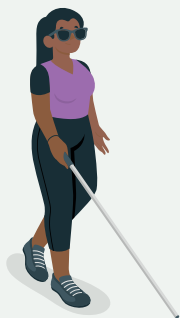


THE MAPUTO PROTOCOL ON RIGHTS OF WOMEN WITH DISABILITIES

What does the Maputo Protocol say about the rights of women with disabilities?



The Maputo Protocol is one of the most progressive women's rights instruments, in part because of its intersectional nature, giving specific rights to specific groups of women who experience multiple forms of discrimination, including women with disability. **Article 23** commits governments to take appropriate measures to ensure their full enjoyment of their human rights and autonomy. The African Union (AU) has also recently adopted the **African Disability Rights Protocol in July of 2024** and its **Article 27** also focuses on women and girls with disabilities.

ARTICLE 23 – SPECIAL PROTECTION OF WOMEN WITH DISABILITIES

The States Parties undertake to:

- a) ensure the protection of women with disabilities and take specific measures commensurate with their physical, economic and social needs to facilitate their access to employment, professional and vocational training as well as their participation in decision-making;
- b) ensure the right of women with disabilities to freedom from violence, including sexual abuse, discrimination based on disability and the right to be treated with dignity.



HOW HAVE GOVERNMENTS IMPLEMENTED THIS SO FAR?



Whilst fifty African countries include **constitutional provisions** generally prohibiting discrimination based on disability and/or include rights for persons with disability, no African constitution mentions or gives rights specifically to women or girls with disability.



Legal Frameworks and Legislation: Many countries have introduced laws to protect the rights of persons with disabilities, including specific measures for women with disabilities. For example, Angola's 2012 law on persons with disabilities includes provisions to prevent discrimination and ensure participation in social life, while Eswatini's 2018 Persons with Disabilities Act specifically mentions equal access to education and health for women with disabilities.



Social Protection and Financial Assistance: Several countries have established financial support measures targeting women with disabilities. For instance, Tanzania's Local Government Authorities

Financial Act (2018) mandates funds for loans to groups including women with disabilities. Zambia's National Social Protection Policy of 2014 prioritises disability, recognising the unique needs of women with disabilities in its social assistance programmes.



Institutional Reforms and Advocacy: Countries such as Angola and Eswatini have strengthened institutions and services for women with disabilities. Angola established the National Council for Persons with Disabilities, and Eswatini supports leadership training for women with disabilities and provides business grants through its Uwezo Fund.



Inclusive Policies and Community-Based Initiatives: Some nations have developed policies addressing the needs of vulnerable groups. Zambia's National Policy on Disability and Eswatini's Social Development Policy include provisions to support women with disabilities and older women.

WHAT MORE COULD GOVERNMENTS BE DOING?



- ✓ **Close Legislative and Policy Gaps:** Ensure comprehensive alignment of national laws and policies with Article 23 of the Maputo Protocol by addressing discriminatory practices and legal barriers that perpetuate exclusion and inequality for women and girls with disabilities.
- ✓ **Improve Access to Justice:** Develop accessible legal aid programmes and specialised judicial mechanisms that remove barriers to justice for women and girls with disabilities, including training for law enforcement and judicial personnel on disability rights.
- ✓ **Ratify and Domesticating Disability Protocols:** Ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa and incorporate its provisions into domestic laws and policies to ensure robust protection of rights.
- ✓ **Enhance Socio-Economic Inclusion:** Promote targeted initiatives to improve access to education, vocational training, healthcare, and employment for women and girls with disabilities, ensuring equity in resource allocation and implementation.
- ✓ **Strengthen Monitoring and Accountability Mechanisms:** Establish or enhance national and regional frameworks to monitor compliance with Article 23, including independent bodies to evaluate progress and address violations of the rights of women and girls with disabilities.
- ✓ **Combat Impunity:** Enforce laws against gender-based violence and exploitation with stricter penalties for offenders, while ensuring adequate support systems for survivors, including counselling and rehabilitation services tailored to the needs of women with disabilities.

WHAT WOULD A FUTURE WHERE ARTICLE 23 OF THE MAPUTO PROTOCOL IS IMPLEMENTED LOOK LIKE?

Societies embrace true inclusivity and equity for women and girls with disabilities. Public spaces, schools, healthcare facilities, and workplaces are universally accessible, enabling women and girls with disabilities to participate without barriers. Laws against discrimination are rigorously enforced, and comprehensive legal frameworks ensure equal access to education, employment, and justice. **Women with disabilities are no longer marginalised but are seen as leaders, innovators, and contributors to their communities, their voices amplified in policymaking and governance.** Empowered by targeted programmes, they are free to thrive and lead independent lives, their potential unhindered by societal constraints.

Comprehensive support systems ensure they are protected from violence and exploitation, with swift action against perpetrators to deter impunity. Programmes to raise awareness have eradicated stereotypes, creating a culture of acceptance and mutual respect. In this envisioned future, women and girls with disabilities stand as equal members of society, their dignity upheld, and their rights fully realised.



Where can I find more resources about this and how can I get involved?

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