

**ACHPR/Res143(XXXXV)09: Resolution on the Transformation of the Focal Point on the Rights of Older Persons in Africa into a Working Group on The Rights of Older Persons and People with Disabilities in Africa**

**The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 45<sup>th</sup> Ordinary Session in Banjul, The Gambia, from 13 to 27 May, 2009:**

**Recalling** its mandate to promote human and peoples' rights and ensure their protection in Africa under the African Charter on Human and Peoples' Rights (the African Charter);

**Bearing in mind** the African Union Policy Framework and Plan of Action on Ageing in which "*States Parties recognized the fundamental rights of older persons and committed themselves to abolish all forms of discrimination based on age,*" and also committed themselves "*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;*"

**Recalling** the Resolution of the African Commission of 30 May 2007 on the Rights of Older Persons in Africa, adopted at its 41<sup>st</sup> Ordinary Session held from 16-30 May 2007, in Accra, Ghana;

**Recalling further** its Resolution on the Appointment of a Focal Point on the Rights of Older Persons in Africa, that was adopted at the 42<sup>nd</sup> Ordinary Session held from 15 - 28 November 2007, in Brazzaville, Republic of Congo;

**Considering** that its Resolution **ACHPR/Res.118(XXXII)07: on the establishment and appointment of a focal point on the rights of older persons in Africa**, adopted during its 42<sup>nd</sup> Ordinary Session did not take into consideration people with disabilities;

**Considering** that the African Charter makes specific provisions for the protection of these rights, under **Article 18(4)**, 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;*"

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

**Bearing in mind** the mandate of the Focal Point which includes, among others, "*Spearheading the process of drafting a Protocol on the Rights of Older Persons for submission to the AU Policy Organs for consideration and adoption as soon as possible;*"

**Appreciating** the work of the Focal Point in advocating for a rights-based approach towards protecting the rights of older persons;

**Underscoring** the need for a Working Group on the Rights of Older Persons and People with Disabilities, as recommended by the Focal Point, to facilitate the process of drafting the Protocol on Ageing, and ensuring compliance by States Parties with the recommendations contained in the AU Policy Framework and Plan of Action on Ageing:

**Hereby resolves to:**

(a) Establish a Working Group on the Rights of Older Persons and People with Disabilities to replace the Focal Point for a two year period with the mandate to:

- i. Hold comprehensive brainstorming sessions to articulate the rights of older persons and people with disabilities;
- ii. Draft a Concept Paper for consideration by the African Commission that will serve as a basis for the adoption of the Draft Protocol on Ageing and People with Disabilities;
- iii. 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;
- iv. Collect data on older persons and people with disabilities to ensure proper mainstreaming of their rights in the policies and development programmes of Member States;
- v. Identify good practices to be replicated in Member States;

Submit a detailed Report to the African Commission at each Ordinary Session.

(b) Appoint the following persons as members of the Working Group:

- i. **Commissioner Yeung Kam John Yeung Sik Yuen (Chairperson);**
- ii. **Commissioner Reine-Alapini Gansou (Member);**
- iii. **Mr. Tavengwa Machekano Nhongo (Member);**
- iv. **Mr. Papa Malick Fall (Member); and**
- v. **Ms. Nadia Abdel-Wahab El-Afify (Member)**

**Done in Banjul, The Gambia, on 27 May 2009**