

April 21, 2022

Hon. Marie Louise Abomo,

Chairperson,

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

African Commission on Human and People's Rights (ACHPR)

Your Excellency,

RE: RATIFICATION OF THE PROTOCOL AND THE STATE OF RIGHTS OF PERSONS WITH DISABILITIES IN THE DIGITAL SPACE IN AFRICA

Please accept my regards on behalf of the Collaboration on International ICT Policy for East and Southern Africa (CIPESA, www.cipesa.org), a leading centre for research and analysis of information aimed at enabling policy makers in Africa to understand Information and Communications Technology (ICT) policy issues. Since its inception in 2004, CIPESA has [worked](#) to develop the capacity of African stakeholders to contribute effectively to inclusive decision-making on ICT and ICT-related products and services, and to build multi-stakeholder policy-making capacity in African countries.

We write to you on the occasion of the 71st Ordinary Session of the African Commission on Human & Peoples' Rights (ACHPR). CIPESA wishes to bring to your attention the situation and issues on the continent that have a critical human rights dimension for persons with disabilities in the context of ICT. In particular, we reiterate the urgent need for member states to sign and ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (the Protocol) so that it comes into force.

It is concerning that todate - four years after it was adopted - the Protocol has been [signed](#) by less than a dozen countries and [ratified](#) by two countries (Cameroon and Mali) yet it requires a minimum of 15 ratifications in order to come into force. The adoption of the Protocol was a major step forward in protecting and advancing the rights of persons with disabilities, but the failure to sign and ratify it undermines these efforts.

We are encouraged by the commitment of African countries to protect the rights of persons with disabilities enshrined in the the Protocol; the African Charter on Human and Peoples' Rights; the United Nations' Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol; the Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled (the Marrakesh Treaty); and the 2030 Agenda for Sustainable Development Goals (SDGs).

Further, CIPESA applauds the Working Group's previous call to Member States to ratify the Protocol as a top priority; as well as its counsel that states [must also commit](#) to promoting and protecting the rights of persons with disabilities and start developing programming and implementation strategies without delay. Undoubtedly, governments must do more to ensure that persons with disabilities access and use digital technologies and that there is sufficient disaggregated data to inform programme interventions.

Access to information and digital technologies

Whereas ICT has the potential to make significant improvements in the lives of persons with disabilities through enabling their access to information, and enhancing their social and economic integration in

communities, many persons with disabilities in Africa still find it hard to access and use digital technologies. Several factors are [contributing](#) to this exclusion from the digital society, including a non-conducive legal and policy environment, poor investments in telecommunication infrastructure that should support ICT access for persons with disabilities, and the [lack of access](#) to the required assistive technologies such as screen readers, screen magnifiers, and braille.

Article 24 of the Protocol requires States Parties to put in place policy, legislative, administrative and other measures to ensure persons with disabilities enjoy the right to access information. These measures include:

- a) Providing information intended for the general public as well as information required for official interactions to persons with disabilities in accessible formats and technologies appropriate to different kinds of disabilities in a timely manner, and without additional cost to persons with disabilities;
- b) Requiring private entities that provide services to the general public, to provide information and services in accessible and usable formats for persons with disabilities;
- c) Recognising and promoting the use of sign language;
- d) Ensuring that persons with visual impairments or with other print disabilities have effective access to published works including by using ICT.

These provisions are consistent with Sustainable Development Goal (SDG) 9c, which calls for increasing access to ICT and providing universal and affordable internet access. Similarly, article 9 of the CRPD calls on state parties to take appropriate measures to ensure accessibility of ICT to persons with disabilities. The Convention also requires member states to ensure that private sector service providers, including through the internet, provide information and services in accessible and usable formats for persons with disabilities.

Disaggregated Data

The Protocol (article 32) requires countries to ensure the systematic collection, analysis, storage and dissemination of national statistics and data covering disability to facilitate the protection and promotion of the rights of persons with disabilities. It enjoins states to disaggregate statistics and data on the basis of disability, gender, age and other relevant variables, including by ensuring that the national population census captures data on disability. Further, the Protocol requires states to disseminate statistics and data in forms that are accessible to all persons including persons with disabilities (article 32b). In the same vein, SDG 17 calls for availability of disabilities disaggregated data, as does article 31 of the CRPD.

Recommendations

The Working Group should prioritise and act on the above issues. In this regard, it should engage AU Member States to:

- Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa as a matter of utmost priority, and promote awareness on its content and the rights it protects.
- States parties should issue periodic reports to the African Commission, in accordance with Article 62 of the African Charter, on legislative and other measures undertaken for the full realisation of the rights of persons with disabilities.
- Enhance the development, implementation and enforcement of relevant and enabling national policies and legislation on accessible communication products and services such as disability laws, Codes of Practice, consumer rights regulations, and ICT and disability policies.

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- Offer tax exemptions and incentives for innovation as well as investment in assistive devices and software tailored to the needs of persons with disabilities.
- Promote the awareness of, and access of persons with disabilities to specialist devices and technologies such as manual Perkins Braille, hand-held magnifiers, hand frames/slates and communication boards, screen readers, text-to-speech software and Augmentative and Alternative Communication (AAC).
- Promote meaningful participation of persons with disabilities in decision-making and policy development processes at national and regional levels through affirmative action and other efforts that promote fair representation.
- Ensure that information on emergencies such as the COVID-19 pandemic, conflicts/wars, and natural calamities, is inclusive and provided in accessible and appropriate formats and languages, whether it is in SMS, audio, visual or document form.
- Ensure the systematic collection, analysis, storage and dissemination of national statistics and data covering disability to increase the availability of high-quality, timely and reliable disaggregated data by disability, in order to facilitate the protection and promotion of the rights of persons with disabilities. The statistics and data should be disseminated in formats accessible for persons with disabilities.
- Promote multi-stakeholder cooperation between governments, the private sector, civil society and other relevant actors to promote the rights of persons with disabilities in accordance with the Protocol.

We hope that these recommendations will inform efforts by the ACHPR to fulfill its commitment to improve the lives of persons with disabilities on the continent. CIPESA looks forward to continued and constructive dialogue with the ACHPR and AU Member States to promote effective ICT policy making, respect for human rights, and telecom services provision that leaves no one behind.



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