
64th ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES’ RIGHTS

24th April to 14th May 2019

Sharm El Sheikh, Arab Republic of Egypt
Introduction

1. This Report is presented on the occasion of the 64th 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 Working Group); and other activities carried out under my supervision as Chairperson of the said Working Group.

2. The period covered is from the 63rd Ordinary Session held in Banjul, The Gambia (24 October - 13 November 2018) to the present Session.

I. Participation in the 63rd Ordinary Session

3. I participated in the 63rd Ordinary Session of the Commission which took place from 24 October to 13 November 2018 in Banjul, The Gambia.

4. At the said session, I attended in my capacity as Commissioner Rapporteur for Burundi, a side event organised by Amnesty International and its local partners in Burundi.

5. The activity focused on raising the alarm on prevailing human rights violations in Burundi with a particular emphasis on forced disappearances.

6. In reaction to the call from stakeholders on the situation in Burundi and based on the assessment of the Commission, a Resolution1 was passed by the latter under my initiative and the Resolution urged Burundi to put an immediate end to all ongoing human rights violations in addition to taking appropriate measures to ensure that victims are given applicable remedies and perpetrators brought to justice. The Resolution called upon partners in the international community to “intensify their efforts, actions and support for a peaceful resolution of the crisis in strict observance of human rights and protection of Burundian populations”.

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7. The various deliberations and work carried out by the Commission at this Ordinary Session is summarised in the Final Communique of the said Session which is available on http://www.achpr.org/sessions/63rd_os/info/communique63/.

II. Participation in the 25th Extraordinary Session

I participated in the 25th Extraordinary Session which took place from 19 February to 5th March 2019 in Banjul, The Gambia.

8. The various deliberations and work carried out by the Commission at this Extraordinary Session is summarised in the Final Communique of the said Session which is available on http://www.achpr.org/sessions/25th-eos/info/communique-25eos/.

III. Countries in my Portfolio as Commissioner Rapporteur

9. As you may be aware, I am the Commissioner Rapporteur for States Parties Burundi, Comoros, Lesotho, Madagascar, and Seychelles.

10. I therefore monitor the human rights situation in these countries and advise if needed the Commission on any action to be taken when necessary.

11. In this vein, I have been following the situation in Burundi and the Resolution mentioned above is an example of the action taken with regard to the human rights situation in that country.

12. As for the situations in Comoros and Madagascar, though no specific action was taken or advised, efforts are underway to secure promotion missions in these countries in order to assess on the ground the human rights situation. It is the occasion to call upon the Governments of these countries to grant the request of promotion mission which will soon reach them formally.

13. Concerning Seychelles and Lesotho, the contact with the Commission has been constant and a fruitful relationship exists to the extent that promotion missions have taken place in the said countries. Lesotho is even scheduled to be reviewed by the
Commission at the present Session upon its submission of all overdue State Periodic Reports and it is my expectation that Seychelles will soon follow.

14. Thus, I foresee a betterment of the relationship between the Commission and the majority of countries for which I have been Rapporteur and encourage my colleague(s) who will take over me to continue the consultations formally and informally to maintain and further the relationship. I would be available to assist if needed.

IV. Meeting of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa


16. The meeting was attended by all Working Group Members apart from Commissioners Mute and Kayitesi who excused themselves; also Mr Dube Expert Member of the Working Group could not join due to last minute logistical issues.

17. The meeting aimed at taking stock of the work carried so far by the Working Group, having an overview of the situation of the rights of older persons and persons with disabilities on the continent, and elaborating the 2019 work plan of the Working Group.

18. These objectives were met and the activity plan of the Working Group for 2019 is currently ongoing as part of the overall working plan of the year of the Commission.

V. Advocacy for the ratification of the Protocol on the Rights of Older Persons and the Protocol on the Rights of Persons with Disabilities

19. You will recall that pursuant to its mandate and further to a specific request from the African Union, the Working Group led the drafting process of these two Protocols that were adopted by the Commission and sent to the African Union which finalised the treaty making procedure of these instruments.
20. Thus, as treaties of the African Union, the two Protocols are yet to be in force due to the lack of the requisite minimum threshold of ratifications.

21. It is against this background that the Working Group and its partners have initiated an advocacy programme aimed at gathering the necessary minimum number of ratifications which will ensure that these treaties are in force.

22. This campaign is multifaceted and includes my repetitive calls, in the course of the presentation of my intersession activity report at ordinary sessions of the Commission to State Parties to ratify the Protocols. Below are some of the other layers of the campaign.

A. Advocacy visit to Minister of Justice of Mauritius

23. I took the opportunity of the meeting of the Working Group mentioned above to conduct an advocacy visit to the Minister of Justice of Mauritius. The discussions were very fruitful and members of the Working Group attending the said meeting and myself explained to the Minister and his senior collaborators the interest and need for his country to ratify these two Protocols.

24. It is my conviction that this advocacy visit and meeting have been very promising the Minister committed to take on board the ratification of the Protocols. A press release\(^2\) was even issued by his services at the end of the meeting and it mentioned clearly the intention of Mauritius to look into the ratification of the Protocols.

B. Panel Discussion on the Ratification of the Protocols

25. In the course of the present session, a panel discussion will hold /if not already held and aims at sensitizing State Parties on the need to ensure that the Protocols are in force by gathering the necessary ratifications.

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26. This activity has been prepared by the Secretariat of the Commission under my close supervision and is the ground work of a major seminar with the same objective planned for early July 2019. The said seminar is also being prepared under my close supervision.

VI. Statements/Press releases

27. During the intersession the Working Group issued the Statements/Press releases below as per its usual practice of celebrating/commemorating key dates of interest for its mandate.


Conclusion

28. As I conclude this presentation and as this is the last opportunity for me to address you at an ordinary session of the Commission in my capacity as Commissioner and Chairperson of the Working Group, I would like to express my sincere appreciations to all stakeholders who have assisted in achieving the objectives and mandate of the Working Group.

29. I will not be pessimistic because the main missions of the Working Group have been accomplished; I mean the drafting of the two Protocols mentioned above as well as


the drafting of the Protocol on Social Protection and Security which I am sure my colleague Jamesina King would brief you on the status of its elaboration process.

30. Thus, I am leaving the leadership of this Working Group with which I have been involved since its establishment with mixed feelings. On one side I am happy to have contributed with my colleagues Commissioners and Experts Members to creating a legal framework which if enforced would guarantee persons with disabilities and older persons in Africa a strong protection of their rights. On the other side, I am saddened to quit such a warm an enthusiastic team with which it has always been a pleasure to work over the years.

31. The path was not always joyful as we lost at some points valuable colleagues to whom I pay again tribute today. Let us remember Experts Members Madame Géronime Topko from Benin and honourable Dr Elly Macha from Tanzania who unfortunately passed away while being members of the Working Group. This goes without doubt that there will be need to get further expertise for the Working Group to be adequately supported with regard to its membership.

32. To colleagues who will continue the work and to the future chairperson of the Working Group, I wish all the best and ensure them my full support, in one way or another, to contribute to their mandate.

33. I also leave to them some aspects of the mandate of the Working Group on which I have to acknowledge that we have not performed well; this is what I termed throughout my past reports as “the unexplored field of the mandate”; namely “systematic research, comprehensive monitoring and compilation of data and good practices regarding the rights of older persons and persons with disabilities in Africa.” I am sure colleagues will look into these and ensure that there is progress in the future.

34. I thank you for your kind attention and hope to have the opportunity to exchange on issues of common interest for the human rights promotion and protection family in Africa.