

EDITORIAL

The editors of the *African Disability Rights Yearbook (ADRY)* are pleased to announce the publication of the first issue of the *ADRY*. The *ADRY* is a peer-reviewed journal that is published once a year with 2013 as its augural year.

The *ADRY* comes in the wake of the adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2006 and its ratification by an increasing number of states, including African states. The CRPD underscores the status of persons with disabilities as rights-bearers rather than recipients of charity. In its preamble, it underscores that persons with disabilities should have 'full enjoyment of all human rights and fundamental freedoms on an equal basis with others'. Yet it is a truism that in the African region, the majority of persons with disabilities live in abject poverty and at the mercy of charity. Disability-related oppression, marginalisation and socio-economic exclusion remain deeply embedded in African socio-economic systems, notwithstanding that we are beginning to see promising signs of change and transformation in some African states.

The CRPD is paradigm-setting. It constitutes a shift from traditional ways of looking at disability as individual impairment to focusing on state obligations to dismantle a *disabling* environment and, in its stead, create an *enabling* environment which is inclusive and accommodates all human beings in their diversity. It is a call to arms for African human rights systems. The CRPD creates a new vision of disability and inclusive equality which must find its expression not merely in policy and lawmaking. More crucially, to overcome the legacy of systematic inequality and discrimination that persons with disabilities have endured and continue to endure, the vision of the CRPD and its injunctions require implementation at the domestic level. They require the African region and its people to transform the landscape of persons with disabilities in ways that *fulfil* disability rights and tangibly guarantee equal participation in civil, political, economic, social and cultural spheres.

Against the backdrop of the CRPD and a changing human rights landscape for persons with disabilities, the *ADRY* seeks to contribute towards promoting the respect, protection and fulfilment of disability rights in the African region through providing an annual forum for critically examining issues that pertain to the disability rights of individuals and peoples of the region, and reporting on disability rights-related developments at a country and African regional levels. It comprises three sections. Section A contains articles that interrogate critically contemporary human rights issues that are of concern to persons with disabilities in the Africa. Section B contains summaries or overviews of developments relating to the rights of persons with disabilities in selected countries. The section aims to report on a segment of African countries on a rotation basis each year. A country-based researcher is appointed for each country that is reported. The report is prepared using a standardised questionnaire or template. Section C – the last section – provides an overview of developments relating to disability rights at the sub-regional and regional level of the African Union.

Section A of this inaugural issue features articles by: Enoch MacDonnell Chilemba, examining the right to primary education of children with disabilities in Malawi; Serges Djoyou Kanga, also examining the right to primary education of children with disabilities but in respect of Cameroon; Elizabeth Kamundia, exploring the application of right of persons with disabilities to living independently and being included in the community in the context of Kenya; Esau Mandipa, analysing the legal and institutional frameworks for realising the rights of persons with disabilities in Zimbabwe; Janet Lord and Michael Ashley Stein, interrogating the implementation of the CRPD in the African region; Magdolna Birtha, examining the involvement of the disability movement in policy-making through a case study on Zambia; Charles Ngwena, critically appraising the decision of the Western Cape High Court in *Western Cape Forum for Intellectual Disability v Government of the Republic of South Africa* as it applies to the right to education of learners with intellectual disabilities; and Likando Kalaluka,

analysing the prospects and effectiveness of litigation pertaining to disability rights in Zambia. We extend our heartfelt gratitude to external reviewers who peer-reviewed contributions in this section.

Section B reports on the state of disability rights in the following countries: Cameroon by Christophe Tchudjo and Joseph Ombe; Côte d'Ivoire by Pierre Olivier Lobe; Ghana by Esther Gyamfi; Mozambique by Emerson Casimiro Uassuzo Lopes; Namibia by Ruusa Ntinda; Nigeria by Ngozi Umeh and Ramola Adeola; The Democratic Republic of Congo (DRC) by Florent Mubaya Kiwele Kya Bantu; South Africa by Ilze Grobbelaar-du Plessis and Chazanne Grobler; and Tanzania by Peter Josiah Shughuru. The reports on Côte d'Ivoire, Cameroon and the DRC appear in French. Where practicable, the *ADRY* will endeavour to publish country reports other than in English as part of accommodating diverse linguistic communities in the African region.

Section C on sub-regional and regional developments contains the following contributions: Helene Combrinck's overview of a disability rights framework and developments in the African regional human rights system; Lorenzo Wakefield's commentary on progress by the African Committee of Experts on the Rights and Welfare of the Child as they relate to the rights of children with disabilities; and commentaries on three economic sub-regions by: Lucyline Murungi on East Africa Community (EAC); Aquinaldo Mandlate on the Southern African Development Community (SADC); and Benedicta Armah on the Economic Community of West African States (ECOWAS).

We earnestly hope that the *ADRY* will contribute towards the promotion of disability rights in the African region. More pertinently, we hope that the *ADRY* will become an invaluable forum and source for all stakeholders, including persons with disabilities, disabled peoples' organisations, human rights advocates, judges, scholars, teachers, legislators, and policymakers as they consider ways of transforming the disability landscape at the domestic and/or regional levels in Africa in ways that complement the vision of the CRPD.

Editors
Charles Ngwena (convening editor)
Ilze Grobbelaar-du Plessis
Helene Combrinck
Serges Djoyou Kamga