
63\textsuperscript{rd} ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS

24\textsuperscript{th} October to 13\textsuperscript{th} November 2018

Banjul, Republic of The Gambia
Introduction

1. This Report is presented on the occasion of the 63rd 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; and other activities carried out under my supervision as Chairperson of the said Working Group. The period covered is from the 62nd Ordinary Session held in Nouakchott, Mauritania (25th April to 9th May 2018) to the present Session.

2. For reasons beyond my control I could not attend the 24th Extraordinary Session of the Commission.

I. Participation in the 62nd Ordinary Session

3. I participated in the 62nd Ordinary Session of the Commission which took place from 25th April to 9th May 2018 in Nouakchott, Mauritania.

II. Participation in the Joint Retreat of the Permanent Representatives Committee of the African Union and the African Commission on Human and Peoples’ Rights Nairobi, Kenya 04-05 June 2018

4. I participated in the above Joint Retreat and I reiterated my appeal to the Permanent Representatives of the States to ratify the two Protocols to the African Charter on Human and Peoples’ Rights; namely the Protocol on the Rights of Older Persons in Africa and the Protocol on the Rights of People with Disabilities in Africa.

5. Emphasis was placed on the fact that the two Protocols were as much the Protocols of African States as they had gone through all the validating processes.

6. It is gratifying that the Permanent Representatives Council subsequently issued a Resolution/Communiqué calling on all States that have not done so to ratify the two Protocols.

7. The present situation does not see much progress achieved in that respect and so far only eleven States; namely, Benin, Burundi, Chad, Comoros, Ghana, the Kingdom of
Lesotho, Mali, Mozambique, Sierra Leone, Togo, and Zambia have signed the Older Persons Protocol. A positive and encouraging note is that the Kingdom of Lesotho has made a bold step on this 10th October 2018 and is the first State to ratify the said Protocol which is highly commendable.

8. As for the Protocol on the Rights of People with Disabilities, so far only the Central Africa Republic has signed it and there is a lot of advocacy work which remains to be done for the signature and ratification of these two very important human rights treaties protecting rights of two of the most vulnerable groups in our communities.

9. Therefore, I am yet again making an urgent appeal so that 15 ratifications can soon be reached for both Protocols.

III. Participation in the Regional Workshop of Alliance for Rights-Africa - Towards Disability Inclusion (ARADI)

10. On 28 August 2018, on the initiative of Mr A K Dube, member of the Working Group on the Rights of Older Persons and People with Disabilities, I was invited to speak at the regional workshop of Alliance for Rights-Africa - Towards Disability Inclusion (ARADI). The workshop was held in Mauritius and was well attended by representatives of the Alliance from Continental Africa, Madagascar, Comoros, Seychelles and Mauritius.

11. Mr Lefhoko Kesamang from the Department of Social Affairs at the African Union Commission who was much involved with the validation processes of the Disabilities Protocol also attended the Workshop and it was an opportunity for us to discuss further strategies for gathering the necessary ratifications so that the Protocols come into force as binding treaties.

12. I had a further opportunity to make an appeal to all the NGOs present to lobby and engage in advocacy so that the Protocol on Disabilities can soon obtain the critical mass of 15 ratifications.
IV. Development of the Protocol on the Rights of Citizens to Social Protection and Social Security

13. You will recall that the African Union Commission has duly mandated the Commission to develop an Additional Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Citizens to Social Protection and Social Security; and that at the level of the Commission, the Working Group Chaired by my colleague Mrs Jamesina King, as well as the Working Group chaired by me, are part of the task force put in place to work on this document in collaboration with Dr Nhongo and Professor Olivier, the two experts commissioned to undertake that task.

14. The First Draft of this Protocol was tabled before the Commission at its 24th Extraordinary Session and the Commission made comments and observations to be included by the Experts for further consideration at the present Ordinary Session.

15. The Experts have been working and during the reporting period, I had made my inputs and comments to their work whenever I have been consulted or requested to do so.

16. Hopefully, the Second Draft of the Protocol will be adopted at this Ordinary Session if the Commission is satisfied of the outcome document tabled before it.

V. Collaboration with partners of the Working Group

17. I have continued my collaboration with partners of the Working Group during the intersession and provided information, clarification to various requests from these stakeholders.

18. An example of this constant collaboration is the exchanges and guidance provided to Women Enabled International with regard to various procedures of the Commission and how this organisation could participate in the work of the Commission as far as its area of expertise is concerned.
VI. Promotion Mission to the Kingdom of Lesotho

19. From 8 to 14 October 2018, I was in the Kingdom of Lesotho to carry out a promotion mission in my capacity as Commissioner Rapporteur for this country.

20. The mission is the result of the fruitful dialogue which I maintained with officials from Lesotho attending Sessions and other activities of the Commission throughout these past years.

21. Thus, following the authorisation of the Government of Lesotho, my mission took effectively place and I was able to meet and discuss with the relevant stakeholders as per the Terms of Reference shared with Lesotho regarding this promotion mission.

22. I must say that it is one of my most fruitful mission as apart from having gathered the necessary information on the current human rights situation in Lesotho, I was given a draft of the State Periodic Report of Lesotho which was prepared in an effort to clear the backlog of such reports to be submitted by State Parties as provided for under Article 62 of the African Charter.

23. It is my understanding that Lesotho will finalise this Report in the coming weeks and submit the same to the Commission through official channels and I look forward to the consideration of the Report hopefully at the Ordinary Session following the present one.

24. Further, it is while I was still in Lesotho carrying the promotion mission and advocating strongly for the ratification by Lesotho of the two Protocols on which my special mandate worked, that on the 10th October 2018, Lesotho positioned itself as the first State Party on the continent to ratify the Protocol on the Rights of Older Persons. I once again commend this positive move and look forward to the domestication of the said Protocol. I also avail the expertise of my Working Group and myself to assist in the domestication process of the Protocol.
25. At this juncture, it is important to reiterate my appreciations to the Government and People of Lesotho for the franc and constructive discussions during my promotion mission.

26. The preliminary findings of my mission are available on the website of the Commission while awaiting the release of the full and comprehensive report of the mission.

27. I take this opportunity to urge the other States Parties for which I am the Commissioner Rapporteur\(^1\) to extend an invitation to the Commission to carry out promotion missions or respond positively to the requests of the Commission to do so. These countries are also urged to comply with their obligations under Article 62 of the African Charter by submitting their outstanding State Periodic Reports for consideration by the Commission.

**Conclusion**

28. My conclusion to this report would be to again appeal States Parties to increase their efforts to promote and protect rights of older persons and peoples with disabilities.

29. This could be achieved by ensuring that the continental legal framework pertaining to these vulnerable groups is in force. This entails that the two Protocols I referred to do receive the required fifteen ratifications each.

30. My remaining time at the helm of the special mandate dealing with the rights of older persons and persons with disabilities would have a specific focus on advocating for the universal ratification of these two Protocols and I call on all partners to join this noble venture.

31. Further, I recall having indicated in one of my precedent intersession activity report that “the unexplored field of the mandate remains the areas of systematic research, comprehensive monitoring and compilation of data and good practices regarding the rights of older persons and persons with disabilities in Africa.” This assertion

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\(^1\) Burundi, Comoros, Madagascar, and Seychelles.
has not changed and I invite stakeholders and partners to assist the Working Group in exploring this part of its mandate.

32. I finally extend my appreciations to States Parties, partners and others who strive to ensure that older persons and persons with disabilities in Africa are not left behind.

I thank you for your kind attention.