

Working Group on the Rights of Older Persons and Persons with Disabilities in Africa - 75OS

May 20, 2023

INTRODUCTION

1. I submit this Report in my capacity as Member of the Commission, Chairperson of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa, Vice-Chairperson of the Working Group on Indigenous Populations/Communities and Minorities in Africa, and Country Rapporteur for the Republic of Angola, the Republic of Burundi, the Republic of Congo, the Democratic Republic of Congo, and the Republic of Gabon, 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.

2. Presented on the occasion of the 75th Ordinary Session of the African Commission on Human and Peoples' Rights (the Commission), this Report covers the period between the 73rd and the 75th Ordinary Session of the African Commission - i.e. from October 20, 2022 to May 02, 2023 - and summarizes my intersessional activities within the framework of the various thematic and special mandates entrusted to me.

3. Over the reporting period, I took part, as much as my schedule allowed, in the activities provided for in the Commission's Work Plan.

4. It should be noted that despite the lifting of travel restrictions by the African Union, activities continue to be held virtually, either for budgetary constraints, or out of habit, or on the assumption that this mode of operation is much more favorable to the organizers and other stakeholders. There is food for thought here, in my view, in weighing the practical gains sought by a specific activity against the rate of results obtained when the activity is carried out by virtual meeting.

5. As far as the Working Group and I are concerned, it is not a question of making a quantitative list of activities, but of working strategically with the modest means made available to us to advance in our current and annual objectives. The real issue lies in having a clear vision of the situation of the Rights of the Older Persons and Persons with Disabilities in Africa on the one hand, and in ensuring that the international legal framework for the promotion and protection of their Rights on the Continent is provided for, on the other hand. This would be materialized by the entry into force of the two relevant Protocols, as soon as possible, especially in light of the AU theme of the year: acceleration of the implementation of the AfCFTA.

6. As a result of the above, my Report is structured in three parts. I will present, the activities I attended in my overall capacity as Commissioner during the reporting period, those which I carried out under my special mandate on the Rights of Older Persons and Persons with Disabilities, and the activities I have carried out under specific roles that I have been entrusted with. (I). Moreover, I will provide, for consideration and input, an overview of my observations relating to the Human Rights situation in the countries for which I am Rapporteur (II). Finally, I will issue my recommendations (III).

I. INTERSESSION ACTIVITIES

A. ACTIVITIES CARRIED OUT IN MY OVERALL CAPACITY AS COMMISSIONER

- PARTICIPATION IN THE 40th ORDINARY SESSION OF THE COMMITTEE OF EXPERTS ON THE RIGHTS OF THE CHILD, NOVEMBER 23 - DECEMBER 1, 2022, IN MASERU, LESOTHO

6. I had the honor of representing the President of our Commission at the 40th Ordinary Session of the Committee of Experts on the Rights of the Child, from November 23 to December 1, 2022, in Maseru, Lesotho.

7. I delivered the President's speech on behalf of the Commission and on his behalf and I emphasized the excellent relations existing between our two institutions while indicating the ways to strengthen this collaboration for the benefit of our respective mandates.

8. I would like to thank the President of the Commission for his trust and the entire Committee for its warm hospitality during my stay.

● PARTICIPATION IN THE 73rd ORDINARY SESSION (October 21 to November 10, 2022)

9. In my capacity as a member of the African Commission, I participated in the 73rd Physical Public Ordinary Session held from October 21 to November 10, 2022, in Banjul, The Gambia.

10. It was a special experience for me insofar as since my election as a member of the Commission, I was participating for the very first time in a Physical Public Session. I appreciated the bilateral meetings I was able to have with various stakeholders.

11. It should be remembered that the operation by virtual means, imposed by the COVID-19 pandemic, is truly a default channel and does not optimize the means of action and the work of the Commission. In this regard, it is my opinion that face-to-face interactions should remain the norm and virtual settings, the exception. It would be convenient for States Parties and partners to join in this dynamic to enable the Commission to fulfill its mission properly.

12. In this present Report, I am providing an overview of some major activities I have been involved in during this session. All the other details relating thereto are contained in the Final Communiqué issued at Session's the closing ceremony and available on the ACHPR's website.

● PARTICIPATION IN THE 36th EXTRAORDINARY SESSION, January 9, 2023

13. In my capacity as a member of the African Commission, I participated in the 36th Extraordinary Session held on January 9, 2023, in virtual mode.

14. The aim of the Session was to restructure and finalize its 2023 work plan and reaffirm the various responsibilities of the stakeholders.

15. All the details relating to this Session are contained in the Final Communiqué issued at the end of the Session and published on the Commission's website.

● PARTICIPATION IN THE ANNUAL STATUTORY MEETINGS OF THE POLICY ORGANS OF THE AFRICAN UNION

16. Following the internal rotating mode of the Commission, I was appointed as a member of the Commission delegation to participate in the annual statutory meetings of the Policy Organs of our continental Organization.

17. These meetings were held on January 16-27, 2023, online, for the 45th Ordinary Session of the Permanent Representatives Committee (PRC); on February 15-16, 2023, in Addis Ababa, Ethiopia for the 42nd Ordinary Session of the Executive Council (EC); on February 18-19, 2023, in Addis Ababa, Ethiopia, for the 36th Ordinary Session of the Assembly of Heads of State and Government (the Assembly).

18. Knowing that the substantial content of these deliberations will be dealt with in the reports of the President and the Vice-President of the Commission, I will only report on specific aspects relevant to my participation.

19. My first participation as Commissioner in these summit-level meetings where the policies and programs of our continent are discussed and ultimately decided upon, was a very fruitful experience at a personal level, but above all for the special mandates that I carry within the Commission.

20.Indeed, while putting on my hat as President of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa, I took advantage of these meetings to make a strong plea towards Member States which have not yet ratified the Protocols relating to these two vulnerable groups.

21.Thus, I was able to give a copy of each of these two treaties to the delegations of those countries. Around sixty documents were distributed.

22.I was also able to discuss face-to-face with many delegations who all recognized the urgency of bringing these Treaties into force in order to complete the international legal system for the protection of vulnerable people on the continent. I remain certain that these ratifications will follow as quickly as possible.

23.I also approached the delegations of the countries for which I am Rapporteur to follow up on discussions and correspondence relating to requests for Promotion missions.

24.As a reminder, it is necessary that the States Parties to the Charter, from time to time, authorize a Promotion mission of the Commission in their territory in order to help improve performance regarding enjoyment of the rights recognized in the Charter.

25.All the 5 countries for which I am Rapporteur (Angola, Burundi, Congo, Gabon, Democratic Republic of Congo) have received such requests and some have already given their approval in principle while others should be liaising with the Commission for the effective completion of a Promotion mission.

26.We will see later in my present Report that the general observation that emerges from my analysis and reading of the Human Rights situation in these countries requires that closer collaboration be initiated between the Commission and the authorities and stakeholders of these countries.

●PARTICIPATION IN THE 74th ORDINARY SESSION February 14-28, 2023

27.In my capacity as a member of the African Commission, I participated in the 74th Private Ordinary Session held February 14-28, 2023, in virtual mode.

28.All the details relating to this Session are contained in the Final Communiqué issued at the end of the Session and are available on the African Commission 's website.

●PARTICIPATION IN THE MEETING OF COMMISSIONERS WITH THE AFRICAN UNION REFORM UNIT

29.On April 4, 2023, I participated, like all my colleagues from the Commission, in the meeting with the Reform Unit of the African Union.

30.This Unit headed by Professor Pierre Moukoko is engaged in consultations with all the stakeholders of the African Union Architecture on which it must make reform proposals at the end of the consultation process.

31.The Commission has provided, in my humble opinion, its vision of its future as a vital component of the entire African Union and I am looking forward to the outcomes of these consultations.

B.ACTIVITIES UNDER THE FRAMEWORK OF THE SPECIAL MECHANISMS

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

●ACTIVITY ON AfCFTA AT THE NHRIS' FORUM

32.I participated in the forum of NHRIs held prior to the 73rd Ordinary Public Session and I made a presentation on the inclusion and involvement of Persons with Disabilities in the implementation of the AfCFTA.

●FINALIZATION PANEL OF THE INITIAL REPORT ON THE SITUATION OF THE RIGHTS OF OLDER PERSONS AND PERSONS WITH DISABILITIES IN AFRICA, OCTOBER 28, 2022

33.On October 28, 2022, in Banjul, The Gambia, on the sidelines of the 73rd Public Ordinary Session, I chaired an activity relating to the Initial Report on the Situation of the Rights of Older Persons and Persons with Disabilities in Africa.

34.This project aiming at drafting and publishing a basic document containing legal, statistical and other data on the rights of the elderly and disabled people on the continent, is ambitious but has been substantially enhanced since my Working Group started working on it, more than a year ago. It has reached a stage where we have a first draft document which must be consolidated with the contributions of States Parties.

35.We have reached this level of progress on this project thanks to the above-mentioned Report. In fact, the meeting allowed to examine and integrate the contributions made during the Abidjan Workshop (my last intersessional report mentioned it in detail) which brought together for the first time, the members of the Working Group, the researchers and other experts around the initial draft of this Report.

36.I would like to thank the volunteer researchers, Mrs. Gaëlle Tchouta, Mr. Alidjou Bamba and Mr. Élysée Tiehi, as well as all the others who have worked tirelessly to enable us, thanks to funding from the European Union, to be at this stage of the project.

37.At this stage, we need to communicate with States Parties on what is expected of them. In fact, we expect that they take stock of the data relevant to their country and provide us with corrective or additional elements or opinions. This will allow us to finalize and publish this Initial Report. This document is very important to my Working Group, in executing its mandate of promotion and protection of the rights of the elderly and disabled people.

38.In this sense, States Parties will receive during this year, correspondence from the Commission requesting their contributions on the draft report. I am sure that we can count on the diligence and collaboration of the States Parties on this matter.

39.To conclude on this specific activity, it must mention that the Commissioners who are members of the Working Group (Hon. Mudford Zachariah Mwandenga and Hon. Idrissa Sow), the Expert Members of the Working Group (virtual participation of Mr. Saddam Hussein Meddeber and physical participation of Mr. Patrick Laurent Badugue, Mrs. Miss Rigbe Gebrehawaria Hagos) and volunteer researchers, Gaëlle Tchouta, Alidjou Bamba and Élisée Judicaël Tiehi, took part in this work. Mr. Kouadio Alfred Kouassi, Human Rights Advisor of Côte d'Ivoire 's National Institute of Human Rights also participated in this activity. I sincerely thank them and encourage them to maintain their excellent work on this project.

●AWARENESS PANEL ON THE RATIFICATION OF THE PROTOCOL ON THE RIGHTS OF OLDER PERSONS AND THE PROTOCOL ON THE RIGHTS OF PERSONS WITH DISABILITIES IN AFRICA, OCTOBER 29, 2022

40.During the 73rd Ordinary Public Session, precisely on October 29, 2022, I chaired a awareness raising panel on the ratification of the Protocol on the Rights of Older Persons and the Protocol on the Rights of Persons with Disabilities in Africa.

41.Honorable Mudford Zachariah Mwandenga, Commissioner, Vice-Chair of the Working Group, Honorable Idrissa Sow, Commissioner Member of the Working Group; Mr. Patrick Laurent Badugue, Miss Rigbe Gebrehawaria Hagos, Experts members of the Working Group; Ms. Blonde Gaëlle Tchouta Nguena, Expert Researcher; Mr. Pontien Hatungimana, Permanent Secretary of the Ministry of National Solidarity, Social Affairs, Human Rights and Gender of Burundi; Ms. Namizata Sangaré, President of the National Human Rights Council of Côte d'Ivoire; Mr. Lefhoko Kesamang, Principal Officer at the African Union Commission's Directorate of Social Affairs; and Ms. Grace Antwi-Atsu, International Advocacy Advisor, Head of SIGHTSAVERS, West Africa.

42. I would like to thank all these panelists, emphasizing in particular the commitment of Mrs. Namizata Sangaré, President of the National Human Rights Council of Côte d'Ivoire, who spared no effort by going so far as to personally brave the logistical difficulties to attend this activity. I would like to apologize to her for the inconvenience and hope that her future participation to our activities will be more pleasant.

43. This activity is a pillar in the Working Group's public session program and is an arm of the general awareness raising campaign for the entry into force of the Protocols covered by my special mandate.

44. In fact, during this activity, panelists presented the Protocols and advocated for them among the participants to the Session to promote ratification by States Parties which have not yet done so.

45. This is an opportunity to take stock of the signing and ratification of the Protocols by indicating the progress made since my last intersession report, between October 20, 2022, and April 2023.

46. With regard to the Protocol on Older Persons, three other (3) countries, namely Mozambique (deposition of instrument of ratification on January 23, 2023), Niger (ratification on January 24, 2023, and deposition of instruments of ratification on March 27, 2023) and Sao Tome & Principe (signature on February 16, 2023), have responded.

47. These recent developments bring to eleven, the number of States Parties having ratified the Protocol on Older Persons (Angola, Benin, Burundi, Ethiopia, Kenya, Kingdom of Lesotho, Malawi, Mozambique, Niger, Rwanda and Togo). Twenty-four States have signed the Protocol (Angola, Benin, Burundi, Cameroon, Central African Republic, Comoros, Ethiopia, Gabon, Ghana, Guinea, Kenya, Kingdom of Lesotho, Malawi, Mali, Mauritius, Mozambique, Nigeria, Niger, Rwanda, Sao Tome and Principe, Sierra Leone, Chad, Togo and Zambia).

48. Therefore, 4 additional States Parties ratifying and actually depositing their instruments of ratification of the Protocol on Older Persons would be needed for the Protocol to enter into force.

49. Regarding the Protocol on Persons with Disabilities, 4 States Parties took action: Mozambique (deposition of instruments of ratification on January 23, 2023), Nigeria (signature on February 13, 2023), Niger (ratification on January 24, 2023 and deposition of instruments of ratification on March 27, 2023), and South Africa (ratification on February 1, 2023 and deposition of instrument of ratification on March 6, 2023).

50. The Protocol on Persons with Disabilities has been ratified by eight countries so far (South Africa, Angola, Burundi, Kenya, Mali, Mozambique, Niger and Rwanda) out of the minimum number of 15 ratifications required for its entry into force. As far as signatures are concerned, we have recorded fifteen, from South Africa, Angola, Burkina-Faso, Burundi, Cameroon, Gabon, Kenya, Mali, Malawi, Mozambique, Niger, Nigeria, Central African Republic, Rwanda, and Togo.

51. We are therefore awaiting 7 ratifications and actual deposition of instruments of ratification for the Protocol to enter into force.

52. We congratulate all these States and commend the stakeholders who have made these achievements possible!

53. This count demonstrates how close we are to the historic moment of entry into force of these Treaties. And all the more so, since for each of the two Protocols, at least 15 States Parties have affixed their signatures, thus expressing their acceptance in principle of these Treaties and their provisions. Therefore, I call for a reinvigorated synergy around this objective. I want to firmly believe that this year 2023 will be the year of the Protocol's entry into force.

54. Consequently, I would like to seize this opportunity to urge the other States Parties to the African Charter on Human and Peoples' Rights to act upon the commitment made to the Charter, by affixing their signatures, and thereby ascertaining their will. You must make a

decisive move. Indeed, it is demonstrated in the draft Initial Report on which the Special Mechanism I am entrusted with has been working for a year now, that most countries have made substantial achievements in the promotion and protection of the rights of these two vulnerable groups. The ratification of these specific Protocols will only consolidate the efforts already made in favor of these vulnerable groups.

●THE RETREAT ON HARMFUL PRACTICES ORGANIZED BY THE AUC, DECEMBER 3-5, 2022, IN JOHANNESBURG, SOUTH AFRICA

55.I participated in the Retreat on Harmful Practices organized by the African Union Commission on December 3-5, 2022, in Johannesburg, South Africa.

56.It was an opportunity for me to learn about and discuss these issues. The retreat offered me, above all, the possibility to link this subject matter to the exacerbated vulnerability that it may entail for the elderly and the disabled people covered by my special mandate. I thank the organizers of this activity for having invited me and for the good level of organization of this activity.

●DECLARATION FOR THE INTERNATIONAL DAY OF PERSONS WITH DISABILITIES, DECEMBER 3, 2022

57.I published on behalf of the Working Group the Declaration for the International Day of Persons with Disabilities on December 03, 2022.

58.This 30th anniversary of the International Day of Persons with Disabilities, under the theme: " Innovation and transformative solutions for inclusive development" has been an opportunity for me to call once again for the ratification of the Protocol on Rights of Persons with Disabilities in Africa.

●WORKING GROUP'S PLANNED ACTIVITIES FOR 2024

59.During the intersession, I supervised the preparation of the activity proposals of my Special Mechanism for the year 2024. This approach is part of the annual budgetary process of the African Union.

60.If approved as submitted by my Special Mechanism, in year 2024 will have the following main face-to-face activities: the finalization and publication of the Initial Report on the Situation of the Rights of Older Persons and Persons with Disabilities in Africa, and the participation of the Working Group in a joint activity of all the Special Mechanisms of the Commission.

●PREPARATION OF THE 2023 WORK PLAN ACTIVITIES

61.The 2023 work plan is being executed with its challenges which are essentially of budgetary nature, the latter going to the point where the Working Group's activities are executed only on virtual mode.

62.Consequently, the three main activities of my Working Group planned for this year 2023 will take place by webinar and will focus on the need for ratification of the two Protocols covered by my mandate. The webinars are listed below:

i.Webinar to raise awareness of Arabic-speaking Member States of the African Union on the Ratification of the two Protocols on the Rights of Older Persons and Persons with Disabilities in Africa, June 27, 2023;

ii.Webinar to raise awareness of French-speaking and Portuguese-speaking Member States of the African Union, on the Ratification of the two Protocols on the Rights of Older Persons and Persons with Disabilities in Africa, October 3, 2023; And

iii.Webinar to raise awareness of English-speaking Member States of the African Union on the Ratification of the two Protocols on the Rights of Older Persons and Persons with Disabilities in Africa, December 5, 2023.

63. This is the place to solemnly request the States to respond favorably to the invitations that the Working Group will send them in due course to participate in these activities.

64. At this stage, it is necessary to insist on the operational challenges faced by the Working Group as well as the other Special Mechanisms due to the lack of financial resources. One evidence of such a situation, is that all our activity coordination tasks will be performed by email, for this year 2023.

65. Moreover, alongside certainly more authoritative voices, I would like to appeal to the African Union to provide the Commission with the means necessary for its normal and effective operation. Partners and other donors are also solicited in this regard while thanking those who are already standing alongside us in our activities.

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

66. During the intersession, in my capacity as Chair of this Working Group, I chaired several meetings aimed at harmonizing the 2023 work plan and developing 2024 work plan.

3. COMMUNICATIONS WORKING GROUP ACTIVITIES

➤ Meeting with the Delegation of Egypt

67. In my capacity as Chair of the Working Group on Communications, I had an exchange meeting with the delegation of Egypt, which took the opportunity to affirm its readiness to cooperate with the Commission in examining the Communications pending against the State party.

68. This Working Group held a meeting in July 2022, the report of which will be presented during the next Private Session.

➤ Communications Working Group Meetings

69. I chaired all the meetings of this intersession relating to this Working Group. I am also issuing a separate report relating to this Working Group, in my capacity as Chair, where exhaustive information on its activities can be found.

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

70. This working group, of which I am the Vice-Chair, has not held any meeting during the period covered by this Report.

5. ACTIVITIES CARRIED OUT AS COUNTRY RAPPORTEUR

71. As part of this mandate, as already indicated above, I have in my portfolio, 5 countries, namely, Angola, Burundi, Congo, the Democratic Republic of Congo and Gabon.

72. The situation regarding the obligation of countries to submit Periodic Reports to the Commission, and which is also contained in the Status of submission of Reports by States Parties to the Commission, has remained unchanged for the countries under my responsibility.

73. I also continued the work of contacting and advocating with these States in seeking approval for Promotion missions which I should carry out in order to strengthen the links between the Commission and the States. This was the case during my participation in the last Assembly of Heads of State and Government as I reported above.

➤ Meeting with TRIAL International

74. On October 22, 2022, on the sidelines of the 73rd Ordinary Session, I held a meeting with a representative of Trial International (Mrs. Pamela Capizzi).

This meeting, which was part of my mandate as Country Rapporteur of the Republic of Burundi, aimed to discuss on the one hand the strategies to be adopted to increase the effectiveness of Human Rights in Burundi and on the other hand to identify methods for a better implementation of the recommendations of the Commission with regard to this State Party, including with regard to Communications.

➤ Meeting with the Delegation of Angola

75. On October 24, 2022, on the sidelines of the 73rd Ordinary Session, a meeting was held with the Delegation of Angola.

76. During this meeting, in my capacity as Country Rapporteur of the Republic of Angola, we discussed the recent elections in the State Party.

77. This meeting was also an opportunity for the Delegation to share with me, first, some achievements of the country for the effectiveness of Human Rights in Angola, then, some information on the ongoing preparation of the Periodic Report of the State Party on its implementation of the African Charter, and finally a demonstration of its readiness to strengthen cooperation between Angola and the Commission, including through a forthcoming Promotion mission.

➤ Online meeting with stakeholders on Burundi

78. I also lent my ear to civil society organizations and actors working on Burundi during an online meeting and working session on March 17, 2023. These discussions made it possible to corroborate the disquieting information on the situation of Human Rights defenders who have been detained, since then, in this country.

79. These discussions and information allow me to have the necessary elements to update my country strategy for Burundi within the framework of my mandate as Rapporteur for this country.

➤ Contacts with Mr. Fortuné Gaetan Zongo, Special Rapporteur on the Situation of Human Rights in Burundi

80. I responded positively to the request for an online meeting from Fortuné Gaetan Zongo, Special Rapporteur on the situation of Human Rights in Burundi.

81. However, due to lack of time, this meeting has not yet taken place and I am optimistic about the imminent occurrence of such an interview and on its results.

82. That being said, I present below some elements relating to my analysis and overall monitoring of the Human Rights situation in these States. This overview does not claim to be irrefutable and could be improved or reassessed through direct contribution from stakeholders, as the need may arise. However, it is derived from facts and sources duly considered and gauged.

➤ Notes Verbales for Promotion Missions

83. It should be reminded that Notes Verbales were sent in April 2023 to all the countries for which I am Rapporteur.

84. I hope for a favorable response, with a view to achieving the objective of bringing these States into compliance with all their obligations arising from the African Charter, in particular the presentation of Periodic Reports, which allows the Commission to identify the degree of implementation of the entire African Charter on Human and Peoples' Rights, overall, by States.

II.HUMAN RIGHTS SITUATION IN MY PORTFOLIO COUNTRIES

i.REPUBLIC OF ANGOLA

➤Overall Protection of Human Rights

85.The situation has overall quietened down after the incidents of the 2022 elections as reported in my previous intersession report, although known Human Rights challenges persist in Angola.

86.For instance, I am following the developments on the situation of the Angolan citizen Eugenio Quintas who is allegedly detained with his family by the immigration authorities in Mozambique (Maputo). The latter fled to this country alleging persecution suffered for having denounced the involvement of authorities in drug trafficking in Angola. I am certain that the authorities of both countries will find a solution compliant with Human Rights protection to this situation as soon as possible.

87.However, it is necessary to echo here the declarations, on February 23, 2023, of His Excellency Mr. MARCY LOPES, Minister of Justice and Human Rights of Angola, before the United Nations Human Rights Council, which highlighted the positive items below and demonstrated the continuous efforts made by Angola to promote and protect of Human Rights:

✓ Angola has embarked on a profound process of comprehensive state reform, adapting its governance procedures to international standards, strengthening democratic institutions and protecting Human Rights.

✓ Delegations from the mechanisms responsible for the promotion and protection of Human Rights have visited Angola.

✓ Several government actions are underway for the implementation and enforcement of Human Rights in Angola, including the National Human Rights Strategy implementation plan which is carried out at local level.

✓ Angola has also developed National Action Plans to combat human trafficking and child labor.

✓ Angola has raised Human Rights as a national security issue, which means that they are regularly assessed during meetings of the National Security Council.

✓ In six years, the number of registered Civil Society Organizations has increased from 300 to 900.

88.In my capacity as Country Rapporteur for this country, I can only encourage the State to sustain its efforts. Above all, I would like to take the Angolan authorities at their word, so that, like the other delegations of mechanisms responsible for the promotion and protection of Human Rights, having already visited the country, the Commission in turn, actually carries out a Promotion mission in Angola in accordance with the solemn and verbal invitation made to her by the Angolan Delegation during the past 73rd Ordinary Session.

➤On the Rights of Persons with Disabilities

89.The Republic of Angola has signed and ratified the two Protocols on Older Persons and Persons with Disabilities and has deposited the instruments of ratification.

ii.REPUBLIC OF BURUNDI

➤Overall Protection of Human Rights

90.As indicated above, the monitoring of the overall situation of Human Rights in Burundi during the intersession has been particularly intense, with interaction and contacts with different stakeholders.

91.It emerges from these interactions that Burundi faces many challenges in terms of protecting

the Rights of Human Rights defenders, especially despite the appeased climate observed after the coming into power of a new Government and its proclaimed openness to external partners. 92.Hence, several Human Rights defenders have been arrested and detained since February 14, 2023.

93.One of the aggravating factors of detention lies in the alleged prison conditions which fail to comply with standard requirements in the matter; prison overcrowding is said to reach a level where prisons accommodate three times their normal maximum capacity.

94.Furthermore, the climate of terror that prevailed during the most critical hours of the crisis and the conflict of 2015 seems to be resurfacing with the occasional discovery of mutilated bodies in some areas of the country, allegations of abduction and torture by Security forces with the active support of the youth standing up for party in power. There are also the formal and informal involvement of the country's Security forces in the conflict in the DRC.

95.At a time when the country is in its 4th cycle of the Universal Periodic Review, it is important that this mechanism can be leveraged for the positive change desired by all stakeholders, so that the country complies with its international Human Rights obligations.

96.This is an opportune time to reiterate the plea to the Burundian authorities at the highest level, to re-establish full dialogue with the Commission through its Country Rapporteur. In this sense, I will refer to our formal correspondence requesting to perform a Promotion mission in the country where I asked the Burundian authorities to consider favorably this request as a crucial step in the process of warming up our collaboration, for improved promotion and protection of Human Rights in this country. During the forthcoming Session, I will hand out to the State's Delegation, another copy of our Note Verbale as a basis for follow-up.

➤On the Rights of Persons with Disabilities

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

iii.REPUBLIC OF CONGO

➤Overall Protection of Human Rights

98.The Republic of Congo has a relatively calm environment on a Human Rights perspective as can be expected from a country where there is no security crisis or any other crisis. However, based on information collected from actors on the ground, there are allegations of various Human Rights violations which would be perpetrated in silence, without the mechanisms of checks and balances or monitoring and sanctioning of such violations being able to operate effectively due to mainstreamed position claiming the absence of a violent crisis.

99.According to the sources, the most prominent subjects of concern would be the prevalence of impunity, enforced disappearance, restrictions on freedoms, conditions of detention that do not meet the required standards, the growing challenges for the State to meet the basic socio-economic rights of populations, etc.

100.It is therefore more than ever necessary to work on granting the Commission a Promotion mission that would make it possible to establish the reality of the facts in an objective manner and to formulate recommendations to assist the Congo in complying with its international obligations in terms of Human Rights. On the same subject, I also had the opportunity to follow the Report presented by the Minister of Social Affairs, Solidarity and Humanitarian Action of the Republic of Congo, Mrs Irène Marie Cécile MBOUKOU KIMBATSA, during my mission to the Committee of African Experts on the Rights of the Child. The Minister presented the progress made by his country in the specific area of Child Rights, in particular the implementation of the Law on the Protection of the Child, and also the establishment within the national territory of the Annual Census targeting persons without a birth certificate. We subsequently had room for

a conversation on the sidelines of the meeting. I advocated for the ratification of the Protocols of my Working Group, and for the approval of a Promotion mission. I also emailed him a copy of the Note Verbale formerly sent to the State.

➤On the Specific Rights of Persons with Disabilities

101.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 reiterate my call on this country to ratify these two Protocols.

iv.DEMOCRATIC REPUBLIC OF CONGO

➤Overall Protection of Human Rights

102.As Country Rapporteur, I am sensitive to the developments on Human Rights in the country. I keep receiving information reporting acts seriously undermining the effectiveness of Human Rights, this is owed to the security situation and to certain extent of negligence regarding sailing on the country's waterways. These are in particular the victims of the conflict with the M23 rebellion and the difficulty of the DRC State, despite its coordinated efforts with the countries of the region, to put an end to the large-scale attacks perpetrated on civilian populations. The Press Release I issued in December 2022 addresses this persisting issue, which is unfortunate. There is a need to find a holistic and firm approach to this serious security and humanitarian crisis in the eastern part of the DRC, and I reiterate here my call on the armed groups to immediately put an end to all forms of violence and to participate finally and without condition to the disarmament, demobilization, community recovery and stabilization program.

103.It goes without saying that a Promotion mission would make it possible to concretely identify the situation and to formulate the appropriate recommendations to and assist the country in complying with its commitments in terms of Human Rights, especially in this pre-election context.

104.Regarding the pre-electoral context, I welcome the efforts made by the stakeholders, starting with the Government, to bring together the various parties and resort to a strict democratic debate, while avoiding negative impact on the Human Rights of the people of the DRC, who are most certainly bruised by years of conflict.

➤On the Rights of Persons with Disabilities

105.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.

106.However, the legal framework favorable to people with disabilities seems to be expanding under the impetus of the Vice-Minister in charge of People Living with Disabilities. Organic law 022/003 of May 3, 2022, on the Protection and Promotion of the Rights of People Living with Disabilities in the DRC corroborates that fact. There should be no impediment to the ratification of the Disability Protocol as domestic law has already prepared the grounds for the practical implementation of this treaty once it is ratified.

v.REPUBLIC OF GABON

➤Overall Human Rights Protection

107.I begin this part of my report with a deep feeling of reverence for the former Minister of Foreign Affairs of the Republic of Gabon who died on January 20, 2023, in full exercise of his functions.

108.This loss of an essential link in the contacts between the Commission and the Republic of

Gabon, can validly explain the failure to materialize the Promotion visit that the Commission had agreed upon with the State and which was postponed before the occurrence of this sad event. 109. Therefore, in my capacity as Rapporteur for this country, I reiterate my sincere condolences to the people of Gabon and to the family of the illustrious deceased Minister.

110. I also have no doubt that the needful will be done in the coming days by the Authorities to carry on and complete this project, on which the former Minister of Foreign Affairs of Gabon was working before his passing.

111. As for the Human Rights situation in this country, it is in the typical movement of States without a security crisis, and which are following a peaceful process of democratization with challenges specific to these contexts.

112. Incidents and tragedies due to negligence, such as the sinking of a boat on March 9, 2023, which claimed the lives of at least 29 people, must never happen again because strict measures have been taken to prevent them from happening and adequate sanctions administered to the failing parties when their liability has been established.

113. It should be pointed out that in this election year, Gabon has performed the Universal Periodic Review and will have to implement all the approved recommendations during this exercise. This will ease the electoral situation within the country which has become somewhat tense over the two previous electoral cycles, with considerable violations of Human Rights that should in no case be repeated.

➤ On the Rights of Persons with Disabilities

114. Gabon has signed the two Protocols relating to the Older Persons and to the Persons with Disabilities, therefore, I invite the Authorities to proceed with the ratification, and to deposit the instruments of ratification of these two treaties. An engaging response has been shown by His Excellency Herman IMMONGAULT, Deputy Minister of Foreign Affairs, when I handed out copies of the Protocols to for ratification, to State Delegations present in Addis Ababa, during the February 2023 Summit.

III. RECOMMENDATIONS

115. Following this presentation, I highly recommend:

116. To Member States of the African Union and Parties to the African Charter to:

i. Please ratify, for those who have not yet done so, the two Protocols relating to the Rights of Older Persons and Persons with Disabilities. The number of ratifications required for their entry into force has not yet been reached despite increased awareness around the issue;

ii. Kindly respond favorably to invitations that will reach them for the purpose of participating in the webinars of my Working Group on raising awareness on the ratification of the two Protocols;

iii. Kindly contribute to the Initial Report on the Situation of the Rights of Older Persons and Persons with Disabilities in Africa, which is being prepared by my Working Group;

iv. Kindly, with regard to the countries for which I am the Rapporteur, authorize and effectively facilitate the visit of the Commission in their territories for a Promotion mission;

v. Kindly, with regard to the countries for which I am Rapporteur and whose adverse Human Rights situations have been indicated in this Report, give their version and reading of these analyzes so that we can work in close collaboration to possibly improve their performance in Human Rights and share their best practices in this area;

vi. The African Union to effectively provide the Commission with a sufficient budget to enable it to effectively accomplish its mission and fulfill its mandate;

vii. To the partners and donors to kindly intensify their multifaceted support to the Commission in the effective execution of its mandate for the realization of the Africa we want.

CONCLUSION

117. I would like to thank all the people and structures who spare no effort to support the WGOPPD in the implementation of its mandate in particular, and to support the Commission in general in its mission. I urge them to continue in this spirit of collaboration to achieve our common goal, which is the promotion and protection of Human Rights in Africa.

118. I thank you for your kind attention.