

REVIEW

Implementation of the United Nations Convention on the Rights of Persons with Disabilities in Africa: a Scoping Review

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ABSTRACT

Aim: *The UNCRPD is an international treaty that promotes the advancement of the rights of persons with disabilities. This scoping review aimed to map the evidence on strategies employed by countries in implementing the UNCRPD in Africa and the implementation challenges faced.*

Method: *The PRISMA extension for scoping reviews (PRISMA-Scr) was used in this study. Key terms pertinent to the implementation of the UNCRPD in Africa were used to search for literature. Strict eligibility criteria were set and a qualitative data extraction template developed. Two reviewers worked independently to extract and chart data into data extraction forms. An analysis of country reports was also conducted to identify relationships between the African country reports and findings from the studies included in the scoping review. Inductive reasoning enabled the generation of themes. A total of 107 sources were initially retrieved and after a process of screening and exclusion, 31 sources (11 research papers and 20 country reports) were included for inductive analysis.*

Results: *The study revealed evidence of implementation of UNCRPD in Africa, albeit limited, especially to the area of education, and employment. However, there are unique contextual limitations in implementation of UNCRPD in Africa. The country reports reflected similar implementation issues to those identified in studies selected for this paper.*

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Conclusion and Implications: *This calls for African governments to broaden focus on implementation of other articles of the UNCRPD in order to create inclusive societies.*

Key Words: *country reports, implementation, scoping review, disability rights, treaty*

INTRODUCTION

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is the first international human rights treaty aimed at specifically promoting disability rights (United Nations, 2006). The treaty has drawn focus to the exclusionary and oppressive practices against persons with disabilities, which had been overlooked for many years (Byrne, 2012). Literature shows that there are about 1 billion people with disabilities in the world and majority of these are in low- and middle- income countries, with Africa alone having an estimated 40% of the world's persons with disabilities (World Health Organisation, 2011). There are variations in statistical data due to the complexity of defining disability, not only in Africa but also globally (Altman, 2001; World Bank, 2008).

The UNCRPD demands that member states reconsider their domestic legislative and policy frameworks in order to promote disability rights in line with the Convention. Seven African countries participated in the development of the foundational texts of the UNCRPD (United Nations, 2004). In addition to these delegations, there were experts from Algeria, Kenya, and Tunisia, cementing the idea that African participation in the elaboration of the UNCRPD was significant (United Nations, 2004). To date, a total of 46 out of 54 African countries have ratified the UNCRPD (United Nations Treaty Collection). The ratification means member states will be committing to endorsing the Convention by implementing laws, policies, programmes and projects that promote the rights of persons with disabilities in their local contexts guided by the articles of the UNCRPD. Moreover, 33 out of the 46 African countries have ratified the Optional Protocol (United Nations Treaty Collection; Nigussie, 2016). The Optional Protocol provides a mechanism for citizens to directly lodge complaints about violations of the rights of persons with disabilities with the Committee on the Rights of Persons with Disabilities (United Nations, 2006).

The norm implementation of the UNCRPD involves acknowledging disability-based human rights, aligning national disability laws and policies, and social

integration of persons with disabilities based on the Convention's inclusive development mandate (Stein & Lord, 2009). Eleven out of forty-six countries developed or reviewed their national laws or policies on disability after the ratification of UNCRPD (Fernandez, Rutka & Aldersey, 2017). However, there is no African country that has engaged their national policy on disability by adopting the normative framework of the UNCRPD to enable its norm implementation (Combrick & Van Reenen, 2011).

Regardless of African countries' commitment to the UNCRPD treaty, the very same states were working on a draft African Decade of Persons with Disabilities charter, parallel to the process of negotiations and adoption of the UNCRPD. Despite African regional initiatives, the African Decade of Persons with Disabilities 2010-2019 failed to address its objectives due to resource constraints (African Union Commission Department of Social Affairs, 2015). Furthermore, there are some arguments that the UNCRPD compromised the final text by adopting less imperative language proposed by the European Union and failed to address African disability discourse, for example on matters relating to albinism, HIV/AIDS, negative traditional practices and beliefs (Kamga, 2013; Oyaro, 2015). There is a possibility that the rights spelt out in the UNCRPD are contradictory to African views or are not necessary to add to current local disability policies. The continuation of the African Decade when the UNCRPD was already in existence could be an indication that African states still felt that there was a need to address disability issues in an African context.

The UNCRPD seeks to address marginalisation and combat negative attitudes and beliefs against persons with disabilities (McKenzie & Gcaza, 2014). However, current data shows that about 5-10% of children and youngsters with disabilities are enrolled in school, while 70-80% of those in the working age group are unemployed (World Health Organisation, 2011). This most likely leads to poorer health outcomes and higher rates of poverty (World Health Organisation, 2011) and is common among the poorest of the poor.

Despite favourable policy environments in some countries, persons with disabilities in Africa do not fully enjoy their rights since these rights are defined according to how local society views or defines disability (Ncube, 1999; Kachaje, Dube, MacLachlan & Mji, 2014). The lived experience of persons with disabilities in low- and middle- income countries constitutes a significant challenge to the promotion and enforcement of human rights, notwithstanding the signing of the UNCRPD (Lang, Kett, Groce & Trani, 2011). Persons with disabilities are yet to

see if the 2018 African Disability Protocol will redress the current challenges or will ensure a smooth progressive implementation of UNCRPD which enhances inclusive national development programmes.

Inclusion of people with disabilities in employment increases economic self-sufficiency and a country's potential tax base while decreasing demands on social assistance (Banks & Polack, 2014). Conversely, excluding persons with disabilities from development and poverty reduction strategies leads to a loss of productive potential and income for the person and other family members (Mwendwa, Murangira & Lang, 2009). Therefore, Sustainable Development Goals (SDGs) cannot be achieved without the inclusion of persons with disabilities and the UNCRPD Articles provide a platform for comprehensive approaches to sustainable development inclusive of persons with disabilities (United Nations, 2018).

The UNCRPD has been in existence for more than a decade and there are growing concerns about progress of its implementation among the disability movements (Combrick & Van Reenen, 2011). This paper contributes some answers to the recurring question whether the UNCRPD is being appropriately implemented, and to what extent - within the African context- it remains work in progress.

Aim

This scoping review aimed to map the evidence on strategies employed by countries in implementing the UNCRPD in Africa and the implementation challenges faced by stakeholders and the impacts that have been realised. An analysis of the initial country reports on the implementation of the UNCRPD was also conducted to relate these reports to other findings from the literature.

METHOD

Study Design

This study followed the Preferred Reporting Items for Systematic reviews and Meta-Analysis (PRISMA) extension for Scoping Reviews (PRISMA-ScR) checklist and explanation to provide reporting guidance (Tricco et al, 2018). Strict eligibility criteria were set, and a search strategy and search terms were formulated with the assistance of the university librarians. The search terms were entered into WorldCat, the electronic database advanced search, since it combines key

sources of 87 databases. Hand search was conducted on reference lists of each eligible research paper to access relevant peer reviewed research papers on the implementation of the UNCRPD in Africa that could not be indexed on the World Cat global catalogue. Furthermore, the first author contacted the United Nations Humans Rights Office of the High Commissioner to access the United Nations treaty body database which gave country specific approaches on the implementation of UNCRPD among the African countries that had managed to submit their initial country reports by the time of data collection.

A qualitative data extraction template was developed by two reviewers (GC & TFC) who conducted study selection independently. First, title and abstracts were reviewed for inclusion/exclusion criteria evaluation. Studies that met inclusion criteria were included for full text review. Skype call meetings were regularly conducted to discuss progress and resolve differences. The study applied an inductive approach using thematic analysis of data sets.

Search Strategy

A three-step strategy was employed to enable a comprehensive search of information, as shown in Table 1. An initial limited search of two online databases (SpringerLink and MEDLINE) was conducted to enable an analysis of text words that formed part of the keywords. The words synonymous to text word 'implementation', were searched to find more text words. All identified keywords and index terms were used to search across 87 databases. To access some grey literature, UNCRPD reports were accessed from the UN treaty body database. A pearl-growing technique was used in which citations or reference lists of all identified research papers were hand searched (Barnett-Page & Thomas, 2009).

A list of keywords pertinent to the UNCRPD and its implementation in Africa were compiled. Search of these key terms were limited to the period of 2008 – 2019 and peer-reviewed documents. All research papers were included irrespective of the language used. The year 2008 was chosen as a cut-off point, as this was the year in which the UNCRPD and the Optional Protocol became enforceable, and the time when most governments initiated efforts to improve the upholding of the rights of persons with disabilities. Table 1 shows the keywords that were searched and the respective databases as well as the inclusion and exclusion criteria.

Table 1: Planned Search Strategy

SEARCH STRATEGY ITEM	DATABASES
Information sources	WorldCat - global catalogue of library collections with access to 87 Databases
Search Results	13 Databases (WorldCat.org (63), African Journals (25), Electronic Collections Online (5), SpringerLink (5), ArticleFirst (5), Emerald Group Publishing Limited(4), Taylor and Francis Journals (3), BioMed Central (2), ProQuest Psychology Journals (2), ProQuest Research Library (2), ERIC (1), MEDLINE (1), ScienceDirect (1)).
Language Filter	None
Time Filter	2008 – 2019
Spatial Filter	African countries
Libraries	Worldwide
Key words	Kw:("implementation" OR "realization" OR "realisation" OR "enforcement" OR "achievement" OR "Domestication" OR "execution" OR "application" OR "administration" OR "fulfillment" OR "accomplishment" OR "effecting") Kw:("United Nations Convention OR Disability rights") Kw: ("Rights") Kw: ("persons with disabilities" OR "people with disabilities") AND ("Africa").
Inclusion Criteria	State party reports on African countries that have ratified UNCRPD and/or Optional Protocol. Full-text available. Published studies during the period 2008 and 2019. Peer reviewed studies. Literature with intervention strategies/barriers/facilitators in the implementation of UNCRPD in African settings.
Exclusion Criteria	Irrelevant database returns/studies not meeting the above criteria. Studies outside time span. Full-text not available.

Data Extraction and Quality Appraisal

Two reviewers (GC & TFC) worked independently to assess each individual source of evidence obtained from online databases. They hand searched publications as well as assessing the quality of the documents that met the inclusion criteria. These reviewers developed a data extraction and appraisal template as shown in

Table 2, which was organised in a qualitative manner according to the research questions.

Table 2: Example of Data Extraction Template

Author & Year	Title	Country	Purpose/Aim	Key Findings	
				Strategies to promote UNCRPD	Concerns/challenges encountered in implementing UNCRPD

The template included the name of the author, year of publication, topic of study, country where the study was conducted, aims/purpose and the key findings in relation to the scoping review objectives. The involvement of two reviewers and use of the same data extraction template helped to confirm requirements of scoping reviews in minimising risk of bias.

Eighty-seven databases were searched through the WorldCat catalogue. Thirteen of these 87 databases yielded results of 87 studies. The UN Human Rights Office of the High Commissioner provided an additional 20 country reports, giving a total of 107 records. Of the 87 studies retrieved, 7 were duplicates (see Fig. 1).

Fig 1: Flowchart of Study Selection according to PRISMA Statement

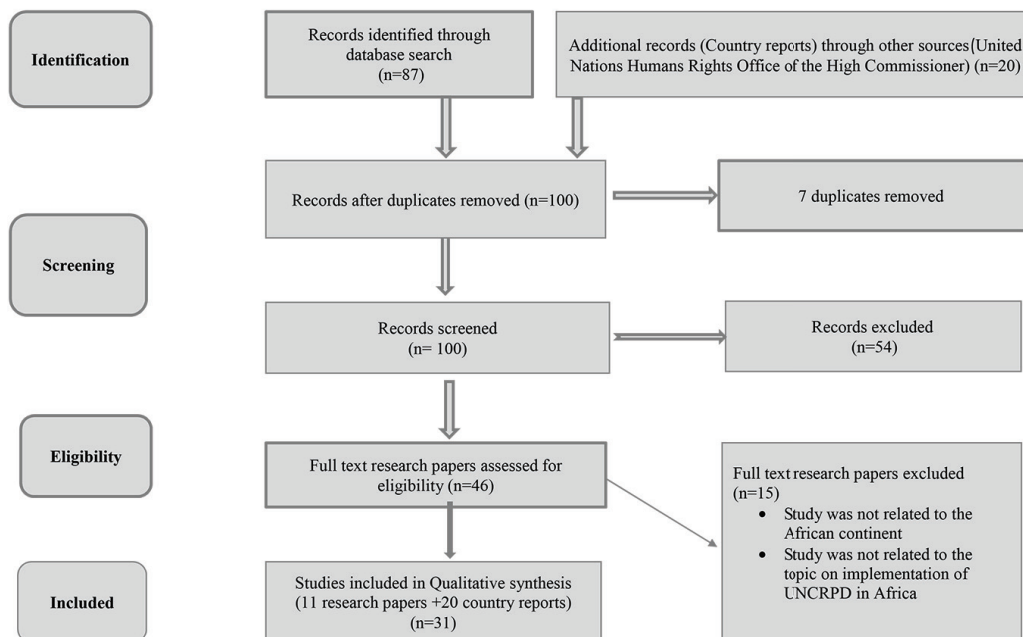


Figure 1 illustrates the processes involved in selecting studies for inclusion in this review. Seven duplicates were removed. The two independent reviewers screened each abstract of the 100 records, resulting in 54 exclusions. Fifty-four studies were not related to the African continent and the topic of discussion. Forty-six studies were assessed for eligibility, of which 31 (11 studies and 20 country reports) were selected for inclusion in the qualitative synthesis.

RESULTS

The identified pattern of data was thematically analysed and interpreted. Individual study findings from 11 records were synthesised into codes, categories and themes, with a separate analysis of 20 country reports. Table 3 shows the categories and the emerging themes from the review, with the number of supporting documents for each category discussed. The categories and themes are discussed subsequently.

Table 3: Themes and Categories

THEMES	CATEGORIES	NUMBER OF STUDY REFERENCES PER CATEGORY
Piecemeal implementation of the UNCRPD in Africa	Some legislative amendments and partial implementation	4
	Gaps in monitoring compliance to the UNCRPD	3
	Limited resource allocation	5
Contextual limitations for implementing the UNCRPD in Africa	Socio-cultural and infrastructural barriers	2
	Lack of political will	5
	Silence of persons with disabilities and inactive Organisations of Persons with disability	3
	Disability is complex and misunderstood	4

Theme 1: Piecemeal Implementation of the UNCRPD in Africa

This theme relates to existing intervention strategies that have been used for the implementation of the UNCRPD in African settings. There is some evidence of legislative amendments and approaches to address education and employment of persons with disabilities. The available evidence reveals that the implementation

of the UNCRPD in Africa is mainly limited to few articles of the Convention, particularly the ones on education and employment; hence the use of the term 'piecemeal implementation'. The following sub-sections provide a discussion on each of the categories that make up this theme.

Some legislative amendments and partial implementation

There is evidence of attempts by the governments to improve the rights of persons with disabilities in Africa through legislation. Most African countries ratified the UNCRPD and are therefore legally bound to implement its obligations (Virendrakumar, Jolley, Badu & Schmidt, 2018). In addition, to date, just over 10 countries have introduced new legislation or reviewed existing legislation to comply with the UNCRPD. Southern and Western African countries are mainly among the few states that have made legislative amendments and there is a significant absence of legislative changes to align with the UNCRPD in Northern and Central African countries (Virendrakumar et al, 2018). Some countries like Malawi, Zambia, Tanzania, South Africa and Nigeria have more recent legalisations that are explicit about preventing discrimination against persons with disabilities in employment; for example, the Employment Services Act of 2014 and the Discrimination Against Persons with Disabilities (prohibition) Act of 2018 in South Africa and Nigeria respectively (Basson, 2015; Virendrakumar et al, 2018). There is evidence of processes and practices of inclusive education and existing protection of persons with disabilities in the employment sector against unfair dismissal (Chataika, Mckenzie, Swart & Lyner-Cleophas, 2012; Basson, 2017; Murungu, 2015). Legislations supporting education of children with disabilities are an intrinsic part of laws and policies that seek to domesticate the UNCRPD. For example, the governments of Lesotho, Namibia, Nigeria, and Malawi have policies that address inclusive education (Chataika et al, 2012; Murungi, 2015). However, programmes supporting inclusive education in Africa, for example, the Disability-Inclusive Education in Africa Programme established by the World Bank and USAID, are mainly being implemented by non-governmental organisations and development agencies (World Bank, 2018). Some disability activists are wary that African governments may negate their responsibilities for adhering to the UNCRPD as disability matters can be easily construed as charity.

Gaps in monitoring compliance to the UNCRPD

There is some evidence of monitoring compliance of the UNCRPD. In South Africa, the South African Human Rights Commission (SAHRC) plays a role in monitoring the implementation of the Equality Act and disability rights, including at the international level (Holness & Rule, 2015). Furthermore, SAHRC has pushed the South African government to finalise its progress report on the implementation of the UNCRPD as well as progress on implementation of recommendations made by the Equality Court. In 2017, the Southern Africa Federation of the Disabled (SAFOD) facilitated a training for Disabled People's Organisations (DPOs) from its member states, to equip them with knowledge and skills for developing parallel UNCRPD reports as a way of improving monitoring compliance with implementation of the Convention (Holness & Rule, 2015). According to Holness and Rule (2015), countries like Namibia and Botswana have government departments that are responsible for disability affairs. However, this limits effectiveness in monitoring compliance because such entities are not independent bodies. Similarly, the law in Malawi stipulates the establishment of a National Advisory and Coordinating Committee on Disability Issues. This has only been reinstated recently, and some progress has been noted with the development of a national disability monitoring and evaluation framework (Ngomwa, 2019). These initiatives need to be accelerated in order to improve monitoring compliance among African countries. Furthermore, signing of the UNCRPD Optional Protocol could increase member states' commitment to addressing the rights of persons with disabilities. Unfortunately, most African countries have not ratified the UNCRPD Optional Protocol, while some were slow in taking this decision; for example, by 2017 only three countries had signed the Optional Protocol in southern Africa (Chichaya, Joubert & McColl, 2019).

Limited resource allocation

Most African governments have allocated financial resources, though inadequate, to support the participation of country representatives at the UNCRPD meetings during norm acceptance and country reporting held at various international fora (Mwendwa et al, 2009; Onazi, 2016). However, there are many competing demands against scarce resources in Africa, which makes it difficult to allocate enough resources towards the full implementation of the UNCRPD (Mwendwa et al, 2009). African countries lack human, financial and physical resources to implement the UNCRPD (Chataika et al, 2012). They further stated that where

resources are available, these resources seem to be concentrated in the urban areas, whereas the majority of persons with disabilities in Africa live in rural areas. The rights of persons with disabilities are dealt with in a fragmented fashion, often in disparate pieces of legislation (Basson, 2017) because many countries believe that they do not have the financial and infrastructural capacity to actually implement the policies (Fernandez et al, 2017). Non-profit organisations for disability fund specifically targeted services for persons with disabilities to implement aspects of the UNCRPD, but this is only to a limited extent and cannot replace the responsibilities of governments (Mwendwa et al, 2009). For example, CREATE, a non-profit organisation in South Africa, funded workshops on education and advocacy on forwarding discrimination claims in the Equality Court (Holness & Rule, 2015), while the United Kingdom Department for International Development (DFID) funded the community-based rehabilitation and mainstreaming programmes of persons with disabilities (Mwendwa et al, 2009). According to Mwendwa et al (2009), the DPOs have failed to convince the local business communities and government about the benefits of investing in persons with disabilities. There are reports of government ministries being less collaborative in addressing disability and development issues, with disability issues remaining on a low profile with less priority in funding allocation (Chataika et al, 2012).

Theme 2: Contextual Limitations for Implementation of the UNCRPD

There is a noticeable “disconnect” between the rights of persons with disabilities guaranteed in the UNCRPD, and its translation into policy development and implementation (Lang, Schneider, Cole, Kett & Groce, 2017). Theme 2 relates to the challenges encountered in implementing the UNCRPD in Africa. There is a strong indication that socio-cultural and infrastructural barriers, lack of political will, the silence of persons with disabilities and inactive DPOs negatively affect the implementation of the UNCRPD in Africa. The following sub-sections present and discuss the categories that informed Theme 2.

Socio-cultural and infrastructural barriers

Attitudinal, environmental and institutional barriers prevent persons with disabilities from participating fully within contemporary society (Mwendwa et al, 2009). Attitudinal barriers include negative and insensitive behaviour displayed by frontline workers like clerks, security guards including civil servants

designated to assist persons with disabilities, and, for example, the pervasive attitude displayed by frontline workers at Equality Courts in South Africa was found to negatively impact on the ability of persons with disabilities to access litigation service (Holness & Rule, 2015). Furthermore, participation of persons with disabilities in community development has been affected by negative social attitudes and cultural beliefs held by some of the general community members, as for example the case of persons with disabilities in many African countries who experience limited inclusion in activities of daily living (Mwendwa et al, 2009). Environmental barriers are physical obstacles in the environment that affect accessibility; for example, accessibility in shopping malls and public service centres have been reported to be inaccessible in many parts of Africa (Holness & Rule, 2015). In addition, Holness and Rule (2015) stated that while the provision of mobility aids such as wheelchairs can improve independence of persons with disabilities, the use of these aids is dependent on the removal of the existing environmental barriers. Institutional barriers in the form of inflexible procedures or policies have been reported to hinder participation of persons with disabilities; for example, when news agencies do not put provisions to make news available in formats that are accessible to persons with visual and hearing impairments (Nikoltchev, 2014).

Lack of political will is subtle

There is generally a subtle lack of political commitment to implement the UNCRPD comprehensively in Africa, evidenced by lack of responsive disability laws and policies to domesticate the UNCRPD (Fernandez et al, 2017) and delayed country reports on the UNCRPD (United Nations Treaty Collection). The disparity between treaty ratification and domestic implementation can be considered as lack of political commitment among member states to internalise the treaty norms, possibly due to a lack of political will (Onazi, 2016). Furthermore, the delays in submission of UNCRPD reports demonstrate lack of political will, considering that only one African country submitted the initial country report on time, some missed the submission due date by three or more years and others have not submitted their reports to date (United Nations Treaty Collection). A positive change to implement the UNCRPD requires a strong political will and the capacity to defend re-allocation of scarce resources against competing demands. However, lack of good governance, lack of political will and policy context makes it difficult for many low- and middle- income countries to promote disability rights (Chataika, et al, 2012). At the continental level, Lang et al (2017) have shown that

the recent 9 key documents reviewed on international development initiatives do not consistently and comprehensively address disability issues. According to Lang et al (2017), policy-makers do not perceive disability issues as a key policy priority in the context of Africa's wide social and economic policies.

Silence of persons with disabilities and inactive organisations of persons with disabilities

The development of 9 African Union policies at continental level missed the inclusion of persons with disabilities or their organisations as proactive and important actors in the process of policy development(Lang et al,2017). Unfortunately, there are no traceable guidelines from DPOs on how to work with stakeholders in national or district development plans/strategies (Mwendwa et al, 2009).In Uganda, the disability movement was found to be disengaged from working with other stakeholders in developing disability policy, and lacked tools and benchmarks to bring the government to account over its commitment to disability rights (Mwendwa et al, 2009; Lang et al, 2017).The DPOs have also struggled to convince civil authorities of the benefits of investing in persons with disabilities, for example in Botswana and Uganda (Mwendwa et al, 2009).However, external factors such as lack of opportunities to education and employment significantly silence the voices of persons with disabilities (Chichaya, Joubert & McColl, 2018).

Disability is complex and often misunderstood

Nine African Union documents reviewed in the domains of education, health, employment, social protection, and general development had scant references to any specific definition of disability (Lang et al, 2017).Furthermore, the reviewed documents did not provide objective criteria on who should be targeted as a person with disabilities and who is responsible for implementing programmes to address disability issues. There is a lack of consensus agreement on most effective implementation strategies, especially in low- and middle- income countries (Mwendwa et al, 2009). In addition, many governments do not know how to replicate domestic enforcement mechanisms in the international sphere due to the lack of agreement of clarity on what international enforcement means (Onazi, 2016). Developing implementation strategies is also hindered by lack of reliable and relevant data on the nature and prevalence of disability. Most governments still approach disability as a specialist issue which can be addressed through segregated institutional provision, especially health services, rather than effective

inclusion and mainstreaming (Mwendwa et al, 2009). The confusion in Uganda where disability activists lobbied for the creation of more special schools for children with visual impairment and hearing impairment through the president, against the ministry's plans and budgets for inclusive education, is a sign of lack of agreement and understanding of the most effective strategies and modalities in addressing complex disability issues (Mwendwa et al, 2009). In addition, 10% of children with disabilities attend schools in segregated settings in Africa since most governments treat disability as a specialist issue, thereby contradicting inclusive education (Chataika et al, 2012).

Findings from the analysis of African country reports

An analysis of country reports was conducted in order to identify any relationships between their contents and literature findings from this scoping review. The findings relate to the objective, which sought to analyse the UNCRPD country reports that have been submitted by African governments. Twenty country reports were analysed in terms of meeting the due date for submission (see Table 4), documenting the involvement of stakeholders in preparation of the report and the content of the report concerning the implementation of the UNCRPD.

Table 4: List of Countries and the UNCRPD Submission Time

COUNTRY	UNCRPD REPORT SUBMISSION TIME
Ethiopia	On time
Angola	1 year overdue
Mauritius, Ghana, Malawi, Kenya	2 years overdue
Gabon, Uganda, Seychelles, Sudan, Algeria, Morocco, Senegal, Togo	3 years overdue
Djibouti, Rwanda	4 years
Niger, South Africa	5 years
Burkina Faso	7 years
Mali	9 years

From Table 4, one learns that only 20 countries submitted their initial reports out of 54 African countries that have ratified the UNCRPD. This negatively reflects on the African governments' commitment to upholding the rights of persons with disabilities in an accountable manner. Among the countries that submitted their initial reports, only Ethiopia submitted the report on time. Most of the country reports were overdue by three or more years as shown in the Table. No country has provided the second report as per Article 35, paragraph 1 of the

UNCRPD, which requires state parties to submit progress reports at least every four years after submitting the initial report (United Nations, 2009). This delay may be attributed to factors such as lack of political will; the lack of capacity and expertise; lack of relevant disability statistics; and, lack of consensus among stakeholders. These factors were identified in the documents that were analysed in this study.

Involvement of stakeholders in preparation of the UNCRPD country reports

Article 35 of the UNCRPD encourages constructive engagement of all disability stakeholders to enhance the quality of reports. The reports should include explanation of the procedures adopted to consult and access all the disability stakeholders (United Nations, 2009). The documentation of the consultation processes involved in the country reports were analysed and rated: Class 1 - comprehensive consultative process documented, Class 2 - generalised consultative process documented, and Class 3 - little consultative process documented. Comprehensive consultative process documentation refers to when the report shows names and number of stakeholders especially the DPOs involved, timeframe and detailed processes involved. Generalised consultative process documentation is when a report contains names and number of stakeholders with no detailed process and timeframe involved. The little consultative process documentation means there is no specified methodology used to collect and synthesise data, no indication of names of organisations of persons with disabilities involved and timeframe of processes involved. Table 5 shows the classification of country reports used in this study.

Table 5: Rating of how the Stakeholder Consultation Process was documented in the Report

RATING OF HOW THE STAKEHOLDER CONSULTATION PROCESS WAS DOCUMENTED IN THE REPORT	COUNTRY REPORT
Class 1: Comprehensive information on consultative process	South Africa, Malawi,
Class 2: Generalised information on consultative process	Angola, Algeria, Uganda, Tunisia, Seychelles, Senegal, Morocco, Mauritius, Djibouti
Class 3: Little information on consultative process	Rwanda, Togo, Mali, Niger, Ethiopia, Sudan, Kenya, Ghana, Gabon,

From Table 5 it appears that documentation of the stakeholders involved in the preparation of the report was inadequate in most of the country reports. Only two of the countries were categorised as Class 1. These countries documented comprehensive consultative processes. Malawi even provided the list of all organisations consulted as an appendix to their country report, which improves the quality and validity of their report (United Nations Treaty Collection). Country reports that were placed in Class 2 provided generalised or little information on the consultative processes and procedures done, and this negatively affects the objectivity and validity of how the UNCRPD is being implemented. For example, the Mauritius report did not state the names of DPOs involved during the two workshops and whether they were directly involved and how the data was collected (United Nations Treaty Collection). Reports in Class 3 were considered to have little information documented on how the DPOs were involved and this raises questions on whether there are capacitated and active DPOs who are participating in governance processes within these countries. For example, Gabon's report mentioned that they used various committee members in their methodology (United Nations Treaty Collection), hence it was categorised as Class 3. The reports with generalised or little information on the methodology used could be due to non-participation of DPOs because of limited capacity and resource constraints. South Africa's country report corroborated that capacity and resource constraints hinder the extent to which DPOs participated in the development of the country report (Basson, 2017).

Common Findings from African UNCRPD Country Reports Content

The country reports focused more on the national policy framework which strives to promote disability rights, without providing any detail to reflect the actual implementation of UNCRPD at the grassroots level. For example, South Africa's national policy framework promotes inclusive education but new segregated Learners with Special Education Needs (LSEN) schools are under construction. The LSEN schools concept is contrary to inclusion of children with disabilities into the mainstream system. It further perpetuates the view that children with disabilities should be kept separate, which is contrary to the White Paper 6 (Murungi, 2015). The Tunisian government endorsed inclusive education but supports specialised education and training (Murungi, 2015). The country reports relate well to what has been alluded to in the literature in terms of implementation strategies and challenges encountered. There is evidence of disjointed implementation of the UNCRPD in Africa while lack of relevant

disability statistics, resource constraints, and societal attitudes remain important areas that need to be addressed.

Most country reports provide some information on the country's constitution or old policies that predate the UNCRPD as long as they have an element of disability rights advancement and not necessarily the changes or actions taken to domesticate the UNCRPD. There is a paucity of evidence within the policies drafted after the ratification of the UNCRPD in most of the country reports to demonstrate that the policies were informed by the UNCRPD. The complexity of disability and lack of enforcement mechanisms could affect how the UNCRPD informs policy development and subsequent implementation (Onazi, 2016). All 20 country reports have acknowledged the continued vulnerability of persons with disabilities residing in rural villages, hence the need for systematic and comprehensive approaches.

Recommendations

There is a need to strengthen the current implementation strategies of the UNCRPD through accelerating legislative amendments which are informed by the UNCRPD, improving monitoring compliance and increasing resource allocation. This can be achieved through strengthening the level of engagement of DPOs and persons with disabilities in legislative amendments, budget and public finance management process. Enforcement mechanisms of the UNCRPD that are direct and easy to comprehend need to be developed and could be built on the ongoing monitoring process to the UNCRPD committee (Cote & Kukava, 2019). Clear and direct UNCRPD enforcement mechanism will facilitate the development of a reporting template that is treaty-specific. This will enable the production of more precise country reports.

Instead of the African countries channelling more resources towards achieving the same goal by developing continental disability drafts, adopting the UNCRPD would cut down costs with the same outcome. The African governments should strengthen political commitment to publicly acknowledge the UNCRPD, align national disability laws and policies, and integrate persons with disabilities within social and development issues.

Limitations

There are literature gaps in the implementation of the UNCRPD. Most of the

published literature is within the South African context covering few implemented Articles of the UNCRPD. This is a potential source of research bias given the size of the African continent. The country reports analysed were all initial reports, hence limited progress or challenges were reported within the African context.

CONCLUSION

The findings of this paper have shown that there are gaps related to the actual implementation of the UNCRPD at the grassroots level in African societies due to contextual challenges. These contextual challenges include socio-cultural and infrastructural barriers, lack of political will, complexity of disability issues, notable decreased effectiveness of the disability movement and lack of resources. However, there is evidence of fragmented implementation of the UNCRPD in Africa as indicated by elements of inclusion of persons with disabilities with focus on education and employment. This calls for African governments to broaden focus on implementation of other Articles of the UNCRPD, and to effectively ensure collaboration with all stakeholders to create inclusive societies.

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Data generated and analysed during this study are included in the final dissertation and will be accessed in the University of KwaZulu Natal library/repository.

The authors declare that they have no competing interests.

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