through internet-based searches. Nevertheless, we believe that the map created by this study gives an interesting picture of the status of electronically available policy documents on the continent.

Similarly, studies of public policy prevalence are rapidly out of date – a limitation also indicated by the WHO MiNDbank, through its disclaimer that it does "not warrant that the information in the Database is authoritative, complete, correct, accurate, or that resources contained in the Database have not been superseded by newer versions" (Disclaimer, 2015, para. 1). Given the ever-changing public policy environment, researchers should always verify that the policy documents they identify for analysis are the most current.

## Conclusion

This research brief shares the results of an online search for African national disability policies. The results identify that out of the 55 African countries included in our search, 35 countries have a national disability policy, and further, 44 have ratified the UN CRPD. While the CRPD is a holistic document that views persons with disabilities through the lens of the social model of disability, it has not been spared criticism from policy makers in Africa. The absence of issues specific to the African context, such as the prevalence of malaria and HIV/AIDS, further highlights the importance of national policy documents to address needs of individuals with disabilities that are specific to particular nations. Although the literature indicates that the CRPD is a necessary instrument for identifying and promoting the rights of persons with disabilities, future research should explore how and if individuals with disabilities living in countries who have ratified the CRPD, are experiencing significant positive change at individual and social levels. We are hopeful that the results of this research brief, and our interpretation of the results, may be useful to other researchers in identifying and locating national disability policy for analysis of content and practice.

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