

PREFACE

This is the first issue of the *African Disability Rights Yearbook (ADRY)*. Drawing inspiration from the *European Yearbook on Disability Law*, it is the first publication of its kind that focuses on Africa. It aims to bring into prominence an area traditionally neglected by both African governments and academics. Following in the wake of the adoption of the United Nations Convention on the Rights of Persons with Disabilities, it is the first peer-reviewed journal to focus exclusively on disability as human rights on the African continent. The *Yearbook*, which is projected to appear annually, is set out in three sections. Section A contains academic articles; Section B consists of country-based research, charting recent developments on disability rights legislation, case law and policy developments in selected African states; and Section C deals with relevant developments in the African Union (AU) and African sub-regional organisations. The 2013 *Yearbook* aims to set out the situation as at 31 December 2012.

The publication of the *Yearbook* in 2013 is a milestone in the engagement on the rights of persons with disabilities by the Centre for Human Rights, Faculty of Law, University of Pretoria, under whose auspices this publication was conceived and is being produced. It marks a highlight in the efforts taken by the Centre over the last few years to bring more academic attention to the rights of persons with disabilities in Africa. These efforts have only been possible with the support of the Open Society foundations, in particular, Open Society Initiative for Southern Africa (OSISA).

Over the last years, OSISA has collaborated with the Centre for Human Rights, University of Pretoria, to strengthen the teaching and research in law faculties in the Southern Africa on disability rights. The collaboration consists of the following elements:

(a) Efforts are made to assist in the building of capacity of law faculties in the region, through the attendance of the LLM (Human Rights and Democratisation in Africa) with a focus on disability rights by staff members from these law faculties. The staff members subsequently return to their faculties, institute and develop teaching on disability rights, and institutionalise faculty-based activities and 'centres' around disability rights. So far, the following faculties have participated: Universidade Eduardo Mondlane, Mozambique (Faculdade de Direito); the University of Botswana; the University of Malawi (Chancellor College, Faculty of Law); University of Namibia; Midlands State University, Zimbabwe (Faculty of Law); University of Zambia; and University of Dodoma (Tanzania); University of Namibia. These faculties/centres have the responsibility/mandate to research on disability rights; promote awareness and sensitise key stakeholders in the population about the rights of persons with disabilities and the existing legal framework; elaborate position papers and advocate for particular legal reforms; keep record of/identify and engage in litigation of selected cases pertaining to the violation of the rights of persons with disabilities; and provide legal advice to persons with disabilities.

(b) The Centre presents a one-week intensive short course on disability rights to build capacity and to disseminate information on disability rights more broadly in Africa. This course is attended by participants from all over the continent.

(c) Together, the participating faculties are developing a curriculum for the teaching of an undergraduate course on disability rights at law schools in the region.

(d) Academic work on and awareness about disability rights is stimulated, in particular, through the publication of this *Yearbook*, an academic conference, and a first Southern African Disability Rights Moot Court Competition.

This *Yearbook* is the accomplishment of many. It has been a project long in planning and preparation, and time consuming in execution. The publication is the end-product of collaborations between the Centre and numerous partners, in particular

a long-standing partner, the Faculty of Law at the University of the Western Cape (UWC).

A very sincere and profound word of thanks goes to the following:

The four editors: the convening editor, Prof Charles Ngwena, who joined the Centre for Human Rights last year; he worked with Dr Ilze Grobbelaar-Du Plessis (UP); Prof Helene Combrinck (UWC) and Dr Serges Djoyou Kamga (UNISA) as co-editors. It is only their dedication and devotion that has made this publication possible. Prof Ngwena was not only the convening editor, but also the editor in charge of Part A. He bore the brunt of the responsibility to keep the project going, and to inspire and lead all involved towards the ever-approaching deadline. Drs Grobbelaar-Du Plessis and Serges Djoyou Kamga took responsibility for Part B, and Prof Combrinck for Part C. They each sacrificed enormously in terms of time and energy, in order to get to this end product.

Thanks to all contributors, and all reviewers of contributions, for dedicating themselves to this thankless task.

Kate Painting acted as a most appreciated editorial assistant. She meticulously followed up references, guaranteed consistency in style, and ensured felicitous language use. At the Centre, Thuto Moratua Hlalele, Yolanda Booyzen and Kevashinee Pillay also provided logistical and other support.

The *Yearbook* is published by Pretoria University Law Press (PULP), based at the Faculty of Law, University of Pretoria. The patient and professional contribution of Lizette Hermann is much appreciated.

We also thank the members of the advisory board, who agreed to assist with the policy direction, review of manuscripts and lending credibility and lustre to this *Yearbook* by associating themselves with this endeavour. The *Yearbook* is very fortunate to have representation from all corners of the globe, including individuals and institutions at the leading edge of disability rights research, training and teaching.

Lastly, to the Open Society Foundation – and specifically OSISA – and its staff: Many thanks in particular to Louise Olivier, for her confidence, inspiration and consistent support, which took the Centre and me personally along an exciting and challenging new road; and to Louise Ehlers and Patricia Mwanyisa, who came on board later. Other Open Society staff also inspired and played important roles along the way.

In line with the right of access to information and knowledge, this *Yearbook* is accessible freely as a free full downloadable document on the Centre's website www.chr.up.ac.za

On behalf of all those involved, and of the Centre, I wish to express the hope that this *Yearbook* will soon come to be regarded as an indispensable tool to understand and chart legislative and policy developments on disability rights in Africa, and that it will contribute to bridge the gap between the discourse of rights and its practical application and actual realisation.

Frans Viljoen
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