

Working Group on the Rights of Older Persons and People with Disabilities in Africa - 73OS

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Intersession Report:

Working Group on the Rights of Older Persons and People with Disabilities in Africa

Honourable Commissioner Marie Louise ABOMO

Chairperson of the Working Group

INTRODUCTION

1. In accordance with the provisions of Rules 25 (3) and 64 of the Rules of Procedure of the African Commission on Human and Peoples' Rights (the African Commission), I hereby submit this Report in my capacity as Member of the Commission, Chairperson of the Working Group on the Rights of Older Persons and People with Disabilities in Africa, Member of the Working Group on Indigenous Populations/Communities and Minorities in Africa, Member of the Committee on Resolutions and Commissioner Rapporteur on the Republic of Burundi, Republic of Congo, Democratic Republic of Congo, Republic of Angola, and Republic of Gabon.

2. This Report is presented to the 73rd Ordinary Session of the African Commission on Human and Peoples' Rights (the African Commission) and covers the period between the 71st and 73rd Ordinary Sessions of the African Commission, i.e. from 14 May 2022 to 19 October 2022. It provides an overview of the activities I carried out during this intersession under the various thematic and special mandates entrusted to me.

3. During the reporting period, I took part in all activities contained in the Commission's Work Plan.

4. Some activities were held face-to-face as a result of the relatively positive developments regarding the pandemic situation and the lifting of travel restrictions by the African Union. Other activities were carried out through webinars organised by our Commission, or in collaboration with our partners.

5. The Report is divided into four parts: an introduction, a description of activities undertaken during the intersession, the situation regarding the rights of older persons and persons with disabilities in Africa, and recommendations.

I. ACTIVITIES CARRIED OUT DURING THE INTERSESSION

6. I participated in the following activities during the intersession in my capacity as a Member of the African Commission (A) and as Chairperson and/or member of special mechanisms (B).

A. ACTIVITIES CARRIED OUT AS A MEMBER OF THE COMMISSION

- **PARTICIPATION IN THE AFRICA DAY 2022 CELEBRATIONS**

7. In 25 May 2022, I was invited by His Excellency the Minister of Foreign Affairs of the Republic of Cameroon, to make a presentation to the African diplomatic corps accredited in Yaoundé on “The Right to Food”, as part of the commemoration of Africa Day 2022. The theme for this year’s edition is: “Building resilience in food and nutrition security on the African Continent: Strengthening agri-food systems to accelerate socio-economic and human capital development”.

8. I referred to, inter alia, the provisions of various African regional human rights instruments which enshrine that right. I also made reference to the Guidelines and Principles (of the African Commission) on Economic, Social and Cultural Rights, referred to as the Nairobi Guidelines, as well as Resolutions 374 (2017) on the right to food and food security, 431 (2019) on the right to food and nutrition in Africa, and 514 (2022) on the right to food and building resilience in nutrition across Africa. Their Excellencies members of the Diplomatic Corps attending the event were thus informed of the African provisions that their respective States could build upon in order to ensure the realization of this basic right.

- **PARTICIPATION IN THE 72nd ORDINARY SESSION**

9. As a member of the African Commission, I participated in the 72nd Private Ordinary Session held from 19 July to 2 August 2022 in virtual mode from Banjul, The Gambia.

10. Details on this Session can be found in the Final Communiqué adopted at the end of the Session and available on the African Commission’s website.

- **PARTICIPATION IN ADVOCACY TO HOLD AN IN-PERSON SESSION OF THE AFRICAN COMMISSION IN THE REPUBLIC OF CÔTE D’IVOIRE**

11. In the margins of the workshop held from 11 to 12 August 2022 in Abidjan, Côte d’Ivoire to discuss the Initial Report on the Situation of the Rights of Older Persons and Persons with Disabilities in Africa, Honourable Commissioners Mudford Zachariah Mwandenga and Idrissa Sow, respectively Vice-Chairperson and Member of the WGOPPD, and I, were granted an audience by Honourable Adama Kamara, Minister of Employment and Social Protection of Côte d’Ivoire.

12. During this meeting, the delegation of the African Commission informed the Honourable Minister of, among other things, the African Commission’s desire to hold a face-to-face Ordinary Session in the Republic of Côte d’Ivoire.

13. The Minister acknowledged this request and promised to discuss it with all the relevant authorities.

- **PARTICIPATION IN THE PROMOTION MISSION TO TOGO**

14. Honourable Commissioner Rémy Ngoy Lumbu, Chairperson of the Commission, Honourable Commissioner Idrissa Sow and I undertook a promotion mission to Togo from 3 to 6 October 2022.

15. During this mission, we met with the institutions involved in human rights promotion and protection in this State party to the African Charter to discuss the various developments in this area.

B. ACTIVITIES CARRIED OUT UNDER THE SPECIAL MECHANISMS

1. ACTIVITIES CARRIED OUT UNDER THE WORKING GROUP ON THE RIGHTS OF OLDER PERSONS AND PEOPLE WITH DISABILITIES IN AFRICA

- **STATEMENT OF THE WORKING GROUP ON THE OCCASION OF INTERNATIONAL ALBINISM AWARENESS DAY**

16. On 13 June 2022, the Working Group, which I chair, issued a statement on the occasion of International Albinism Awareness Day. The theme for this year's edition "United in making our voice heard", afforded the opportunity for the Working Group to place emphasis on raising awareness on albinism and also call for non-discrimination as well as the adoption, by the different stakeholders, of the necessary measures for the protection of this category of vulnerable persons.

17. I would like to seize this opportunity to insist on the need to raise such awareness and protect people with albinism from all forms of abuse or violations of which they are or may be victims.

- **PRESS RELEASE ON THE RATIFICATION OF THE TWO PROTOCOLS BY BURUNDI**

18. Following Burundi's ratification on 28 April 2022 of the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Older Persons and on the Rights of Persons with Disabilities in Africa, and the deposit of the instruments of ratification on 4 July 2022, the Working Group welcomed this development in a Press release.

- **PRESS RELEASE ON THE RATIFICATION OF THE TWO PROTOCOLS BY ANGOLA**

19. Similarly, following the deposit, by Angola, of the instruments of ratification of the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Older Persons and on the Rights of Persons with Disabilities in Africa during the intersession period, the Working Group issued a Press release commending the State Party.

- **PARTICIPATION IN THE WORKSHOP ON THE INITIAL REPORT ON THE SITUATION OF THE RIGHTS OF OLDER PERSONS AND PERSONS WITH DISABILITIES IN AFRICA**

20. The Working Group on the Rights of Older Persons and People with Disabilities in Africa is mandated to, inter alia, facilitate and expedite comparative research on the various aspects of human rights of older persons and people with disabilities on the continent, including their socio-economic rights; collect data on older persons and people with disabilities to ensure proper mainstreaming of their rights in the policies and development programmes of States parties; and identify good practices to be replicated. Pursuant to this mandate, the Mechanism organised a Workshop on the preparation of the Initial Report on the situation of the rights of older persons and persons with disabilities in Africa, from 11 to 12 August 2022 in Abidjan, Côte d'Ivoire.

21. The workshop, held as part of efforts to produce bi-annual reports on the situation of the rights of older persons and persons with disabilities in Africa, had a number of objectives. The specific objectives were to: (i) clearly explain the purpose of the project; (ii) adopt a methodology and assign roles to the different stakeholders for project implementation; (iii) adopt reporting templates to describe the immediate outcomes of the project; (iv) effectively

commence the drafting of the Initial Report and identify specific action items and related timelines; and (v) discuss the way forward in light of the challenges faced since the start of the Project.

22. Experts, researchers, and participants therefore familiarized themselves with the Project and the state of play, discussed the proposed template for the Initial Report/reports and made various contributions.

23. The Working Group welcomes the fact that an Initial Report on the situation of the rights of older persons and persons with disabilities in Africa is now available, and will be used to advocate for identified good practices to be replicated.

- **ADVOCACY WITH THE NATIONAL HUMAN RIGHTS COUNCIL OF CÔTE D'IVOIRE FOR THE RATIFICATION OF THE PROTOCOLS ON THE RIGHTS OF OLDER PERSONS AND PERSONS WITH DISABILITIES IN AFRICA**

24. In a bid to encourage Côte d'Ivoire to ratify the Protocols on the rights of older persons and on the rights of persons with disabilities in Africa, I met with Mr. Legre Okou, Chief of Staff of the Chairperson of the National Human Rights Council of the Republic of Côte d'Ivoire (CNDHCI), during the workshop held in Abidjan. Considering the vital role of the CNDHCI in supporting the effective enjoyment of human rights in Côte d'Ivoire, I took the opportunity to urge the CNDHCI, through its Chief of Staff representing the Chairperson, to intensify its advocacy efforts for the ratification of the two Protocols.

- **ADVOCACY WITH THE MINISTER OF EMPLOYMENT AND SOCIAL PROTECTION OF CÔTE D'IVOIRE FOR THE RATIFICATION OF THE PROTOCOLS ON THE RIGHTS OF OLDER PERSONS AND PERSONS WITH DISABILITIES IN AFRICA**

25. In the margins of the workshop held in Abidjan, Côte d'Ivoire to discuss the Initial Report on the Situation of the Rights of Older Persons and Persons with Disabilities in Africa, Commissioner Mudford Zachariah Mwandenga, Commissioner Idrissa Sow and I were granted an audience by Honourable Adama Kamara, Minister of Employment and Social Protection of Côte d'Ivoire.

26. During this audience, we advocated with this high-ranking official in charge of this category of vulnerable persons, for the ratification by the Republic of Côte d'Ivoire of the Protocols on the rights of the older persons and on the rights of persons with disabilities in Africa.

27. The meeting was a success and the delegation left with the promise that the matter will be raised with the relevant institutions for the ratification of these Protocols.

- **PLEA FOR THE DEPOSIT OF THE INSTRUMENTS OF RATIFICATION OF THE PROTOCOLS BY THE REPUBLIC OF CAMEROON**

28. Moreover on the question of the ratification of the Protocols on the rights of the Elderly and on the rights of the Persons with Disabilities, I was received in audience on October 11, 2022 in Addis Ababa by his Excellency the Ambassador Plenipotentiary of Cameroon, Mr. Churchill Ewumbe Monono, for a working visit, for the purpose of making the advocacy for the deposit of the instruments of ratification of the two (2) Protocols of the WGOPwD A very fruitful hearing which leads me to believe that in a very short time, this Member State will deposit the instruments of ratification of our Protocols in December 2021.

- **INTRODUCTION AND ORIENTATION SESSION FOR NEW EXPERT MEMBERS OF THE WORKING GROUP**

29. On 19 September 2022, I chaired a meeting of the Working Group to introduce and provide orientation for the new Expert Members of the Working Group.

30. During this meeting, the five (5) Expert Members were briefed on the mandates of the African Commission and the Working Group on the Rights of Older Persons and People with Disabilities in Africa to help them familiarise themselves with their new responsibilities.

31. The Working Group also adopted its draft 2023 Work Plan.

32. I would like to acknowledge the effective participation of the new Expert Members in this meeting, which was their first after their appointment as Working Group members at the 72nd Ordinary Session. I have no doubt that their contributions will have a positive impact towards attaining the Working Group's objectives.

33. I have no doubt that their appointment will have a positive impact on the achievement of the group's objectives.

- **WEBINAR TO RAISE AWARENESS AMONG PARLIAMENTARIANS OF AFRICAN UNION MEMBER STATES ON THE RATIFICATION OF THE TWO PROTOCOLS ON THE RIGHTS OF OLDER PERSONS AND PERSONS WITH DISABILITIES IN AFRICA**

34. The Working Group, in an effort to ensure the entry into force of the Protocols on the Rights of Older Persons and on the Rights of Persons with Disabilities in Africa, organised a webinar on 30 September 2022 to raise awareness among parliamentarians of African Union Member States on the ratification of the two Protocols.

35. It was attended by parliamentarians from the different States parties to the African Charter.

36. The webinar achieved its objectives and the Working Group is looking forward to the ratification of the two Protocols by those States that have not yet done so.

37. I would like to take this opportunity to thank each State Party that responded favourably to the invitation to attend as well as the various parliamentarians who participated online.

38. Under the presidency of the Honourable Rémy Ngoy Lumbu, Chairperson of the African Commission, the Webinar was placed under my leadership as Chairperson of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa, and was attended by the Honorable Mwandenga Mudford Zachariah, Vice-Chairperson of the Working Group, the five experts members of the Working Group, as well as 39 Honorable Parliamentarians of the African Union Member States parties to the African Charter on Human and Peoples' Rights namely: the People's Democratic Republic of Algeria, the Republic of Benin, the Republic of Burkina Faso, the Republic of Burundi, the Republic of Congo, the Republic of Côte d'Ivoire, the Arab Republic of Egypt, the Federal Democratic Republic of Ethiopia, the Republic of Malawi, the Republic of Mauritius, the Republic of Namibia, the Republic of Senegal, the Union of the Comoros, and the Republic of Zambia.

- **STATEMENT OF THE WORKING GROUP ON THE OCCASION OF THE WORLD DEAF DAY**

39. On September 24, 2022, on the occasion of the World Day of the Deaf, the Working Group of which I am President issued a statement.

40. In the aftermath of the celebration of the international day of sign languages whose edition of this year is placed under the theme "The sign language for all!" the celebration of the world day of the deaf was an opportunity to raise awareness on this category of disability.

- **STATEMENT OF THE WORKING GROUP ON THE OCCASION OF INTERNATIONAL DAY OF OLDER PERSONS**

41. The Working Group, which I chair, issued a statement on 1 October 2022, on the occasion of International Day of Older Persons.

42. The theme for this year's International Day of Older Persons 2022 is "The Resilience of Older Persons in a Changing World: Highlighting the Contributions of Older Women".

43. This was another opportunity to point to the fact that discrimination against older persons was prohibited and to emphasize the need to ensure that their rights are effectively protected and taken into account in the various policies and programmes.

- **PARTICIPATION IN THE WEBINAR ON THE IMPACT OF COVID-19 ON OLDER WOMEN IN SOUTHERN AFRICA**

44. As a result of the promotion mission to Togo, I was unable to participate in the webinar held on 3 October 2022 on the impact of Covid-19 on older women in Southern Africa organised by the Centre for Human Rights in Pretoria. I was, however, ably represented by Honourable Commissioner Mudford Zachariah Mwandenga, Vice-Chairperson of the Working Group.

- **SHARING OF GOOD PRACTICES**

45. On the general question of the situation of the Elderly and Persons with Disabilities in Africa, I must point out a number of good practices recorded this year on the continent. These include, in the Republic of Côte d'Ivoire, the institution of a protection system for vulnerable persons, the strategy of employing 200 disabled persons per year in the civil service, the organization of the Compendium of skills of the elderly called Seniors or vocational training center for the elderly, the increase in the pension of the elderly and disabled persons. I must also point out the administrative acts taken in favor of the PSH in Cameroon, notably the decree N° 040/PM of May 19, 2022 to lay down the modalities for granting age exemption to the disabled during administrative competitions and recruitments in the Cameroonian State Civil Service, creating a positive discrimination in the conditions of recruitment of the disabled in the civil service, as well as the creation, by Decision n°083 MINCOM/SG/DAJ of October 11, 2022, of an ad hoc Committee in charge of proposing preferential measures reserved for disabled persons in terms of access to Communication and information through audiovisual processes, telecommunications and various supports, within the Ministry of Communication for the elaboration of preferential measures in their favor in the field of plural communication.

2. ACTIVITIES OF THE WORKING GROUP ON SPECIFIC ISSUES RELATED TO THE WORK OF THE AFRICAN COMMISSION

46. During the July 2022 Session, the Commission considered in plenary session the proposals I had put forward as Chairperson of the WGSI to improve working methods, and made comments in this regard.

3. ACTIVITIES OF THE WORKING GROUP ON COMMUNICATIONS

47. This Working Group, which I chair, held a meeting in July 2022. The meeting report will be presented during the Private Session.

4. MEMBER OF THE WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES AND MINORITIES IN AFRICA

48. This Working Group, of which I am the Vice-Chairperson, did not hold any meetings during the reporting period.

5. MEMBER OF THE COMMITTEE ON RESOLUTIONS

49. This Working Group, of which I am a member, has adopted seven (7) Resolutions since the last Ordinary Public Session.

6. ACTIVITIES AS COMMISSIONER RAPPORTEUR

50. As previously mentioned, my portfolio as Commissioner Rapporteur includes 5 countries, namely Angola, Burundi, Congo, Democratic Republic of Congo and Gabon.

51. The status regarding the submission of periodic reports to the Commission has remained unchanged since my previous Activity Report, and as indicated in the Commission's report on periodic reporting by States Parties.

52. I have also continued to maintain contact and advocate with countries in my portfolio so as to obtain their authorization for the conduct of promotion missions in order to strengthen ties between those States and the Commission.

53. Notes Verbales were sent to them for this purpose in early April 2022. I look forward to a positive response, with a view to achieving the objective of bringing these States into compliance with all their obligations under the African Charter, including the submission of periodic reports which allow the Commission to assess the level of implementation of the African Charter in its entirety, and of human and peoples' rights in general by the States.

54. Below are nonetheless a few elements relating to those States.

i. REPUBLIC OF BURUNDI

- **On the general situation of human rights protection**

55. As Rapporteur, I am also closely monitoring any developments in the area of human rights in this country. We are still receiving negative reports on the protection of human rights.

56. I seize this opportunity to reiterate our call to the Burundian authorities at the highest level to re-establish full dialogue with the Commission through its Commissioner Rapporteur. In this regard, I would like to refer to the official correspondence requesting a promotion mission and call on the Burundian authorities to accede to this request, as promotion missions are a crucial part of the collaboration process for a better promotion and protection of human rights in this country. Moreover, during this session, I gave a copy of our Note Verbale to the delegation present, for follow-up.

- **On the rights of older persons and persons with disabilities**

57. Burundi ratified the Protocols on the Rights of Older Persons and on the Rights of Persons with Disabilities, and deposited the instruments of ratification on 4 July 2022.

ii. REPUBLIC OF GABON

- **On the general situation of human rights protection**

58. The Rapporteur informs the Commission that, contrary to expectations, the promotion mission to the Republic of Gabon, which the latter authorized and was initially scheduled for the end of May 2022, could not be undertaken.

59. I therefore take this opportunity to reiterate to the Gabonese authorities that the Commissioner Rapporteur is still awaiting the new dates to be set by the State Party to the African Charter for the promotion mission of the African Commission on its territory. This mission will indeed allow the Commission to assess the human rights situation in the country, while strengthening the close cooperation ties between the two parties. The mission will also help to ensure that the 2023 general election cycle is conducted in an atmosphere where human rights are respected, contrary to the events that marked the previous general election cycle.

- **On the rights of older persons and persons with disabilities**

60. Gabon has signed the two Protocols relating to older persons and persons with disabilities and is urged to ratify and deposit the instruments of ratification of these two treaties.

iii. REPUBLIC OF CONGO

- **On the general situation of human rights protection**

61. As Rapporteur, I am also closely monitoring any developments in the area of human rights in this country. We are still receiving some information on actions undertaken which impede the effective enjoyment of human rights.

62. It goes without saying that a promotion mission would determine the veracity of the facts in an objective manner.

- **On the specific rights of older persons and persons with disabilities**

63. The Republic of Congo has not signed the Protocol on the Rights of Older Persons nor the Protocol on the Rights of Persons with Disabilities. I take the opportunity to invite this State Party to address this crucial issue.

iv. DEMOCRATIC REPUBLIC OF CONGO

- **On the general situation of human rights protection**

64. As Rapporteur, I am also closely monitoring any developments in the area of human rights in this country. We are still receiving reports of actions undertaken which undermine the effectiveness of human rights, particularly as a result of the security situation.

65. It goes without saying that a promotion mission would determine the veracity of the facts in an objective manner.

- **On the rights of older persons and persons with disabilities**

66. The Democratic Republic of Congo has not signed the Protocol on the Rights of Older Persons nor the Protocol on the Rights of Persons with Disabilities.

67. However, as Commissioner Rapporteur, I welcome the introduction of sign language in the electoral process.

v. REPUBLIC OF ANGOLA

- **On the general situation of human rights protection**

68. The Commission received reports of unrest leading to human rights violations during the August 2022 election period.

69. During this session, the Republic of Angola took the floor and explained this situation. In addition, on the sidelines of this event, it invited the Country Rapporteur, whom I am, to visit the member state. Thanking him for this expression of goodwill, I gave the head of delegation a copy of our Note Verbale to formalize this invitation.

- **On the rights of older persons and persons with disabilities**

70. The Republic of Angola has signed the two Protocols relating to older persons and persons with disabilities, and deposited the instruments of ratification.

CONCLUSION

71. I would like to conclude by reiterating my call to Member States of the African Union and Parties to the African Charter to ratify the two Protocols on the rights of older persons and persons with disabilities. The required number of ratifications is yet to be obtained for entry into force of the two Protocols, despite increased awareness-raising on the issue. I therefore urge States to ratify these two instruments, which are important pillars for the protection of the rights of these two categories of vulnerable groups covered under my mandate.

72. I wish to thank all individuals and entities for sparing no effort in providing the Working Group with support to fulfil its mandate in particular, and for their support to the Commission in general. I urge them to continue in this spirit of collaboration so as to achieve our common goal of promoting and protecting human rights in Africa.

73. Finally, I call on the States for which I am Commissioner Rapporteur, to respond favourably to our requests to carry out promotion missions in their countries, as this will enable us to improve our collaboration and develop action plans for the realisation of human rights. On this last point, I note that of the five countries in my portfolio as Rapporteur, only two have deposited the instruments of ratification, which is hardly a glowing record. I therefore urge the three States who have not yet done so, to ratify the Protocols and deposit the instruments for the benefit of our seniors and our brothers and sisters with disabilities.

74. I thank you for your kind attention.