
58th ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

6th – 20th April 2016

Banjul, The Gambia
I. Introduction

1. This Report is presented on the occasion of the 58th Ordinary Session of the African Commission on Human and Peoples’ Rights (the Commission). It outlines my intersession activity as Commissioner, Chairperson of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa. The period covered is from the 57th Ordinary Session held in Banjul, The Gambia (4 – 18 November 2015) to this present Session. During the period covered, I attended the 19th Extra-Ordinary Session, chaired the meeting of the Working Group on Communications, and undertook other activities as presented in this Report.

II. Participation to pre-session meetings and to Sessions of the Commission

A. Meeting of the Working Group on Communications (WGC)

1. In my capacity as member of the WGC, I participated in the meeting of the WGC which preceded the 19th Extra-Ordinary Session. This meeting took place on 13 and 14 February 2016 and I chaired it in the absence of the chairperson of the WGC, my colleague Honourable Commissioner Asuagbor who was absent with excuses.

2. The purpose of meetings of the WGC is to consider Communications at the seizure and admissibility levels as well as other issues pertaining to the handling of Communications by the Commission for which the Secretariat of the Commission needs guidance from the Commission. Decisions reached at a meeting of the WGC are presented to the plenary of the Commission for final adoption or further debates before a final adoption.
B. The 19th Extra-Ordinary Session

3. I participated in the 19th Extra-Ordinary Session of the Commission which took place from 16 to 25 February 2016 in Banjul, the Islamic Republic of The Gambia.

4. During this Session a number of key documents which have been pending before the Commission for a while have been considered and adopted. These included the report of the mission I conducted to Seychelles in April 2015 and the Draft Protocol on the Rights of Persons with Disabilities.

5. The session also considered a decision from Executive Council Decision of the African Union requesting the Commission to prepare a Draft Protocol on the Rights of Citizens to Social Protection and Social Security.


III. Activities in my capacity as Commissioner Rapporteur on specific countries/Report of the Promotion Mission to the Republic of Seychelles, 6-10 April 2015

7. The report of the promotion mission to the Republic of Seychelles, which took place from 6 to 10 April 2015, has been adopted by the Commission at its 19th Extra-Ordinary Session and would be sent to the Republic of Seychelles, which would be required to submit within sixty days as per the Rules of Procedures (RoPs), its observations on the said report in order for the Commission to include these and publish the final report of the mission.
IV. Representation of the Commission at the Seminar on African Governance Architecture

8. On 26 November 2015, at the Palais des Nations, Geneva, I represented the Commission in a seminar on the African Governance Architecture (AGA). It was a full day seminar organized by the African Union’s Permanent Missions in Geneva and Brussels with a good number of participants from the African States at the level of ambassadors.

9. My intervention was in relation to the Human Rights Cluster of the AGA which falls squarely within the remit of the Commission. I believe the presence of the Commission was well appreciated, the more so since the invitation from the organisers came late.

10. I thank my colleague Lawrence Mute for his back up in providing materials for my presentation.

11. I feel it appropriate to remark that my attending the meeting on behalf of the Commission at the request of Madam Chairperson was a perfect example of good governance. Since I was to be in Geneva at that time on UN business, my intervention did not bear any cost for either the Commission or the AU organisers.

V. Activities as Chairperson the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa

A. Drafting of the two Protocols to the African Charter on Human and Peoples’ Rights relative to the Rights of Older Persons and Persons with Disabilities in Africa
i. Protocol to the African Charter on Human and Peoples’ Rights relative to the Rights of Older Persons in Africa

12. I am pleased to inform States Parties and other stakeholders that the Protocol on the Rights of Older Persons in Africa was adopted during the 26th African Union Summit which took place from 21st to 31st January 2016 in Addis Ababa, Ethiopia.

13. Thus, the way forward is to advocate for its ratification by Member States so that the Protocol enters into force in order for Older Persons to start enjoying the rights herein enshrined.

14. I therefore call upon each and every one of us in the human rights community to play a role in this venture by lobbying at all relevant levels for decision-makers to understand the importance of the Protocol vis-à-vis the Older Persons and the need to enforce their rights as part of all human rights.

15. In this line, the Working Group intends to organise in the coming months a meeting aimed at devising a lobbying and advocacy strategy for the entering into force of the Protocol on the Rights of Older Persons.

ii. Protocol to the African Charter on Human and Peoples’ Rights relative to the Rights of Persons with Disabilities in Africa

16. As mentioned earlier in the section relative to my participation in the 19th Extra-Ordinary Session, the Draft Protocol on the Rights of Persons with Disabilities in Africa has been adopted by the Commission at its 19th Extra-Ordinary Session which took place from 18 to 25 February 2016 in Banjul, the Islamic Republic of The Gambia. The next step regarding this Draft Protocol would be its transmittal to the treaty-making process of the African Union.

17. At this point, and in relation to these two keys documents that the Working Group was tasked to prepare some years ago, I would like to express sincere
appreciations to all members of the Working Group who tirelessly worked to generate and fine-tune these two instruments. My appreciations go also to all stakeholders who contributed to the drafting process by providing insightful comments at all stages of the process which enabled the Working Group and indeed the Commission to reach the consensus on the content and substance of these instruments.

B. Consolidating the network of CSOs/NGOs focusing on the Rights of Older Persons and Persons with Disabilities

18. The Working Group is striving to build more partnerships with stakeholders among CSOs/NGOs that deal with the rights of Persons with Disabilities and Older Persons in Africa.

19. In this regard, consultations are on-going to set up formal frameworks for collaboration to enhance and mainstream the rights of Older Persons and Persons with Disabilities in Africa as per the mandate of the Working Group.

20. As the two Draft Protocols progress into their respective critical process, it is important for more stakeholders to join so that we achieve our common goals of mapping these protocols on our African Continent.

C. Collaboration between the mandate of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa and its counterparts within the system of the United Nations

21. During the intersession, the Working Group continued its collaboration with its counterparts within the system of United Nations.

22. An example of this collaboration is the sharing of information between the Working Group and the United Nations Special Rapporteur on the Rights of
Persons with Disabilities who is preparing a visit to Zambia in the second half of 2016.

D. Monitoring of the situation of Older Persons and Persons with Disabilities in Africa

23. The Working Group monitors developments relative to its mandate and this guides its activities and actions where necessary. The visible outcome of the said monitoring is when the Working Group issues statements or press releases which are published on the website of the Commission.

24. During the intersession, the Working Group celebrated two international days dedicated to persons with disabilities in Africa and globally. These are the International Day of Persons with Disabilities on 3rd December 2015 and the World Braille Day on 4th January 2016.

25. On these occasions, statements\(^1\) were issued and made public by the Working Group.