African Disability Forum Official Constitution and Statutes for Governance

PREAMBLE

The African continent is immense with a great diversity of peoples and nations. Africa also has a great number of persons with disabilities and their families, who are represented by a variety of organizations at local, national, sub-regional and continental levels. These organizations of persons with disabilities (DPOs) work to meet the needs, and advocate for the rights and inclusion of their members. However, this "disability movement" in Africa is weak, unable to represent all persons with disabilities – children, youth and adults, women and girls – and unable to effectively give voice to their aspirations, needs and priorities to national governments and to African institutions. Most importantly, existing DPOs have been unable to fully secure the rights and inclusion of persons with disabilities and their families in all African countries.

It is for this reason that leaders of national, sub-regional and continental DPOs have come together to form a representative regional organization to strengthen, unify and represent the voices of DPOs and persons with disabilities in Africa. A democratic organization that will include and be governed by existing DPOs; a membership organization that will not replace any existing continental or sub-regional organization but will seek and amplify their voices; an organization that will pay particular attention to the rights and involvement of women, youth and families of children with disabilities, and other under-represented groups, in all its structures and activities; an organization that will work in partnership with all organisations that share its objectives and that promote the rights and inclusion of persons with disabilities in Africa.

The goal of the organization: to secure the rights and inclusion of all persons with disabilities in Africa by building a stronger, more united and effective African disability movement and voice of persons with disabilities and their families.

CHAPTER ONE
CREATION, NAME, OBJECTIVES AND POWERS

1. Creation

a. The name of the organization hereby constituted shall be the African Disability Forum, hereinafter referred to as "the Forum".

b. The Forum shall exist in its own right, separately from its members and continues to exist even when membership changes and different office bearers are elected.

c. The Forum shall have the capacity to sue, to be sued and to enter into agreements in its own name as well as own property and other possessions.

d. The Forum shall be registered in an African country. The Office of the Forum shall be located in the same or another African country, and can be transferred to any other African country upon the decision of the General Assembly.

e. The laws of the African country where the Forum office is situated shall be respected and adhered to by the Forum.

f. The activities of the Forum are exercised throughout the African Continent and may be extended to anywhere in the world.

g. The Forum is created for an indeterminate period.

2. Objectives

a. Promote awareness of disability rights and disability inclusion among persons with disabilities and their families, organizations of persons with disabilities (DPOs), development NGOs, faith-based organizations, governments, service-providers and care-givers, public and private employers and the general public in Africa.

b. Strengthen the capacity of continental, sub-regional and national federations of DPOs to promote disability rights and empower persons with disabilities and their families, and strengthen regional networking and partnerships.

c. Represent the voice of Africans with disabilities and their families to the African Union, the Regional Economic Communities and to other African as well as international organisations, and at regional and international conferences and meetings.

d. Promote, monitor and report on the ratification and implementation of the Convention on the Rights of Persons with Disabilities (CRPD) by all African countries.

e. Advise and collaborate with the African Union Commission, its Commissions and Department of Social Affairs on disability issues, and the implementation of the African Union Disability Architecture (AUDA) and other AU policies and programs.

f. Advocate for the inclusion of disability issues and persons with disabilities and their families in all development programs and projects in Africa funded by the World Bank Group, the UN and its specialized agencies, the African Development Bank and by other multi-lateral as well as bilateral and other international donor agencies.

g. Promote disability studies and research by African universities and research institutes, and advise on research priorities, collaborate on research projects and disseminate research findings for policy formulation and other purposes.

3. Powers

In pursuance of the objectives set out above the Forum shall have the following powers:

a. To carry out information, communication, capacity-building, research, publishing and any other activities to strengthen the representation, participation and voice of organizations of persons with disabilities and their families in Africa.

b. To purchase, take on lease, hire, or otherwise acquire, any property or rights which are suitable for the Forum's activities.

c. To improve, manage, develop, or otherwise deal with, all or any part of the property and rights of the Forum.

d. To sell, let, hire out, license, or otherwise dispose of, all or any part of the property and rights of the Forum.

e. To borrow money, and to give security in support of any such borrowings by the Forum.

f. To employ such staff as are considered necessary for the proper conduct of the Forum's activities, and to make reasonable provision for the payment of pension and/or other benefits for members of staff, ex-members of staff and their dependants.

g. To engage such consultants and advisers as are considered necessary from time to time.

h. To effect insurance of all kinds.

i. To invest any funds which are not immediately required for the Forum's activities in such investments as may be considered appropriate (and to dispose of, and vary, such investments).

j. To liaise with other non-governmental organizations, local authorities, government departments and agencies, and other bodies, all with a view to furthering the Forum's objectives.

k. To establish and/or support any other non-profit organization, and to make donations for any charitable purpose falling within the Forum's objectives.

l. To undertake such actions and activities as may be deemed necessary and appropriate for the purpose of raising funds for the Forum's activities.

m. To accept grants, donations and legacies of all kinds (and to accept any reasonable conditions attaching to them).

n. To carry out any other activities to further any of the Forum objectives.

CHAPTER TWO
MEMBERS

4. Membership

1. The Forum shall have three (3) membership categories: full members, associate members and supporting members.

2. The rights and obligations of the full, associate and supporting members shall be as set forth in these statutes and in the internal rules.

3. Any references in these statutes and in the internal rules to "member" or "members" of the Forum are references to full members only.

5. Full Members

Shall be full members of the Forum:

a. Legally established disability-specific and cross-disability African Continental organizations composed of representative national organizations of persons with disabilities and/or parents of persons with disabilities.

b. Legally established African Sub-regional Federations of national representative cross-disability federations, umbrella organizations or networks of organizations of persons with disabilities.

c. Legally established and representative cross-disability African National Federations of organizations of persons with disabilities.

1. Organizations whose aims and activities conform to Article 2 of these statutes and which meet the full membership criteria set forth in this article may be admitted to the Forum as full members.

2. The rights of full members include full voting rights in the Forum General Assembly, as set forth in Article 11 of these statutes, and the right to stand for election to all organisational structures of the Forum.

3. Full members have complete membership of the Forum. They set the policies, guidelines and priorities of the Forum and make an ongoing contribution to its activities.

4. Full members shall be informed and consulted on an ongoing basis about the activities of the Forum.

5. Full members shall contribute an annual membership fee, the amount of which shall be determined by the General Assembly.

6. Associate Members

1. Organizations whose aims and activities conform to Article 2 of these statutes and which meet the associate membership criteria set forth in this article may be admitted to the Forum as associate members.

2. Examples of potential associate member organizations include non-governmental organizations (disability service providing organizations, development NGOs, faith-based organizations, academic and research institutions, public and private companies, others) working at African regional, sub-regional, or national level, as well as international organizations that are committed to promoting and supporting the aims of the Forum.

3. Associate members shall have no voting rights in the Forum General Assembly and no right to stand for election to the organisational structures of the Forum.

4. Associate members shall be informed on an ongoing basis about the activities of the Forum.

5. Associate members may participate in meetings of the General Assembly and other Forum meetings as observers at their own expenses, and may be allowed to speak, but shall not be entitled to vote.

6. Associate members shall contribute an annual membership fee, the amount of which shall be determined by the General Assembly.

7. Supporting Members

1. Organizations whose aims and activities conform to Article 2 of these statutes and which meet the supporting membership criteria set forth in this article may be admitted to the Forum as supporting members.

2. Examples of potential supporting member organizations include governments, bilateral and multilateral donor agencies, UN organizations, foundations, non-governmental donor agencies, private sector enterprises and other organizations working at African regional, sub-regional, or national level that are committed to financially supporting the aims and work of the Forum.

3. Supporting members shall have no voting rights in the Forum General Assembly and no right to stand for election to the organisational structures of the Forum.

4. Supporting members shall be informed on an ongoing basis about the activities of the Forum.

5. Supporting members may participate in meetings of the General Assembly and other Forum meetings as observers at their own expense, and may be allowed to speak, but shall not be entitled to vote.

6. Supporting members shall not be required to contribute an annual membership fee.

8. Membership Fees

1. All Forum member organizations shall pay an annual membership fee, the amount, interval and method of payment of which shall be determined by the General Assembly.
2. Member organizations which fail to pay their membership fee for a period of three (3) consecutive years shall forfeit their membership in the Forum.
3. Member organizations which are not current with their annual membership fee payments at the time of the General Assembly meeting shall forfeit the right of their representative member(s) to the Assembly be sponsored by the Forum as well as forfeit their voting rights in the Assembly.

CHAPTER THREE
GOVERNANCE AND MANAGEMENT

9. The General Assembly

1. There shall be a General Assembly of full member organizations which shall be the highest governing organ of the Forum.

2. A regular meeting of the General Assembly shall be held every four (4) years. An extra-ordinary meeting of the Assembly may take place upon petition by a majority of Forum full member organizations.

3. General Assembly meetings shall be chaired by a person elected by the Assembly.

4. The quorum for conducting business at a General Assembly meeting shall be 50% plus one (1) of all paid-up Forum member organizations.

10. Powers of the General Assembly

1. **The General Assembly shall have the following powers:**

a) Approve the agenda for each meeting of the Assembly
b) Record the Members present along with apologies for absence
c) Approve the Minutes of the previous Assembly meeting
d) Consider the Report of the Forum Director

e) Make policy decisions
f) Amend the Constitution and Internal Rules of the Forum
g) Vote and elect the Executive Council for a period of 4 years
h) Appoint or confirm an independent auditor
i) Conduct any other business that may it may decide.

2. The procedures for voting and decision-making at the General Assembly shall be set forth in the Internal Rules of the Forum.

11. Composition of the General Assembly

1. All member organizations have the right to participate in General Assembly meetings.

2. All General Assembly meetings shall take place in an accessible venue and shall take into consideration and accommodate the linguistic and disability diversity of its members.

3. **The General Assembly shall be composed of:**

a. Two (2) voting delegates from each full member Continental disability organization, one male and one female,

b. Up to a maximum of Five (5) voting delegates from full member National Disability Federations from each member Sub-Regional Federation to represent their respective African Sub-region, with gender and disability diversity considered, and

c. Two (2) voting delegates from each full member Sub-Regional Federation, one male and one female.

4. The procedure for notifying voting delegates to the General Assembly shall be set forth in the Internal Rules of the Forum.

12. The Executive Council

1. There shall be an Executive Council (hereinafter referred to as "the Council"), which shall be elected by the General Assembly, and which shall meet at least once per year, with additional meetings as required.

2. Functions of the Council
a) Establish the Office of the Forum
b) Appoint, support and dismiss the Office Director
c) Approve the annual work plan of the Forum
d) Ensure the proper management of Forum resources
e) Approve the Administrative and Financial Management procedures and manuals of the Forum
f) Approve the annual budget and accounts of the Forum
g) Approve of the annual external Audit report of the Forum
h) Take policy positions of the Forum between General Assembly meetings
i) Examine and approve applications for membership in the Forum
j) Approve Forum membership in other organizations
k) Appoint committees, task forces or other working groups as required
l) All other powers conferred to it by the General Assembly.

3. The Council has the power to make additional rules for the effective management of the Forum, including procedures for staff appointment.

4. The duties and responsibilities of Council members shall be further defined in the Internal Rules of the Forum.

5. The Council shall prevent any person or group from using the Forum for personal gain or to the detriment of the membership in general.

13. Composition of the Council

1. **The Council shall be composed of a maximum of nine (9) members, with male/female gender balance, as follows:**

1. Chairperson of the Forum, who represents the Forum and who chairs meetings of the Council
2. Vice-Chairperson
3. Secretary
4. Treasurer
5. Member representing women with disabilities
6. Member representing youth with disabilities
7. Member representing organizations of families having members with disabilities
8. Member representing elderly persons and other under-represented groups of persons with disabilities

One (1) additional member of the Council may be co-opted by decision of the General Assembly to ensure adequate disability group, geographical and/or gender representation.

2. The Office Director shall be an ex-official member of the Council.

14. Tenure of the Council

1. Council Members shall serve a term of four (4) years, and may be re-elected to serve one (1) additional term.

2. Should a Council member die, resign, or be removed, the Council shall co-opt another member from a full member organization in good standing until the next General Assembly meeting.

15. Procedure for Election of the Council

1. Elections to the Council shall be conducted during each General Assembly meeting by secret ballot. Successful election shall be determined by simple majority.

2. Nominations for the positions available on the Council shall be invited in advance from all full member organizations in good standing.

3. An independent electoral officer shall be appointed by the General Assembly to oversee the voting process. This must be a person of good standing who does not have a vested interest in the outcome.

4. Nominations shall be presented to the electoral officer for verification.

5. Ballot papers shall be prepared for the available positions and voting will be conducted starting with position of Chair, then Vice Chair, etc.

6. Additional modalities for the election as well as for the dismissal of Council members shall be set forth in the Internal Rules of the Forum.

16. Decision-making in the Council

1. All decisions by the Council shall be made by consensus. If this fails, voting will be conducted in a democratic manner. If the votes are equal, the person chairing the meeting shall have the deciding vote.

17. The Office Director

1. The Forum shall have an Office headed by a Director who will be responsible for the day to day operations of the Forum.

2. The Office Director may recruit such other personnel as may be required by the Office, as authorized by the Council, approved by the Council Chair and as funds permit.

3. **The Office Director shall:**
a) Prepare the annual work plan and budget of the Forum
b) Prepare the annual report of the Forum
c) Ensure the conduct of the Forum annual external audit
d) Appoint and supervise all Office staff
e) Manage all Forum finances
f) Manage all Forum communications functions and activities
g) Distribute all Forum policy positions approved by the General Assembly and/or the Council
h) Maintain relations with all Forum members, partners, the AUC, UNECA and other regional structures and relevant institutions
i) Prepare project proposals for funding of Forum activities
j) Prepare Memoranda of Understanding (MOUs) between the Forum and partners
k) Negotiate contracts with members and partners for the implementation of Forum work plan activities
l) Monitor the performance of Forum contracts with members and partners
m) Collect payment of annual dues by members
n) Undertake such additional responsibilities as may be assigned by the Council.

CHAPTER FOUR
INCOME AND PROPERTY

18. Income

1. Income may be derived from Forum membership fees, activities, contracts, grants, donations and legacies from public, private and non-governmental organisations as well as from individuals.

2. Forum income shall be deposited in a bank account which shall be opened, upon approval of the Council, in a reputable bank in the country where the Forum Office is located, and operated in accordance with the regulations of the bank and the country.

3. The Forum may not give any of its income or property to its member organizations or office bearers, except when a member organization or office bearer undertakes work under written contract or other written agreement with the Forum.

4. The member organizations or office bearers of the Forum have no rights or claims over property that belongs to the Forum.

5. The office bearers of the Forum cannot be held personally liable for any willful loss suffered by the Forum.

19. Books of Accounts

1. The Forum Office shall keep accurate and up-to-date books and records of account as provided by this Constitution or as the Council and/or General Assembly may from time to time require.

2. The Forum Office shall keep a record of everything owned by the Forum.

3. The Council shall have the external auditing firm appointed by the General Assembly undertake an annual audit of the Forum's books of accounts, and shall have the annual financial and audit reports be presented to, and approved by the Council.

CHAPTER FIVE

AMENDMENT OF THE CONSTITUTION

20. Procedure

1. The Constitution can only be changed by the General Assembly upon a resolution to amend the Constitution and which explains the reason for the amendment.

2. The resolution to amend the Forum Constitution shall be presented to a General Assembly meeting specifically convened for the purpose.

3. Notice of the meeting at which the resolution is to be proposed must be given at least 30 days in advance, must specify that a resolution to change the Constitution will be presented and must include a copy of the proposed resolution.

4. A resolution to amend the Forum Constitution may also be presented at a regular General Assembly meeting by petition by two-thirds (2/3) of Forum member organizations.

5. A resolution to amend the Forum Constitution must be approved by two-thirds (2/3) vote of the member organizations in good standing which are present and voting at the General Assembly meeting.

CHAPTER SIX
DISSOLUTION OF THE FORUM

21. Rules and Procedure for Dissolution

1.A minimum of five (5) fully paid-up member organizations may propose the dissolution of the Forum by notifying the Chairperson of the Council in writing stating the reasons for seeking to have the Forum dissolved.

2. The Chairperson of the Council shall by copy of the petition notify the members of the Council for consideration.

3. The Council shall decide on the validity of the petition and may refer the petition to a meeting of the General Assembly, which shall discuss the petition for dissolution.

4. The Forum shall only be dissolved upon a two-thirds (2/3) vote in support of the petition by all full member organizations in good standing present at a legally convened meeting of the General Assembly.

5. In the event of a vote in favor of the dissolution of the Forum, a Minute of the decision of the General Assembly, signed by the chairperson and secretary of the Council, shall be communicated to the Forum membership, to the Government of registration of the Forum, and to any other bodies to which the Forum is a member.

22. Properties and Assets of the Forum after Dissolution

1. In the event of dissolution of the Forum its properties and assets shall be utilized to clear its debts first; as per the laws of the country where it shall be situated.

2. Any other remaining assets, liquid and otherwise, shall be distributed to organizations of persons with disabilities or other non-governmental organizations with similar mission and objectives of the Forum.

3. The distribution of any remaining assets shall be determined by the Forum Council.