

# Disability Rights in Africa



## Conference

Regional Meeting: Action on albinism in Africa  
Disability Rights and Law Schools Partners' Meeting  
Disability Rights Scholarship Programme Alumni Meeting

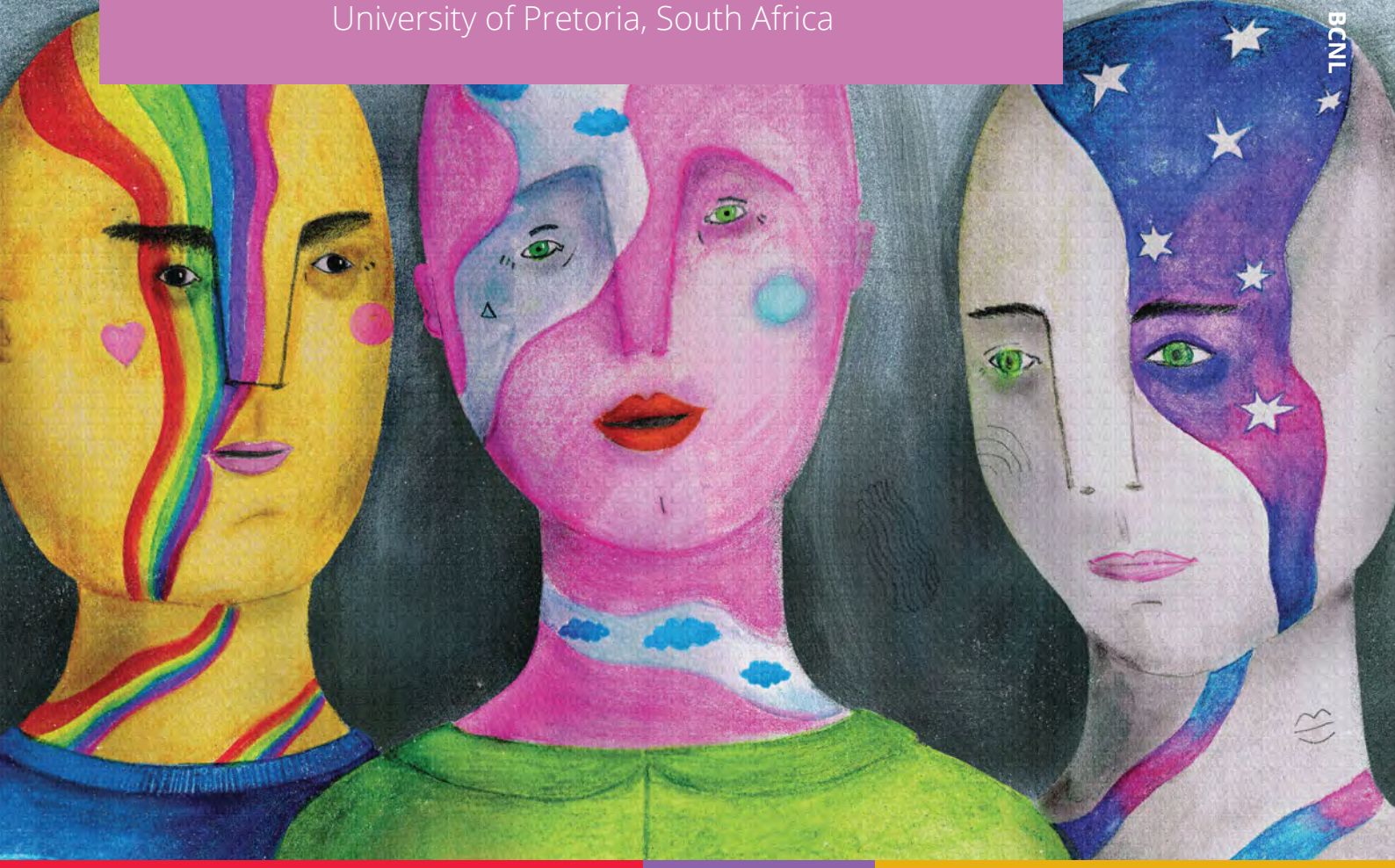
## Conference theme:

*'Domesticating the CRPD in the African region:  
A focus on access to justice and legal capacity'*

**7 – 8 November 2017**

Centre for Human Rights,  
University of Pretoria, South Africa

© Nadezhda Georgieva (Nad) | BCNL



[www.chr.up.ac.za](http://www.chr.up.ac.za)

[www.opensocietyfoundations.org](http://www.opensocietyfoundations.org)



**OPEN SOCIETY  
FOUNDATIONS**



UNIVERSITEIT VAN PRETORIA  
UNIVERSITY OF PRETORIA  
YUNIBESITHI YA PRETORIA



**Centre for  
Human Rights**  
UNIVERSITY OF PRETORIA



# SUMMARY PROGRAMME

## MONDAY 6 NOVEMBER 2017

### *Regional Meeting*

09:00 – 17:45      Regional Meeting: Action on Albinism in Africa:  
Time for implementation (closed meeting)

18:00                Evening Reception

## TUESDAY 7 NOVEMBER 2017

### *Annual African Disability Rights Conference Day 1*

08:00 – 17:30      Annual African Disability Rights Conference Day 1

18:30                I Decide=I Am Exhibition cocktail &  
5th African Disability Rights Yearbook Launch

## WEDNESDAY 8 NOVEMBER 2017

### *Annual African Disability Rights Conference Day 2*

09:00 – 15:30      Annual African Disability Rights Conference Day 2

## THURSDAY 9 NOVEMBER 2017

### *Disability Rights Project Meetings*

08:30 – 16:30      Disability Rights and Law Schools Partners Meeting

09:00 – 13:00      Disability Rights Scholarship Programme Alumni Meeting

## FRIDAY 10 NOVEMBER 2017

### *Disability Rights Project Meetings*

08:30 – 13:00      Disability Rights and Law Schools Partners Meeting



# DETAILED PROGRAMME

## MONDAY 6 NOVEMBER 2017

### *Regional Meeting*

09:00 – 17:45	Regional Meeting: Action on Albinism in Africa: Time for implementation" <i>Venue: Saint George Hall</i> <i>(Hosted by the Independent Expert on enjoyment of human rights by persons with albinism, Open Society Foundations and the Centre for Human Rights, University of Pretoria)</i> <b>Ikponwosa Ero</b> <i>Independent Expert on the enjoyment of human rights by persons with albinism</i>
18:00	Evening reception & networking for regional meeting participants <i>Venue: Olympius</i>

## TUESDAY 7 NOVEMBER 2017

### *Annual African Disability Rights Conference Day 1*

07:30 – 8:40	Registration & Tea
08:40 – 09:15	<b>WELCOME ADDRESS</b> <i>Venue: Parthenon</i>  <b>Moderator: Innocentia Mgijima-Konopi</b> <i>Centre for Human Rights, University of Pretoria</i>  <b>Prof Andre Boraine</b> <i>Dean, Faculty of Law, University of Pretoria</i>  <b>Prof Frans Viljoen</b> <i>Director, Centre for Human Rights, University of Pretoria</i>  <b>Prof Charles Ngwena</b> <i>Centre for Human Rights, University of Pretoria</i>
09:15 – 09:25	<b>OPENING REMARKS</b> <b>Justice Johann van der Westhuizen</b> <i>Judge, Constitutional Court of South Africa (Retired)</i>
09:25 – 09:45	<b>KEYNOTE ADDRESS</b> <b>Dr Samuel Kabue</b> <i>Member, United Nations Committee on the Rights of Persons with Disabilities</i>
09:45 – 11:00	<b>PLENARY SESSION:</b> <b>STRATEGIES FOR THE EFFECTIVE IMPLEMENTATION AND DOMESTICATION OF THE RIGHT TO ACCESS TO JUSTICE AND THE RIGHT TO EQUAL RECOGNITION BEFORE THE LAW OF THE CRPD</b>  <b>Moderator: Dianah Msipa</b> <i>Disability Rights Consultant</i> <b>Rapporteur: Edmond Kiplagat Gichuru</b> <i>Disability Rights Scholarship Programme Alumnus</i>  Legal reform: Impact of advocacy and litigation on mental health rights in Uganda, Kenya and Zambia <b>Boaz Muhumuza</b> <i>Open Society Initiative of East Africa</i>

Moving towards effective access to justice and legal capacity for persons with disabilities: The case study of Lesotho legal system

**Nkhasi Sefuthi**

*Lesotho National Federation of Organisations of the Disabled*

Advocacy and access to justice by persons with disabilities on an equal basis with others

**Peter Morris Gasten Ngomwa**

*Community Based Rehabilitation African Network*

Civil Society reflections on strategies to hold government accountable for implementing its obligations under the CRPD

**Annie Robb**

*Pan African Network of Users and Survivors of Psychiatry (PANUSP)*

Discussion

**11:10 – 11:40**

**TEA**

**11:40 – 13:00**

**CONFERENCE PARALLEL SESSIONS**

**SESSION 1A:  
COMMUNICATION ACCOMMODATIONS  
IN THE JUSTICE SYSTEM**

*Venue: Parthenon*

**Moderator: Dr Kerstin Tonsing**

*Centre for Augmentative and Alternative  
Communication, University of Pretoria*

**Rapporteur: Simate Simate**

*Disability Rights Scholarship Programme Alumnus*

Unequal access to justice: Access to courts for deaf persons

**Odette Swift**

*Deaf Education; Deaf Federation of South Africa*

Implementing article 13 of the Convention on the Rights of Persons with Disabilities in South Africa: Accommodations for people with communication disabilities

**Dianah Msipa**

*Disability Rights Consultant*

**Robyn White**

*Centre for Augmentative and Alternative  
Communication, University of Pretoria*

Information and communication: A mutual approach to exercise legal capacity and promote access to justice for persons with disabilities

**Victor Mukupa**

*Disability Rights Scholarship Programme Alumnus*

Discussion

**SESSION 1B:  
PROVISION OF SUPPORT TO EXERCISE  
LEGAL CAPACITY**

*Venue: Acropolis 1*

**Moderator: William Aseka Oluchina**

*Centre for Human Rights, University of Pretoria*

**Rapporteur: Esther Akua Gyamfi**

*Disability Rights Scholarship Programme  
Alumnus*

How to implement article 12 of the CRPD using peer support: the Kenyan experience

**Michael Njenga**

*Users and Survivors of Psychiatry in Kenya*

**Elizabeth Ombati**

*Users and Survivors of Psychiatry in Kenya*

Provision of support (formal and informal) to exercise legal capacity

**Yilkal Hassabie Wudneh**

*Debre Berhan University, Ethiopia*

Provision of support to exercise legal capacity to people with disabilities

**Godlove Miho**

*Mtwara-Mikindani Municipal council Zambia*

Discussion

**13:00 – 14:00**

**LUNCH AND NETWORKING**

**POSTER PRESENTATION**

*Please take a few minutes to visit the Poster Presentations.*

*The presenters will be at their posters from 13:45 to 14:00*

**SESSION 2A:  
PERSONS WITH INTELLECTUAL AND PSY-  
CHOSOCIAL DISABILITIES AND THE CRIMI-  
NAL JUSTICE SYSTEM**

*Venue: Parthenon*

**Moderator: Patricia Mwanyisa**

*Disability Rights Consultant*

**Rapporteur: Bekithemba Mlauzi**

*Disability Rights Scholarship Programme Alumnus*

Challenging disadvantage in Zambia:  
People with psychosocial and intellectual  
disabilities in the criminal justice system

**Phillip Sabuni**

*Paralegal Alliance Network (PAN)*

Mental and legal capacity of parties  
with intellectual, psycho-social and  
communication disabilities in traditional  
courts in Kwazulu-Natal: Access to justice  
implications

**Willene Holness**

*University of KwaZulu-Natal*

**Dr Sarah Rule**

*CREATE*

Unfitness to stand trial of persons with cog-  
nitive disabilities in Kenya: an analysis of case  
law from a human rights perspective.

**Lindah Lockwood**

*Africa Mental Health Foundation*

**Elizabeth Kamundia**

*Centre for Human Rights, University of Pretoria*

Civil Society reflections of cases dealt with  
and interventions made

**Fatma Wangare Haji**

*Kenya Association for the Intellectually Handi-  
capped*

Discussion

**SESSION 2B:  
LEGAL CAPACITY LAW REFORM**

*Venue: Acropolis 1*

**Moderator: Patricia Odong**

*Makerere University*

**Rapporteur: Milika Sakala**

*Disability Rights Scholarship Programme Alumnus*

Supported decision making in an African  
context – An examination of comparative  
and international models with a view to law  
reform in South Africa.

**Jacquie Cassette**

*Cliffe Dekker Hofmeyr*

**Tricia Erasmus**

*Cliffe Dekker Hofmeyr*

Sane until proven otherwise: Psychosocial  
disability and limitations of legal capacity in  
South Africa

**Prof Heléne Combrinck**

*University of the North-West, South Africa*

Civil Society reflections on challenges in ad-  
vocating for legal capacity law reform

**Patience Kanguma**

*Zambia Federation of Disability Organisations  
(ZAFOD)*

Government reflections on concerns and  
considerations pertaining to legal capacity  
law reform

**Advocate Chabane**

*Chief Legal Officer, Human Rights Department,  
Ministry of Law, Constitutional Affairs and  
Human Rights, Lesotho*

Discussion

**WORKSHOP 1**

*Venue: Parthenon*

Procedural  
accommodations in the  
courtroom

**WORKSHOP 2**

*Venue: Acropolis 1*

Adopting a whole  
systems approach to  
changing the criminal  
justice system

**WORKSHOP 3**

*Venue: Acropolis 4*

Using strategic  
litigation to advance  
disability rights

**WORKSHOP 4**

*Venue: Acropolis 5*

Piloting supported  
decision-making  
models



## WEDNESDAY 8 NOVEMBER 2017

### Annual African Disability Rights Conference Day 2

08:00 – 9:00

#### POSTER PRESENTATION

Please take a few minutes to visit the Poster Presentations.  
The presenters will be at their posters from 08:30 to 09:00

09:00 – 10:20

#### CONFERENCE PARALLEL SESSIONS

##### SESSION 3A: ROLE OF NON-STATE ACTORS IN ADVANCING ACCESS TO JUSTICE FOR PERSONS WITH DISABILITIES

Venue: Parthenon

**Moderator: Boaz Muhumuza**

*Open Society Initiative of East Africa*

**Rapporteur: George Chiusiwa**

*Disability Rights Scholarship Programme Alumnus*

Role of non-state actors and international cooperation in advancing access to justice for persons with disabilities

**Gertrude Oforiwa Fefoame**

*Sightsavers*

Leaving the woods to see the trees: Locating and refocusing activities of non-state actors towards effective promotion of access to justice of persons with disability

**Azubike C Onuora-Oguno**

*University of Ilorin, Nigeria*

Exploring the possibilities of special procedures as a response mechanism for the protection of women with disabilities against sexual violence in South Africa

**Kennedy Kariseb**

*Centre for Human Rights, University of Pretoria*

Government reflections on how non-state actors and government can collaborate in advancing the right to access to justice for persons with disabilities

**Ms Nelda Marisa Simões Cossa**

*Ministry of Justice, Constitutional and Religious Affairs, Mozambique*

Discussion

##### SESSION 3B: THEORETICAL UNDERPINNINGS OF ARTICLE 12 AND 13

Venue: Acropolis 1

**Moderator: Prof Heléne Combrinck**

*University of the North-West, South Africa*

**Rapporteur: Simion Jimion Nyanda**

*Disability Rights Scholarship Programme Alumnus*

Utilizing traditional concepts of personhood to advance legal capacity in Sub-Saharan Africa

**Louis O. Oyaro**

*London School of Economics and Political Science*

Access to justice? What does it mean for persons with intellectual disabilities in Africa

**William Aseka Oluchina**

*Centre for Human Rights, University of Pretoria*

Personal reflections on the impact of legal capacity deprivation for persons with psychosocial disabilities

**Sylvester Katontoka**

*Mental Health Users Network of Zambia*

Personal reflections on what access to justice means for persons with disabilities

**Edmore Masendeke**

*Endless Possibilities, Zimbabwe*

Discussion



10:20 – 10:40

TEA

10:40 – 13:00

CONFERENCE PARALLEL SESSIONS

**SESSION 4A:  
INACCESSIBLE JUSTICE SYSTEMS: COUNTRY  
EXPERIENCES**

*Venue: Parthenon*

**Moderator: Lloyd Kuveya**

*Amnesty International*

**Rapporteur: Jorge Manhique**

*Disability Rights Scholarship Programme Alumnus*

Disability and access to justice in the Ethiopian federal court system

**Judge Yared Bogale Debele**

*Federal Supreme Court, Federal First Instance Court, 'Kolfe Keranyo' Family Bench, Ethiopia*

The castle in the air: Unlocking access to justice for persons with disabilities in Kenya

**Linda Njeri Wachira**

*Kittony Maina and Karanja Advocates*

Experiences of barriers to access to justice and realization of equal recognition before the law for women with disabilities in Ghana

**Esther Akua Gyamfi**

*Disability Rights Scholarship Programme Alumnus*

Government reflections on challenges governments face in ensuring access to justice for persons with disabilities in their countries

**Julian Mabangwe**

*Department of Disability and Elderly Affairs, Malawi*

Discussion

**SESSION 4B:  
ACCESSING JUSTICE IN PARTICULARLY  
CHALLENGING CONTEXTS**

*Venue: Acropolis 1*

**Moderator: Muluka Miti Drummond**

*International Bar Association*

**Rapporteur: Hamanyaga Miyoba**

*Disability Rights Scholarship Programme Alumnus*

Challenges of the new Civil Society and Charities Legislation in advocating the rights of access to justice for persons with disabilities in Ethiopia

**Gebrehiwot Hadush**

*College of Law and Governance, Mekele University*

**Abiy Chelkeba**

*College of Law and Governance, Mekele University*

Overlooked and underserved: Access to justice for refugees with disabilities in Africa

**Michael Addaney**

*School of Law, Wuhan University*

Civil society reflections on how involuntary institutionalisation impacts on the right to access to justice of persons with psychosocial disabilities

**Ruusa Nangula Ntinda**

*Law Reform and Development Commission, Ministry of Justice, Namibia*

Civil society reflections on peculiar challenges children with disabilities from impoverished communities face in accessing the justice system

**Afrika Tikkun**

Discussion

12:00 – 13:30

FROM THEORY TO PRACTICE CONCURRENT CAPACITY BUILDING WORKSHOPS

**WORKSHOP 1**

*Venue: Parthenon*

Communication accommodations in the courtroom

**WORKSHOP 2**

*Venue: Acropolis 1*

Creative advocacy for change

**WORKSHOP 3**

*Venue: Acropolis 4*

Participatory research methods

**WORKSHOP 4**

*Venue: Acropolis 5*

Starting a disability rights law clinic

13:30 – 14:30

LUNCH

14:30 – 15:30

### CONCLUDING PLENARY SESSION

Venue: Parthenon

**Moderator: Prof Charles Ngwena**

*Centre for Human Rights, University of Pretoria*

**Innocentia Mgijima-Konopi**

*Centre for Human Rights, University of Pretoria*

### Feedback from parallel sessions

### Announcing winner of Poster Competition and interview with winner

Launch of advocacy brief on the rights of children with disabilities in South Africa

**Centre for Child Law**

*Faculty of Law, University of Pretoria*

### Concluding remarks

## THURSDAY 9 NOVEMBER 2017

### Disability Rights Project Meetings

08:30 – 16:30

Disability Rights and Law Schools Partners Meeting

Venue: Acropolis 5

09:00 – 13:00

Disability Rights Scholarship Programme Alumni Meeting

Venue: Acropolis 4

## FRIDAY 10 NOVEMBER 2017

### Disability Rights Project Meetings

08:30 – 13:00

Disability Rights and Law Schools Partners Meeting

Venue: Acropolis 5

## INTERNET ACCESS AND SOCIAL MEDIA

### WIFI

Each venue has its own WiFi connection. No passwords are required.

### TWITTER

#### Organisers:

@chr\_humanrights

@opensociety

@uptuks

#### Partners:

@AmnestySARO

@IBAHRI

@The\_DSD

#### Suggested hashtags:

#DisabilityRightsAfrica17

[www.chr.up.ac.za](http://www.chr.up.ac.za)

[www.opensocietyfoundations.org](http://www.opensocietyfoundations.org)



**OPEN SOCIETY  
FOUNDATIONS**



**Centre for  
Human Rights**  
UNIVERSITY OF PRETORIA