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Southern African Regional Expert Meeting on the Rights of Older Women

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**THE VALUE AND IMPORTANCE OF THE PROTOCOL ON THE RIGHTS OF OLDER
PERSONS**

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1. INTRODUCTION

- 1.1. The protocol to the African Charter on Human and People's Rights on the Rights of Older Persons in Africa was adopted by Heads of State and Government during the January 2016 held in Addis Ababa, Ethiopia.
- 1.2. The Preamble of the Older Persons Protocol notes that persons continue to experience human rights violations, social exclusion, prejudice and discrimination. There is therefore the need to set out a substantive binding African legal and institutional framework for ensuring, protecting and promoting the rights of older persons.

2. BACKGROUND

- 2.1. The Protocol on Older Persons was prepared by the Working Group on Older Persons in Africa (Working Group) of the African Commission on Human and People's Rights;
- 2.2. The Working Group undertook consultations with stakeholders from across Africa in face-to-face meetings as well as by posting for feedback early drafts of the Protocol onto the Commission's website;

3. LEGAL BASE

1. The Older Persons Protocol, draws from key international and regional human rights instruments, including the following (among others):
 - a) African Charter on Human and Peoples' Rights;
 - b) Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa;
 - c) African Union Policy Framework and Plan of Action on Ageing (2002);
 - d) Kigali Declaration on Human Rights (2003);
 - e) African Union Social Policy Framework (2009);
 - f) AU Policy Framework and Plan of Action on Ageing (2002);
 - g) United Nations Proclamation on Ageing of 1992; Madrid Plan of Action on Ageing (MIPAA) of 2002.

4. THE PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF OLDER PERSONS IN AFRICA AMONG OTHERS

- 4.1. Provides the first comprehensive African normative basis for ensuring the rights of persons with disabilities as full human beings with inherent dignity and not as mere objects;
- 4.2. Introduces further normative standards of particular relevance to Africa to ensure full and effective protection and promotion of the rights of persons with disabilities in Africa;
- 4.3. Establishes the content and institutional basis to enable older persons to seek redress wherever their rights are violated;
- 4.4. Offers political and diplomatic possibilities at the Continental level for rallying advocacy and action to ensure the rights of older persons in Africa;
- 4.5. sets out the Fundamental Rights of Older Persons , States Parties shall recognize the rights, duties and freedoms enshrined in this Protocol and shall undertake to adopt legislative or other measures to give effect to them;
- 4.6. Reaffirms the Elimination of Discrimination Against Older Persons, by prohibiting all forms of discrimination against older persons take corrective and positive action in those areas where discrimination and all forms of stigmatization against continue to exist in law and in fact;
- 4.7. Calls for Policies and Laws for Older Persons that involve Older Persons in the development and review of national policies and ensuring that they meet their needs; and ensure that national laws reflect policies on ageing and older persons and are effectively implemented; and
- 4.8. the **Right to Employment**, take measures to eliminate unfair discrimination against Older Persons with regard to employment opportunities; and that they enjoy decent working conditions.

5. THE PROTOCOL CALLS UPON STATES PARTIES TO PROTECT OLDER WOMEN

- 5.1. Ensure the protection of the rights of older women from violence, sexual abuse and discrimination based on gender;
- 5.2. Put in place legislation and other measures that guarantee protection of Older Women against abuses related to property and land rights; and
- 5.3. Adopt appropriate legislation to protect the right of inheritance of Older Women.

6. CONCLUSION:

Currently the Protocol is only signed by the Republics of Benin, Comoros, Ghana, Sierra Leone, Togo and Zambia. For it to come into force we need a minimum of fifteen (15) Member States to ratify it. At the moment only a few countries have reported that they have started the ratification process.

The appeal to you all, is to request each one of us to facilitate, lobby and advocate for our Member States to sign and ratify the Protocol on Older Persons.

Thank you