

*Activity Report of Commissioner Yeung Kam John
Yeung Sik Yuen*

Inter-Session period, May 2008-November 2008

*10-24 November 2008
Abuja, Federal Republic of Nigeria*

INTRODUCTION

1. During the inter-session period, May 2008 to November 2008, Commissioner Yeung Sik Yuen carried out two activities: (1) a Promotional Mission to the Republic of Benin in his capacity as Member of the African Commission on Human and Peoples' Rights (the ACHPR), and (2), organised a Consultative Meeting on the Rights of Older Persons in Africa in his capacity as Chairperson of the Focal Point on the Rights of Older Persons in Africa.

Promotional Mission to the Republic of Benin- 25-29 August 2008

2. Commissioner Yeung Sik Yuen undertook a Promotional Mission to the Republic of Benin from 25-29 August 2008, accompanied by Dr. Robert Eno, Senior legal Officer for Protection, and Mr. Francis Ngarhodjim, Legal Officer for Protection, both from the Secretariat of the ACHPR.

Activities as Chairperson of the Focal Point on the Rights of Older Persons in Africa

3. Article 18(4) of the African Charter on Human and Peoples' Rights ("the African Charter") provides that the aged and the disabled shall... "have the right to special measures of protection in keeping with their physical and moral needs."
4. The UN Principles for Older Persons identified five key elements which are needed to create a just society for older persons. These are: independence, participation, care, self-fulfilment and dignity.
5. Older persons, particularly those suffering from physical or mental impairments in Africa, are most at risk and exposed to inter current infections, confusional states and imposed dependency. Such impairments are generally considered as aged-related limitations, but most development and relief agencies do not have these groups of people in their agenda.
6. Good sense dictates that old age is a stage of human life which demands not only accompanying basic material provisions, but also abundance of care. There has been a growing realization that society frequently falls foul of meeting the required expectations of older persons and even violates their basic rights at times, perhaps unknowingly. For this reason national and international institutions, including the Focal Point on the Rights of Older Persons in Africa of the ACHPR have been established to set up the standards and to address the problem of older persons.
7. It is on this premise that the Chairperson of the Focal Point, Commissioner Yeung Sik Yuen, organised a Consultative Meeting on the Rights of Older Persons in Balaclava, Mauritius, from 2-3 October

2008. The aim of the meeting was to bring together stakeholders who have proven interest in vindicating the rights of older persons to discuss issues around these rights and to draw up a new agenda and devise intellectual measures to effectively protect them.

Consultative Meeting on the Rights of Older Persons in Africa, BalACLava, Mauritius, 2-3 October 2008

8. Two Organisations were represented at the Meeting; HelpAge International (HAI), and the African Rehabilitation Institute (ARI). An invitation was also forwarded to the African Committee on the Rights and Welfare of the Child (ACRWE) and the Directorate of Social Affairs (SAD) who could not honour the invitation due to circumstances beyond their control. The Chairperson of the ACHPR, Justice Sanji Mmasenono Monageng, Commissioner Yeung Sik Yuen himself, Dr. Mary Maboreke, and one legal Officer assisting the Focal Point, Ms. Irene Desiree Mbengue Eleke took part in the meeting.
9. During the meeting, the mandate of the ACHPR, as well as its scope of work and reach in Africa and beyond was stated. Issues facing older persons in Africa were highlighted, including concerns of older persons within the context of HIV and AIDS and persons with disabilities. A detailed report of the deliberations in this regard has been forwarded to the Secretariat of the ACHPR.
10. While underscoring the fact that these concerns have not been tackled, it was concluded that there was a need to elaborate on the value-addition of all key actors present at the meeting to serve as a way forward to effectively promote and protect the rights of older persons in Africa, as well as persons with disability, especially older persons with disability.

11. Based on the principle that value-addition can be obtained through tapping, the diversely, complementary and related expertise of all the key actors, were identified and enumerated.

Advantages of the ACHPR

12. Advantages for the ACHPR were identified as follows:

- ✚ Its Status and credibility as an African Union(AU) Organ;
- ✚ It has more than 21 years of experience in human rights issues;
- ✚ It is the premier continental human rights body;
- ✚ Its promotional and protection mandate;
- ✚ Its Special Mechanisms which focus on various human rights issues;
- ✚ Examination of State Reports;
- ✚ Fact finding missions in emergency situations;
- ✚ Its ability to influence processes at the local, regional, continental and international level;
- ✚ Its ability to engage directly with the Policy makers – PRC, Executive Council, the different Ministerial Portfolios and the Heads of State and Government;
- ✚ A holistic approach which cuts across different interests and groupings;
- ✚ It has a huge capacity for advocacy and amplification, in a very prominent manner;
- ✚ Its acceptance in and ability to reach into all the 5 regions of the AU;
- ✚ It attracts funding.

13. The opportunities presented by the ACHPR were also identified as follows:

- ✚ Its ability to monitor implementation at country, regional and continental level;
- ✚ It is able to hold Member States accountable for human rights violations in individual as well as group cases – including those of older persons as well as those with disabilities;
- ✚ It has credibility with Governments and other key players;
- ✚ It has ability to engage directly with Governments and other key actors, including Non-Governmental Organisations (NGOs), National Human Rights Institutions (NHRIs), United Nations (UN) Agencies, universities, partners and donors.

Advantages of ARI

14. The advantages of ARI were also classified as follows:

- ✚ It is a key AU Specialized Agency dealing with issues of disability in Africa;
- ✚ It has credibility on issues of persons with disability;
- ✚ It has a regional and continental mandate;
- ✚ It has regional mechanisms that can play a key role in the implementation of programmes;
- ✚ It has capacity to visibilize issues of disability

Advantages of HAI

15. Finally, the strengths of HAI were identified as follows:

- ✚ The leading Agency on Ageing;
- ✚ Credibility on issues of older persons;

- ✚ Can provide information on what is happening on the ground;
- ✚ Can provide information and guidelines on best practices and best intervention modes;
- ✚ Can provide information on specific violations, with supporting evidence;
- ✚ Have expertise on ageing issues;
- ✚ Have flexibility of approach, fast response and rapidity of action that can enhance the work of the ACHPR;
- ✚ Have the information and technical expertise to prepare a zero draft of the proposed draft Protocol on Ageing, in line with the ACHPR Accra Resolution of May 2007.

16. After categorizing the comparative advantages and opportunities of the ACHPR, the ARI and HAI, the meeting put forward general recommendations and follow-up actions which include the following:

- ✚ That the ACHPR should write to the AU, through the AUC Directorate of Social Affairs, requesting inclusion in the Advisory Council;
- ✚ That the ACHPR, the AUC/SAD and HAI produce a zero draft of the Protocol, for the consideration of Member States;
- ✚ That the ACHPR, together with the AUC, should convene a meeting of Experts to consider a Protocol on Ageing in line with the ACHPR Accra Resolution;
- ✚ That the ACHPR, ARI and HAI should source funding for the development of the Protocol;
- ✚ That the ACHPR should attend the forthcoming First Conference of Ministers of Social Development/Affairs scheduled to take place from 27-31 October 2008, in Windhoek, Namibia;
- ✚ That the HAI & ARI should apply for Observer Status with the ACHPR;
- ✚ That the ACHPR and HAI should explore the possibilities of a MOU;

- ✚ That the ACHPR should urge Member States to implement the AU Policy Framework and Plan of Action on Ageing;
- ✚ That the ACHPR, HAI and ARI should mobilise resources for development of the Protocol on Ageing;
- ✚ That the ARI and HAI should prepare Shadow Reports on the human rights situation of older persons and persons with disabilities;
- ✚ That the ACHPR, HAI and ARI should explore further how the ACHPR can best take forward the issues of older persons and people with disabilities;
- ✚ That the ACHPR should establish a Working Group on the Rights of Older Persons to entrench/legitimize the process of drafting the Protocol on Ageing as soon as possible.

CONCLUSION

17. The principle of non-discrimination and equality before the law was never meant to be interpreted so as to render more difficult the life of older persons, or persons with physical disabilities. Rather, it requires that States adopt special measures to protect the disadvantaged and vulnerable groups of their societies. In this regard, every individual has a role to play in protecting the rights of these groups of people. This protection should not only be narrowed to the basic rights of older persons with age-related limitations, but also to older persons with physical disabilities who are also often the object of discrimination and maltreatment.