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Centre for Human Rights
Faculty of Law

PRESS STATEMENT

CENTRE FOR HUMAN RIGHTS HIGH-LEVEL ADVOCACY MEETING REVEALS IMMINENT RATIFICATION BY KENYA AND SOUTH AFRICA OF AFRICAN UNION PROTOCOL ON THE RIGHTS OF PERSONS WITH DISABILITIES

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On 28 May 2021, the Centre for Human Rights, University of Pretoria hosted a [high-level advocacy meeting](#) on the ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa (Older Persons' Protocol) and on the Rights of Persons with Disabilities in Africa (Disability Rights Protocol). These two Protocols are not yet in force. They each require fifteen ratifications to ensure their entry into force. So far, only four states to the Charter have ratified the Older Persons' Protocol, while none have ratified the Disability Rights Protocol. During the meeting, it was revealed that both in Kenya and South Africa cabinet approval for the ratification of the Disability Rights Protocol has been secured recently. The parliamentary processes are ongoing.

The advocacy meeting focused attention on three leading democracies on the African continent that have not yet ratified either of the two Protocols. They are South Africa (in Southern Africa), Ghana (in West Africa), and Kenya (in East Africa). The purpose of the meeting was to understand what the obstacles are to the ratification by these three states, and to advance the ratification of the Protocols by gaining an understanding of the progress made at the government level in terms of ratification efforts, and by engaging civil society organisations in their ratification. Over 61 high-level leaders from the government, academia, and civil society organisations (CSOs) from these countries, as well as Malawi, attended the gathering.

The African Union Assembly adopted the Older Person's Protocol on 31 January 2016 to strengthen regional safeguards for older persons' rights to enjoy their maximum rights and freedoms on an

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equitable footing with other demographic classes. The Disability Rights Protocol was adopted on 30 January 2018 to provide for the rights of persons with disabilities from an African viewpoint.

In welcoming the participants, Professor Frans Viljoen, the Director of the Centre for Human Rights, explained that the Centre chose the target countries based on their prominence as leading democracies in Southern, East, and West Africa. He added that the Centre spearheads the meeting in its capacity as an academic institution and as a non-governmental organisation that works towards human rights education in Africa. He invited participants to engage in talks that would enhance ratification efforts and encouraged those who had worked extensively on the two Protocols to give ideas, techniques, and experiences on how member states may most effectively promote their ratification.

Hon. Priscilla Nyokabi Kanyua, Commissioner, National Gender and Equality Commission of Kenya, remarked that substantial work, including consultations, have been undertaken at the Kenyan government level and that the Kenyan Cabinet authorised the Protocols' ratification on 25 February 2021, and that the Protocols are now ready to be sent to the National Assembly for deliberation.

Roseline Kihumba, Portfolio Development and Quality Manager (Global) at HelpAge International, discussed older persons challenges, including access to essential services, discrimination, and unpaid care work. She highlighted that member states should empower older people to ensure that they continue to make vital contributions to society. She noted a dearth of African data, statistics, and study on older persons, making it harder to carry out advocacy on older persons in Africa. Although progress toward ratifying the Protocols has been slow, some member states, including Namibia, Kenya, South Sudan, Uganda, Eswatini, South Africa, and Liberia, have done well in protecting older persons' rights through the development of roadmaps on older persons. She highlighted that one of the primary obstacles to achieving older persons' rights is primarily funding since most donors donate astonishingly little to matters of older persons.

Mr Benny Palime, from the Office of the Presidency of the Republic of South Africa's Department of Women, Youth, and Persons with Disabilities, informed the meeting that on 29 April 2019, the Republic of South Africa signed the Disability Rights Protocol. He further confirmed that President Cyril Ramaphosa, during his 2019 State of the Nation Address, reaffirmed his government's commitment to ratifying the Protocol and that on 21 April 2021, the Cabinet authorised the ratification of the African Disability Rights Protocol. The legislative procedure has begun and will be finished by the end of June 2021. Gail Keetse from South Africa's Department of Social Development updated that the government has started the process of signing and ratifying the Older Persons Protocol.

Mr Pacharo Kayira, Malawi's Chief State Advocate, also attended the meeting. He discussed Malawi's experiences, stating that the Older Persons Protocol was ratified utilising three distinct strategies: political will, cooperation, and consultation. He emphasised that Malawi's new Human Rights Council membership, as well as its participation in the Universal Periodic Review, supported this remarkable accomplishment. He went on to say that significant progress has been made in ratifying the African Disability Rights Protocol.

Mr Kudakwashe Dube, the Africa Disability Alliance's Chief Executive Officer in South Africa, stated that an alliance between advocates for older people's rights and disability rights was formed largely in line with article 30 of the African Disability Rights Protocol to address issues affecting older people and people with disabilities jointly. Mr. Dube further said that his office is ready to award the Africa Disability Alliance's Sacred Trophy and Holy Certificate to the nation that ratifies the Africa Disability Protocol. As part of increasing visibility on the two Protocols, he called on member States to translate the Protocols in their local language.

Abraham Mateta, Programme Officer for Human Rights and Advocacy at the African Union of the Blind in Mozambique, noted that while most African states have ratified the UN Convention on Persons with Disabilities (CRPD), they have made little effort to ratify African human rights instruments. He noted further that the African Disability Rights Protocol has elements that are specific to the African context that are not included in the CRPD. As part of the African solutions for African issues slogan, he invited participants to organise advocacy activities aimed at persuading member states to ratify African human rights treaties.

The meeting also featured plenary discussions, which included remarks by Hon. David Ole Sankok, a renowned disability rights activist, and a recipient of the Presidential Award for fighting for the rights of persons with disabilities who noted that the President of Kenya had taken personal initiatives to advocate for persons with disabilities and older persons. Esther Ekua Gyamfi, the Executive Secretary of Ghana's National Council for Persons with Disabilities (NCPD), remarked that the Ghanaian government has made significant progress in promoting and protecting the rights of persons with disabilities and rights of older persons, including satisfying its reporting duties at regional and international level. She complimented Ghana's robust civil society groups for their advocacy for the two protocols ratification. She added that Ghana is presently revising its instruments on the Rights of Persons with Disabilities to ensure they are consistent with regional and international frameworks. She committed to ensuring that Ghana ratifies the two protocols.

During the meeting, various participants indicated that ratification of the two Protocols opens a plethora of opportunities for collaboration, particularly for CSOs in developing joint programmes and

strategies such as capacity building initiatives, advocacy efforts, and a monitoring and evaluation framework for implementation following the ratification of the Protocols. Participants were urged to seek development partners' cooperation in promoting African human rights treaties. The participants committed to learn from Kenya and Malawi's best practices to advance their ratification processes. The participants noted that most member states have expended considerable effort in ratifying the two Protocols and pledged to ensuring that their ratification occurs.

The Centre's Disability Rights Unit and Women's Rights Unit organised this event, with the assistance of students on the master's degree programme in Human Rights and Democratisation in Africa. Susan Mutambasere, Project Officer in the Women Rights Unit, expressed gratitude to the participants and commended the governments of Kenya, Ghana, and South Africa for their commitment. She added that the Centre hopes that the ratification of the two Protocols by the three states would encourage other African countries to follow suit. The meeting determined to organise similar events in the future, concentrating on other nations and sectors and convening at the level of government and civil society organisations.

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