

REGIONAL DEVELOPMENTS

THE AFRICAN UNION CONVENTION ON ENDING VIOLENCE AGAINST WOMEN AND GIRLS: OPPORTUNITIES, GAPS AND THE POTENTIAL IMPACT ON WOMEN AND GIRLS WITH DISABILITIES

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1 Introduction

The African Union Convention on Ending Violence Against Women and Girls (AU Convention) was adopted during the 38th ordinary session of the Assembly of Heads of State and Government of the AU, held in Addis Ababa, Ethiopia, from 15 to 16 February 2025.¹ The Convention seeks to fulfil four main objectives. First, to prescribe an enabling environment for ending violence against women and girls. Second, to provide preventive measures to end violence against women and girls. Third, to provide comprehensive support services to victims and their families. Fourth, to enhance enforcement mechanisms relating to health, social welfare, and the justice system to effectively respond to cases of violence against women and girls. By July 2025, only six countries have signed the Convention, namely, Angola, Burundi, Democratic Republic of the Congo, Djibouti, Liberia, and The Gambia.²

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1 See AU Press Release 'African Union adopts Convention on Ending Violence Against Women and Girls' 28 February 2025 <https://au.int/en/pressreleases/20250228/african-union-adopts-convention-ending-violence-against-women-and-girls> (accessed 16 December 2025).

2 See A Eweje 'Six African Union member states adopt AU Convention to End Violence Against Women, Girls' *BO News* 23 July 2025 <https://bonewssng.com/six-african-union-member-states-adopt-au-convention-to-end-violence-against-women-girls/> (accessed 16 December 2025).

Globally, women and girls with disabilities are at least two to three times more likely than other women to experience violence, including by family, intimate partners, caregivers, and institutional facilities.³ The aim of this commentary is to highlight the implications of the adoption of the AU Convention for efforts towards prevention and ending violence against women with disabilities in the African region. The commentary has six main sections. Following this introduction, section two provides a brief overview of violence against women with disabilities in Africa with reference to forms and causes of such violence. Section three examines specific provisions of the AU Convention in respect of women and girls with disabilities. Section four focuses on potential roadblocks to effectiveness of the Convention. Section five reflects on key recommendations to ensure that the Convention holds a meaningful impact for women and girls with disabilities, while section six provides the conclusion.

2 Situation of violence against women and girls with disabilities in Africa

Persons with disabilities represent about 16 per cent of the general global population, which translates to approximately 1.5 billion persons.⁴ Approximately 80 million persons with disabilities live in Africa.⁵ Globally women with disabilities comprise 19,2 per cent of all women.⁶ Violence against women and girls with disabilities is one of the most pervasive human rights violations that is related to both gender and disability-based discrimination. According to the UN Special Rapporteur on Violence against Women and Girls, women with disabilities are at high risk of violence based on social stereotypes and biases that attempt to dehumanise, infantilise, exclude or isolate them, and target them for sexual and other forms of violence.⁷

Women and girls with disabilities experience different and unique forms of violence including physical, sexual, psychological and emotional abuse, bullying, coercion, arbitrary deprivation of liberty, institutionalisation, female infanticide, trafficking, neglect and domestic

3 E Emerson & G Llewellyn 'Exposure of women with and without disabilities to violence and discrimination: Evidence from cross-sectional national surveys in 29 middle- and low-income countries' (2023) 38 *Journal of Interpersonal Violence* 7215.

4 World Health Organisation 'Fact sheets: Disability' <https://www.who.int/news-room/fact-sheets/detail/disability-and-health> (accessed 16 December 2025).

5 As above.

6 UN Women 'The empowerment of women and girls with disabilities: Towards full and effective participation and gender equality' (2018) <https://www.unwomen.org/en/digital-library/publications/2018/12/the-empowerment-of-women-and-girls-with-disabilities> (accessed 16 December 2025).

7 Human Rights Council, Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) 'Thematic study on the issue of violence against women and girls and disability' UN Doc A/HRC/20/5 (2012).

violence.⁸ Other forms of violence can include harmful practices such as child and forced marriage, female genital mutilation, forced sterilisation, forced abortion, forced contraception and invasive and irreversible involuntary treatments.⁹

3 The AU Convention in light of women with disabilities

3.1 Background

Over the last three decades, the normative framework on rights of women, including the right to be free from all forms of violence, has expanded and strengthened.¹⁰ Political commitments have paved the way to address violence against women not only as a gender equality issue but also as a development issue.¹¹ By 2063, Africa envisions a region where all forms of violence and discrimination (social, economic and political) against women and girls will have been eliminated, and they will fully enjoy all their human rights.¹² Violence against women and girls is further dealt with in the African Charter on Human and Peoples' Rights (ACHPR),¹³ the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol),¹⁴ the African Charter on Rights and Welfare of the Child (Children's Charter)¹⁵ and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa (African Disability Protocol).¹⁶

The AU Convention therefore builds on this framework by clarifying specific state duties to eradicate violence against women and girls in the African region, both generally and in contemporary environments such as violence in digital space.

8 OHCHR Thematic study (n 7) 3. See also Report of the Special Rapporteur on Violence against Women and Girls 'Advancement of women' UN Doc A/67/227 (2012) paras 31-39.

9 OHCHR Thematic study (n 7) 10. See also Report of the Special Rapporteur (n 8) paras 31-39.

10 Council of Europe, The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (the Istanbul Convention), ISBN 978-92-871-7990-6, November 2014.

11 SDG5, Target 5.2.1 calls for the elimination of all forms of violence against women and girls in public and private sphere.

12 AU Commission 'Agenda 2063: The Africa we want' (2015).

13 Art 18(3).

14 Art 3(4) & 4.

15 Art 16.

16 Art 27(j).

3.2 Specific articles of the AU Convention relevant to women and girls with disabilities

The AU Convention includes a Preamble and 20 articles ranging from definitions, scope, state obligations, guiding principles, protection and support, access to justice, collaboration and cooperation to implementation and monitoring. This commentary addresses specific provisions either due to the novelty of the article or its specific impact in relation to ending violence against women and girls with disabilities. The commentary therefore focuses on definitions, state obligations, access to justice, intersectionality, and collaboration and cooperation.

3.2.1 Definitions

Article 1 of the AU Convention defines violence against women as

all acts perpetrated against women and girls which cause or could cause them verbal, emotional, physical, sexual, psychological, or economic harm, including the threat to take such acts, or to undertake the imposition of arbitrary restrictions on, or deprivation of, fundamental freedoms in the private and public spheres, or cyberspace, in times of peace, armed conflict, transition, post-conflict, disaster and post disaster situations.

The scope of this definition is comprehensive in that it encompasses the public and private spheres, cyberspace, peace and conflict, and humanitarian situations. The novelty of this definition is the explicit inclusion of violence during and post conflict and violence in cyberspace. Though technologically facilitated violence has been a growing concern for human rights mechanisms and other entities, the AU Convention becomes the first regional human rights instrument to explicitly include cyberspace.¹⁷ This recognition is crucial for women with disabilities. According to UN Women, more than 50 per cent of girls and young women have experienced online violence.¹⁸ Women with disabilities are at a heightened risk of technologically facilitated gender-based violence including cyberbullying.¹⁹ According to the Global Disability Inclusion

17 Article 4(3) of the Istanbul Convention defines violence against women as a violation of human rights and a form of discrimination against women and shall mean all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life.

18 UN Women 'UN Women strategy: Preventing and eliminating technology-facilitated violence against women and girls' (2025) <https://www.unwomen.org/sites/default/files/2025-12/un-women-strategy-preventing-and-eliminating-technology-facilitated-violence-against-women-and-girls-en.pdf> (accessed 16 December 2025).

19 According to UNFPA, tech-facilitated gender-based violence is an act of violence perpetrated by one or more individuals that is committed, assisted, aggravated and amplified in part or fully by the use of information and communication technologies or digital media against a person on the basis of gender.

Report (GDIR), persons with disabilities may face increased difficulty in identifying phishing scams and predatory online behaviour due to the inaccessibility of cyber-protection, which makes them easy targets for exploitation and bullying.²⁰ The expansion of the scope in the definition therefore offers additional protection and expands government obligations to eliminate violence against women with disabilities and ensure justice to victims of digital space violence.

3.2.2 *State obligations on laws, access to justice, data and resources (article 5)*

Article 5 mandates states to enact and enforce laws that eradicate violence against women and girls,²¹ ensure effective justice systems,²² conduct periodic census and surveys for evidence-based policies,²³ and utilise gender-responsive budgeting.²⁴ These obligations address key elements of preventing and eliminating violence against women and girls with disabilities. The jurisprudence of the CRPD Committee demonstrates that discriminatory laws advancing substituted decision-making, especially in relation to women with disabilities with or perceived psychosocial disabilities and those with intellectual disabilities, exacerbate reproductive violence such as forced sterilisation, forced abortion and forced contraception.²⁵

The second obligation on data is pivotal. Data plays a significant role in policy making, including identifying barriers and enablers of violence against women and girls, especially those encountering multiple and intersectional discrimination such as women with disabilities. However, the availability of data and intersectional data on violence against women and girls disaggregated by gender and disability is limited.²⁶ Article 4(1) states that one of the objectives of the Convention is to prescribe an enabling environment to systematically collect and use gender-disaggregated data on violence against women and girls, including by age.

20 Federal Ministry for Economic Cooperation and Development (BMZ) of Germany and others *Global disability inclusion report: Accelerating disability inclusion in a diverse and changing world* A Multi-stakeholder Report for the Global Disability Summit 2025 (2025) 99 https://www.globaldisabilitysummit.org/wp-content/uploads/2025/03/GIP03351-UNICEF-GDIR-Full-report_Proof-4.pdf (accessed 16 December 2025).

21 Art 5(a).

22 Art 5(b).

23 Art 5(c).

24 Art 5(d).

25 See IDA 'IDA's compilation of CRPD Committee's Concluding Observations: Article 17 CRPD: (Protecting the integrity of the person)' (2025) <https://www.internationaldisabilityalliance.org/documents/article17crpdsep2025-docx> (accessed 16 December 2025). See also CRPD Committee, Concluding observations on the combined second and third periodic reports of the European Union, 17 April 2025, UN Doc CRPD/C/EU/CO/2-3 (2025) art 16.

26 Open Data Watch 'Intersectional data and persons with disabilities' (2025) <https://opendatawatch.com/publications/intersectional-data-and-persons-with-disabilities/> (accessed 16 December 2025).

Though a critical provision, the explicit omission of data disaggregated by disability perpetuates an on-going global pandemic of lack of data disaggregated by gender and disability. On the other hand, article 32(a) of the African Disability Protocol obligates states to disaggregate statistics and data based on disability, gender, age and other relevant variables, including by ensuring that national population census and other surveys capture data on disability. For effective data collection, the Convention must be read with the African Disability Protocol which provides a robust framework for collecting disaggregated data by disability, age, gender and other relevant identities.

The obligation to ensure gender responsive budgeting is critical to resourcing measures to end and prevent violence against women and girls including those with disabilities. Without allocating resources for gender-based violence prevention and research, investing in services for survivors of violence, creating frameworks to eliminate disability-based discrimination, and guaranteeing accessibility, it is almost impossible to end violence against women with disabilities. It is worth noting though progress has been reported on gender responsive budgeting,²⁷ globally the needs of women with disabilities including on addressing violence are under addressed.

3.2.3 Intersectionality and disability (article 7)

Traditionally, laws and policies addressing women have ignored women with disabilities.²⁸ This invisibility has perpetuated the prevalence of multiple and intersecting forms of discrimination against women and girls with disabilities. Recognising that women do not experience discrimination as members of a homogenous group but rather, as individuals with multidimensional layers of identities, statuses and life circumstances is essential in addressing violence against women.²⁹ It means acknowledging the lived realities and experiences of heightened disadvantage of women caused by multiple and intersecting forms of discrimination, which requires targeted measures with respect to disaggregated data collection, consultation, policymaking, enforceability of non-discrimination and the provision of effective remedies.³⁰

27 K Gifford & Z Khan 'Strengthening public finance management systems for gender equality and women's empowerment: Promising practices and remaining gaps' UN Women Technical Brief (2023) <https://www.unwomen.org/en/digital-library/publications/2023/06/strengthening-public-finance-management-systems-for-gender-equality-and-womens-empowerment> (accessed 16 December 2025).

28 See IDA 'IDA's Compilation of CRPD Committee's Concluding Observations: Article 7 CRPD (Children with disabilities)' (2024) https://www.internationaldisabilityalliance.org/sites/default/files/article_7_crpdc_0.pdf (accessed 16 December 2025).

29 Committee on the Rights of Persons with Disabilities, General Comment 3 (2016) on women and girls with disabilities, 25 November 2016, UN Doc CRPD/C/GC/3 (2016).

30 As above.

Article 7 of the Convention explicitly recognises that violence intersects with other forms of discrimination, including disability. Additionally, the Preamble of the Convention notes the inter-generational and evolving nature of violence against women and girls in Africa and its interconnection with multiple forms of inequality and discrimination relating to disability. In terms of state obligations, article 7(2)(e) specifically requires states to enact and enforce national laws protecting women and girls with disabilities from all forms of violence, discrimination, and exploitation, and provide them with holistic and tailored support services. These provisions potentially hold strong protections for women with disabilities.

However, the Convention misses a crucial opportunity to provide an interpretative definition of intersectional and multiple discrimination, which can adversely impact on states parties' understanding and recognition of factors that disproportionately expose women with disabilities to violence. Disability-based discrimination is similarly not defined, making it difficult to bring out specific elements that amount to discrimination on the basis of disability and intersects with violence such as denial of reasonable accommodation.

On a positive note, for African countries that have ratified the CRPD, the CRPD Committee through General Comment 6 on equality and non-discrimination³¹ defines intersectional³² and multiple discrimination,³³ thus providing guidance on key elements to be considered when interpreting situations of intersectional and multiple discrimination.

3.2.4 Access to justice (article 12)

Access to justice is fundamental for the enjoyment and fulfilment of all human rights, including the right to be free from all forms of violence. Women with disabilities face significant barriers to accessing justice, due to discrimination based on gender and disability. Such barriers include restrictions on the exercise of legal capacity, lack of physical access to justice facilities, lack of accessible transportation to and from these facilities, obstacles in accessing legal assistance and representation, lack of

31 Committee on the Rights of Persons with Disabilities: General Comment 6 (2018) on equality and non-discrimination, 26 April 2018, UN Doc CRPD/C/GC/6 (2018) para 6.

32 According to General Comment 6, intersectional discrimination refers to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable and thereby expose relevant individuals to unique types of disadvantage and discrimination.

33 Multiple discrimination is a situation where a person can experience discrimination on two or several grounds, in the sense that discrimination is compounded or aggravated.

information in accessible formats, and lack of training for professionals working in the field of justice.³⁴

Paternalistic or negative attitudes questioning the abilities of persons with disabilities to participate during all phases of the administration of justice may perceive women with disabilities, particularly women with intellectual or psychosocial disabilities, as being less credible witnesses which pose barriers to accessing justice in situations where the only evidence of abuse or another crime is the testimony of a woman with a disability, as is often the case with gender-based violence. As discussed earlier, national laws, policies, and plans may not reflect specific rights violations that women with disabilities experience, leaving them without legal remedies. For instance, the CRPD Committee defines institutionalisation as a form of violence. However, in many jurisdictions mental health laws permit involuntary admission and treatment and detention in hospitals which amounts to violence. These outdated laws impact access to justice for survivors of violence.

The Convention calls for fair and non-discriminatory legal processes and rules of evidence to ensure survivors of violence can effectively pursue justice. This includes timely investigations, protective measures during legal proceedings and appropriate sanctions for perpetrators. One could argue that these provisions provide concrete protections for women. However, the Convention misses key provisions that would guarantee access to justice for women with disabilities. The ten principles of access to justice for persons with disabilities by the UN Special Rapporteur on the Rights of Persons with Disabilities require fulfilment of key obligations, which include amongst others the right to legal capacity, appropriate procedural accommodations and accessible information and facilities.³⁵ The failure of the Convention to explicitly obligate states to provide reasonable accommodation and procedural accommodations poses an insurmountable challenge for women with disabilities especially those with or perceived psychosocial disabilities and intellectual disabilities. An additional gap is the failure to explicitly recognise the right to legal capacity. Though equality of opportunity and equal application of the law is one of the guiding principles of the Convention, no specific article addresses equality before the law and the obligations of states such as the duty to provide support to those who may require it to exercise their legal capacity. These omissions can have an adverse impact on the ability of

34 See IDA 'IDA's compilation of CRPD Committee's Concluding Observations: Article 13 CRPD (Access to Justice)' (2022) https://www.internationaldisabilityalliance.org/sites/default/files/article_13_crpd.pdf (accessed 16 December 2025); see ICJ 'Access to justice for persons with disabilities in Kenya: Progress and challenges' (2025) <https://www.icj.org/wp-content/uploads/2025/07/Access-to-Justice-for-Persons-with-Disabilities-in-Kenya.pdf> (accessed 16 December 2025).

35 'International principles and guidelines on access to justice for persons with disabilities' (2020) <https://www.un.org/development/desa/disabilities/wp-content/uploads/sites/15/2020/10/Access-to-Justice-EN.pdf> (accessed 16 December 2025).

women with disabilities to gain access to justice on an equal basis with other women.

3.2.5 Collaboration and cooperation (article 13)

Partnerships and collaboration play a fundamental role in the implementation and monitoring of human rights instruments. The role of civil societies has been underscored in several human rights instruments. For persons with disabilities and disabled peoples' organisations (DPOs), effective and meaningful engagement in decision-making processes and monitoring is an obligation guaranteed by both the African Disability Protocol³⁶ and the CRPD.³⁷ Article 13 of the AU Convention reinforces this obligation by requiring states to partner with civil society and women's organisations to create a coordinated response to violence against women and girls. This explicit obligation provides an opportunity for women with disabilities and representative organisations of women with disabilities to engage in national and African regional efforts to combat violence against women with disabilities. However, the reality is that women with disabilities and their representative organisations are excluded from key decision-making processes, including those relating to state reporting processes. To close this gap, there is a need to increase awareness among women with disabilities on existing accountability human rights mechanisms, to ensure that preconditions of meaningful and effective participation are guaranteed – such as accessibility and timely dissemination of information of upcoming sessions of the African Commission – and to financially resource these organisations. Additionally, the granting of Observer Status to the African Disability Forum increases the opportunity for more engagement by DPOs at the African Commission including organisations of women with disabilities.

4 Potential challenges impacting the effectiveness of the AU Convention

4.1 Overwhelmed monitoring mechanism

Article 13 of the AU Convention vests the mandate of monitoring and interpreting the Convention with the African Commission. This means that this Convention becomes the fifth instrument³⁸ to be monitored by the Commission. This would therefore require states to report on the five instruments under a single report. This approach is problematic for several

³⁶ Art 4(j).

³⁷ Art 4(3).

³⁸ The African Commission monitors implementation of the African Charter on Human and Peoples' Rights, the Maputo Protocol, the Protocol on Older Persons and the African Disability Protocol.

reasons. First, there is a possibility of overlap with the articles of other instruments and therefore states would not report in detail on measures taken to implement different obligations. Second, the limited time for interactive dialogue between the state under review and the Commission would result in a rushed process that does not adequately address all the issues under the five instruments. It is worth noting that unlike the UN human rights system that provides for interactions between civil society organisations (CSOs) and the Committees through private briefings, in the case of the African Committee such engagements are limited to the submission of alternative reports – although CSOs can privately reach out to country rapporteurs. Third, a lack of detailed interactive dialogues and engagement with civil society may result in a lack of substantive recommendations to states parties, thus impacting national reforms.

It is worth noting that while the mandate of the Special Rapporteur on the Rights of Women in Africa and the Working Group on Rights of Older Persons and Persons with Disabilities may remedy some of these gaps, specifically the promotional nature of their role which includes the preparation of thematic reports, conducting fact finding missions, adoption of resolutions and development of guidelines for reporting may not adequately address the state reporting which is core accountability process under the auspices of the Commission.

4.2 Ratify or not?

To date only the ACHPR has a near-continental ratification with only one country pending ratification, while the African Charter on the Rights and Welfare of the Child has been ratified by about 50 states. Ratification of Protocols related to the Charter and Conventions remain slow within the region. For instance, only 17 countries have ratified the Protocol on Disability and 15 have ratified the Protocol on Older Persons. As noted above, the AU Convention has only been signed by five countries so far, with no ratifications. Related to this process is ratification with reservations which denies certain rights. For instance, the reservations under article 14(2)(c) of the Maputo Protocol continue to impact on women's right to safe and legal abortion. Unless there is continental ratification without reservations, the objective and purpose of the AU Convention will not be achieved.

4.3 Resourcing the implementation and monitoring of the AU Convention

There is no doubt the AU Convention presents key legal guarantees and protection for women against violence. However, a failure on the part of African states to allocate financial resources to facilitate the realisation of rights such as funding accessible shelters, access to justice and others will

negatively affect its impact. Thirty years since the adoption of Beijing Platform of Action studies show that gender-specific programmes are still under-resourced.³⁹

5 Conclusion

The AU Convention presents concrete opportunities to address violence against women and girls from an intersectional perspective, including on disability. To achieve the purpose and objective of the Convention, the AU and states must take specific measures such as achieving a continental ratification of the Convention and the African Disability Protocol – in both instances without reservations, ensuring data-driven interventions, meaningfully engaging with women with disabilities through their representative organisations, making catalytic investments in ending violence against women with disabilities, repealing outdated substituted decision-making regimes and considering the establishment of a designated mechanism solely to monitor the implementation of the Convention.

39 UN Women 'Women rights in review 30 years after Beijing (2025) <https://www.unwomen.org/sites/default/files/2025-03/womens-rights-in-review-30-years-after-beijing-en.pdf> (accessed 16 December 2025).