

ACHPR/Res.106(XXXXI)07: RESOLUTION ON THE RIGHTS OF OLDER PERSONS IN AFRICA

The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 41st Ordinary Session in Accra, Ghana, from 16 to 30 May 2007:-

BEARING IN MIND the rapid rate at which the population of older persons is increasing throughout the world and that the most rapid increase is taking place in the developing world, with Africa alone projected to have between **204** and **210** million older persons by **2050**,

RECOGNIZING that, in Africa, the care and support by the family and community that were taken for granted in the past are declining because of changes in society associated with urbanization and development related programmes,

RECALLING the continental efforts to address the challenges resulting from an ageing population in Africa--which started at the **1999** Session of the Organization of African Unity (OAU)'s Labour and Social Affairs Commission held in Windhoek, Namibia,

CONSIDERING the African Union Policy Framework and Plan of Action on Ageing (the African Union Policy Framework), which was first considered and adopted during the 25th Ordinary Session of the OAU Labour and Social Affairs Commission in Ouagadougou, Burkina Faso, in April 2002, and subsequently received final approval during the 38th Ordinary Session of the Assembly of Heads of State and Government in Durban, South Africa,

RECALLING the African Union Policy Framework in which "*States Parties recognized the fundamental rights of older persons and committed themselves to abolishing all forms of discrimination based on age*" and undertook "*to ensure that the rights of older persons are protected by appropriate legislation, including the right to organize themselves in groups and the right to representation in order to advance their interest,*"

NOTING that the International Plan of Action agreed upon in Madrid, Spain, during the Second World Assembly on Ageing in **April 2002**, borrowed significantly from the African Union Policy Framework, thereby, outlining the concerns of Africa's older persons,

RECALLING FUTRHER that the African Union Member States undertook, *inter alia*, to ensure that the needs and rights of older persons are integrated into all existing and new policies in all sectors, and to enact legal provisions that promote and strengthen the role of the family and the community in the care of its older members,

CONSIDERING Article 18(4) of the African Charter on Human and Peoples' Rights which stipulates that: "The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs,"

FURTHER CONSIDERING Article 22 of the Protocol to the African Charter on the Rights of Women in Africa, which provides for special protection of elderly women and stipulates that ***"The States Parties undertake to: provide protection to elderly women and take specific measures commensurate with their physical, economic and social needs as well as their access to employment and professional training; ensure the right of elderly women to freedom from violence, including sexual abuse, discrimination based on age, and the right to be treated with dignity,"***

HAVING CONSIDERED paragraph 20 of the Kigali Declaration which ***"calls upon States Parties to develop a Protocol on the protection of the rights of people with disabilities and the elderly,"***

CONVINCED that only a Protocol to the African Charter on Human and Peoples' Rights on the rights of older persons in Africa ratified by all African Union Member States would ensure compliance of State Parties with the recommendations contained in the AU Policy Framework and Plan of Action on Ageing:

1. **REQUESTS** the African Union Commission to convene without delay a Committee of Experts composed of Members of the African Commission on Human and Peoples' Rights, independent experts (from the African Union Member States), and civil society organizations, with the view to drafting a Protocol to the African Charter on the Rights of Older Persons in Africa, bearing in mind all the recommendations made in the 2002 Policy Framework;
2. **REQUESTS FURTHER** the African Union Commission to provide all necessary resources to the Committee to enable it finalize the draft Protocol no later than the first quarter of 2008;
3. **CALLS UPON** the African Union Commission and Member States to convene a diplomatic conference with the view to finalizing the draft Protocol and submit it to the Assembly of Heads of State for consideration;
4. **DECIDES** to appoint a focal point on the rights of older persons in Africa to follow-up on the implementation of this Resolution.