

**AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS**  
**79TH ORDINARY SESSION**  
**14 May to 3 June 2024**  
**In hybrid mode, Banjul, Gambia**  
**Public Session**

Intersession Report:

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

**Honourable Commissioner Marie Louise ABOMO**

Chairperson of the Working Group

Country Rapporteur for Angola, Burundi, Congo, Democratic Republic of Congo and Gabon

**INTRODUCTION**

1.I submit this Report in my capacity as Member of the Commission, Chairperson of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa, Vice-Chairperson of the Working Group on Specific Issues, Vice-Chairperson of the Working Group on Indigenous Populations/Communities and Minorities in Africa, and Country Rapporteur for the Republic of Angola, the Republic of Burundi, the Republic of Congo, the Democratic Republic of Congo, and the Gabonese Republic, in accordance with the provisions of Rules 25 (3) and 64 of the Rules of Procedure of the African Commission on Human and Peoples' Rights.

2.The Report is presented at the 79th Ordinary Session of the African Commission on Human and Peoples' Rights (the Commission), and it covers the period between the 77th and 79th Ordinary Sessions of the African Commission, i.e. the period from 20 October 2023 to 13 May 2024, and summarises my intersession activities within the framework of the various thematic and special mandates entrusted to me.

3.Over the aforementioned period, I took part, as far as my timetable allowed, in the activities set out in the Commission's Work Plan. During the period under review, I pursued the two framework objectives of my strategy at the level of the Working Group under my purview. First and foremost, to have a clear vision of the situation of the Rights of Older Persons and Persons with Disabilities in Africa, and secondly, to ensure that the international legal framework for the promotion and protection of their Rights on the Continent is completed as it stands, by the entry into force of the two Protocols that concern them, as soon as possible.

4.My Report is structured, as usual, in three parts. I will present, in turn, the activities in which I participated in my general capacity as Commissioner of the Commission, those I carried out under my special

mandate on the Rights of Older Persons and Persons with Disabilities, and those of the other special mandates (I). In response, I will provide an overview of my findings on the human rights situation in the countries for which I am Rapporteur (II). I will then make some recommendations (III).

## **I. ACTIVITIES CARRIED OUT DURING THE INTERSESSION PERIOD**

### **A. ACTIVITIES UNDERTAKEN IN MY GENERAL CAPACITY AS COMMISSIONER**

This involves my participation in the Statutory Sessions of the Commission and the online meetings on the Institutional Reform of the African Union.

#### **1. PARTICIPATION IN STATUTORY SESSIONS**

6. As a Member of the African Commission, I attended the 77th and 78th Ordinary Sessions of the Commission.

7. The 77th Ordinary Session, which was public, was held from 20 October to 9 November 2023 in Arusha, Tanzania. I presented my intersession report on that occasion, and had the following meetings on the sidelines of these deliberations as outlined below.

➤ Joint Meeting with the DRC Minister for Human Rights and the Director General of the National Fund for Reparations to Victims of Conflict-Related Sexual Violence and Victims of Crimes against Peace and Human Security (FONAREV)

8. At their request, I met Mr Albert Fabrice Puela, the Minister for Human Rights of the DRC, and Mr Lucien Lundula Lolatui, Director General of the National Fund for Reparations to Victims of Conflict-Related Sexual Violence and Victims of Crimes against Peace and Human Security (FONAREV), for a frank discussion on the human rights situation in the country.

9. We noted the seriousness of the human rights violations resulting from the war in the East, with particular emphasis on sexual violence.

10. The authorities we met made requests to the Commission through my role as Country Rapporteur. These are currently being processed in accordance with the Commission's mandate, especially as the country appears to be in favour of a visit in the form of a promotion mission, as constantly requested by the Commissioner Rapporteur and the Commission. Moreover, on this point, a letter from the Chairperson of the Commission was recently sent to the President of the Democratic Republic of Congo.

11. I am very hopeful that these discussions and initiatives will lead to this visit, to optimise respect for human rights in this country.

12. I also welcome the efforts made by the authorities we met and the country as a whole to comply with the obligations set out in the Charter and other relevant human rights instruments. The FONAREV initiative is indeed a highly positive development that should be encouraged and supported.

13. I would like to thank the Minister and the Director of FONAREV for this fruitful meeting and encourage them to maintain the momentum of the frank exchanges that took place.

➤ Meeting with the FIDH on the DRC

14. At their request, I met with a FIDH delegation on 19 October 2023. The delegation was made up of Mr Jean-Claude Katende, Vice-President of the FIDH, Mr Mabassa Fall, Permanent Representative of the FIDH to the AU, Mrs Hassatou Ba-Minté, Director of the FIDH Africa Office and Julia Doublait, Deputy Director of the Africa Office.

15. Discussions also focused on the worrying human rights situation in the DRC in the context of the conflict in the East of the country and the need for all stakeholders to take urgent action to put an end to the ongoing violations and restore normalcy in this part of the country.

16. FIDH and I agreed to pool our efforts pursuant to the applicable legal frameworks and the Commission's mandate in order to act accordingly. Ideas for action were put forward, and the fear that violations might worsen as a result of the elections at the time were the main points of this discussion.

17. We agreed to keep in touch, and since then a dynamic exchange of information has developed.

18. I would like to thank the FIDH delegation for this meeting, and I hope that it will become a tradition, by extending its concept to all the countries over which I have oversight responsibility as Rapporteur.

19. The Final Communiqué of the 77th Ordinary Session can be consulted by following the link <https://achpr.au.int/fr/news/communique-de-presse/2023-11-09/communique...>

20. The Report on the 78th Ordinary (Private) Session, held online from 23 February to 8 March 2023, is available at <https://achpr.au.int/fr/news/final-communicues/2024-03-09/communique-fi...>

21. The Commission's activities and deliberations at these sessions are summarised in the aforementioned Final Communiqués.

## **2.COMMISSION'S STRATEGIC PLANNING RETREAT**

22.I took part in this activity from 3 to 4 December 2023, in Dakar, Senegal. The ultimate aim of this retreat was to equip the Commission with the capacity to better fulfil its mandate. The event was held in the run-up to the Joint Retreat with the PRC, which has been outlined **below**.

### **3.JOINT PRC AND ACHPR RETREAT**

22.The Joint Retreat of the Commission and the PRC was held from 5 to 7 December, in Dakar, Senegal, in accordance with Decision EX.CL/Dec.1045 (XXXIV) of the Executive Council requesting the ACHPR "to institutionalise an Annual Joint Retreat of the PRC and the ACHPR". I took part in this event.

23.This Retreat, about which more authoritative voices have made detailed pronouncements, enabled me to personally understand more about the inner workings of this Organ, which is the mainstay of the African Union's policy-making Organs. The dialogue initiated, particularly on issues of vital importance to the Commission, augurs well for the future, and for the Commission's optimal and more effective operationalisation.

### **4.FIRST EDITION OF THE COMMISSION'S SPECIAL MECHANISMS FORUM - 25 TO 27 APRIL 2024 IN DAKAR, SENEGAL**

27.At this innovative event, which I would not delve into again in terms of its concept and details, because more authoritative voices will expatiate on it, I delivered a paper entitled "Advocacy Initiatives for the Ratification of the Protocols on the Rights of Older Persons and on the Rights of Persons with Disabilities in Africa, Challenges and Prospects". This is in fact, among other things, a summary of the work of the Working Group on the Rights of Older Persons and Persons with Disabilities. This paper had already been presented to the PRC. It has been updated, as the Working Group did not stop its work in September 2023, when it outlined to the PRC its various initiatives aimed at ensuring the entry into force of the two Protocols relating to the vulnerable categories covered by its mandate.

28.I took the opportunity provided by the presence of the representatives of the States to make the case for ratification of the two Protocols on the one hand, and to step up discussions with a view to obtaining authorisation for promotion missions in some of the countries for which I am rapporteur, on the other hand. These issues are covered in more detail in the relevant sections of my report.

### **B.ACTIVITIES CARRIED OUT WITHIN THE FRAMEWORK OF SPECIAL MECHANISMS**

## **1.ACTIVITIES CARRIED OUT BY THE WORKING GROUP ON THE RIGHTS OF OLDER PERSONS AND PEOPLE WITH DISABILITIES IN AFRICA**

29.I would like to mention here the latest webinar to raise awareness among States regarding the ratification of the Protocols for the vulnerable groups concerned, in accordance with the Working Group's 2023 Action Plan, the development of the Working Group's three-year action plan, and the process of finalising the Draft Initial Report on Older Persons and Persons with Disabilities in Africa. In addition to these activities, there are ad hoc urgent actions/reactions, the usual declarations welcoming the celebrations of the International Days and timely awareness-raising activities.

### **a) WEBINAR TO RAISE AWARENESS AMONG THE ENGLISH-SPEAKING MEMBER STATES OF THE AFRICAN UNION ON THE NEED TO RATIFY THE TWO PROTOCOLS ON THE RIGHTS OF OLDER PERSONS AND PERSONS WITH DISABILITIES IN AFRICA, 14 DECEMBER 2023**

30.This webinar closed the series of three activities scheduled in the Working Group's 2023 Work Plan.

31.The concept and objectives of this webinar are that it is aimed at African Union Member States, in particular their Ministries of Foreign Affairs, technical ministries responsible for disability issues and the Older Persons, and Parliaments. States must each nominate at least one representative to take part in this activity. It targets institutions in English-speaking States that are Parties to the African Charter on Human and Peoples' Rights and have not yet ratified either of the two Protocols in question, or have ratified only one of them. It aims to raise awareness of the existence of the two Protocols and of the urgent need to ensure their entry into force. More specifically, the aim is to:

- Present the Protocols to the participants and give an overview of the fundamental rights guaranteed by the Protocols and explain how these instruments will make it possible to protect the target groups concerned;
- Raise awareness among Member States to encourage them to commit to ratifying the Protocols;
- Identify the challenges and solutions to ratification of the two Protocols; and
- To enable participants to be well-equipped to activate the levers within the policy-making Organs of their respective countries in favour of ratification of the Protocols and to promote the rights enshrined therein; etc.

32.This activity, scheduled for 5 December, took place on 14 December 2023, following an adjustment to our initial timetable to factor into the scheme, activities involving the whole Commission, in particular the Joint Retreat with the PRC.

33.The following countries took part in the event: Botswana, Cameroon, Eswatini, Lesotho and Sierra Leone; out of a total of 18 countries formally invited to take part. The low turnout was no doubt due to the intense pressure on stakeholders in the final weeks of the year.

34.I would like to express my sincere thanks to the Vice-Chairperson of the Working Group, Honourable Commissioner Mudford Zachariah, who so ably presided over the meeting.

35.All the Members[ The Working Group on the Rights of Older Persons and Persons with Disabilities in Africa is currently made up of 8 Members, including three Commissioners and 5 Independent Experts. The 3 Commissioners are Honourable Commissioner Marie-Louise Abomo (Chair of the WG), Honourable Commissioner Mudford Zachariah (Vice-Chair) and Honourable Commissioner Sow (Member). The Independent Experts appointed by sub-regions are Mr Dube Kudakwashe (Expert Member for Southern Africa); Mr Saddam Hussein Meddeber (Expert Member for North Africa); Mr Patrick Laurent Badugue (Expert Member for Central Africa); Mrs Rigbe Gebrehawaria Hagos (Expert Member for East Africa); and Mrs Jennifer Suoyo Aga (Expert Member for West Africa). ] of the Working Group attended, with the exception of Honourable Commissioner Sow, who sent his apologies, and myself, as I was unable to attend.

#### **b)PREPARATION OF THE WORKING GROUP'S THREE-YEAR ACTION PLAN**

35.I have worked with the Secretariat of the Commission on the Working Group's three-year plan to incorporate it in the African Union's new three-year budget planning.

36.Under this new approach to budgetary planning, the African Union Organs and structures are no longer required to submit an annual action plan and budget, but rather a three-year one.

37.I have therefore been able to propose six strategic activities for the next three years, in line with my vision of the Working Group's mandate, which can be expressed as follows: in the next three years, the Protocols will have entered into force; their effective implementation will require action both immediately and in the short, medium and long term.

38.Among other actions, this will involve equipping the stakeholders to enable them to respond adequately to the reporting obligations in

accordance with the combined provisions of Article 62 of the Charter and the relevant provisions of the two Protocols. It will also involve formulating model norms derived from the standards contained in the Protocols in order to provide more specific guidance for national legal frameworks relating to the rights of Older Persons and Persons with Disabilities.

39. Furthermore, the Initial Report on the Situation of the Rights of Older Persons and Persons with Disabilities in Africa will be updated every two years to provide stakeholders with the most up-to-date and dynamic mapping possible of the rights of these two vulnerable groups in Africa. This tool will be the compass for actions to improve the protection of their rights in accordance with the Charter and Protocols and all other applicable standards.

40. All this will be done with a view to promoting and protecting the rights of older persons and people with disabilities on the continent in a more practical, pragmatic and effective way. The ultimate aim is to put the specific characteristics of these two vulnerable categories of people back at the heart of the African human rights debate, and to achieve continental ratification of the two Protocols specific to them.

41. My appeal at this stage is that the African Union provide the specific resources that the Commission is requesting as part of this three-year action plan, so that the vision I have just outlined can become a reality. The ambitions are noble, far-reaching and relevant, with clear projections of results, but without the provision of financial resources, it will be impossible to achieve all this.

### **c) EFFORTS TO FINALISE THE DRAFT INITIAL REPORT ON THE SITUATION OF THE RIGHTS OF OLDER PERSONS AND PERSONS WITH DISABILITIES IN AFRICA**

42. As indicated in my previous report, the Working Group is continuing the process of finalising the Draft Initial Report on the Situation of the Rights of Older Persons and Persons with Disabilities in Africa. To this end, the following routine activities are being undertaken:

- i. Monitoring the situation on the continent of the two categories of people covered by the report;
  - ii. Maintaining contact with the independent researchers who wrote the Initial Draft of the Report;
  - iii. Gathering of information and new elements relevant to the said report by the Expert Members of the Working Group regarding the countries of their respective sub-regions;
  - iv. Discussion of contributions to this work with Working Group partners;
- and

v. Preparation of Notes Verbales and letters to be sent to the States Parties to the Charter and to National Human Rights Institutions (NHRIs), in order to consolidate the content of the report;

43. As mentioned in my report on the last intersession period, the Working Group's 2024 Action Plan includes a face-to-face tripartite meeting to produce the final consolidated version of this Initial Report, the vital importance of which no longer needs to be emphasised.

44. Once again, I would like to thank all those involved in this project, despite the lack of financial resources, and particularly those who are working voluntarily to bring it to fruition. I would nevertheless like to appeal to all those of goodwill to make financial resources available to complete this project.

45. Furthermore, and above all, I urge the States Parties to the Charter, the NHRIs and all other partners to respond, as soon as possible and in a detailed manner, to the request of the Working Group when it asks for their contributions to the report.

#### **d) URGENT ACTIONS/REACTIONS, PRESS RELEASES AND WORKING GROUP STATEMENTS**

46. During the intersession period, the Working Group published four Press Releases, as listed below with the web links to access them:

i. Press release on the tragedy at the Stade d'Ornano in Brazzaville - November 2023 <https://achpr.au.int/fr/news/communiquede-presse/2023-11-30/communiquede...>;

ii. Press release on the effective deposit by the SADR of its instruments of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, and of the Protocol on the Rights of Older Persons - 2 November 2023 <https://achpr.au.int/index.php/fr/news/communiquede-presse/2023-11-03/...>;

iii. Press release on the effective deposit by Uganda of its instruments of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, and the ratification of the Protocol on the Rights of Older Persons - 30 October 2023 <https://achpr.au.int/fr/news/communiquede-presse/2023-11-02/communiquede...>;

iv. Press release on the effective deposit by Malawi and Nigeria of their instruments of ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa - 7



February 2024 <https://achpr.au.int/fr/news/communiqué-de-presse/2024-02-08/communiqué...>

Press release on the need for ratification for the entry into force of the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Older Persons and Persons with Disabilities in Africa - 29

February 2024 <https://achpr.au.int/fr/news/communiqué-de-presse/2024-02-29/communiqué...>;

## **e)TIMELY ACTIVITIES TO RAISE AWARENESS OF THE RATIFICATION OF THE TWO PROTOCOLS**

### **✓CORRESPONDENCE TO STATES PARTIES ON THE NEED FOR THE PROTOCOLS TO ENTER INTO FORCE**

47.I have instructed the Secretariat to send notes verbales to extend my New Year greetings and to transmit my press release of 29 February 2024, entitled "Press release on the need for ratification for the entry into force of the Protocols to the African Charter on Human and Peoples' Rights on the Rights of Older Persons and Persons with Disabilities in Africa".

48.These notes verbales, dated 4 March 2024 and sent to all States Parties in their official languages (Arabic, English, Spanish and Portuguese), presented my New Year's greetings and sought to take stock of ratifications of each of the two Protocols, as set out in the above-mentioned Communiqué.

49.This approach is innovative for my Mechanism and specific to the situation that prevails with the ratification of the two Protocols.

50.Indeed, the agreements are so close to achieving the minimum of 15 ratifications required for them to come into force, that I believe that at this stage it is more necessary than ever to make every possible effort to achieve the goal.

### **✓ TIMELY MEETINGS**

51.I had three timely meetings at the Special Mechanisms Forum.

52.Firstly, thanks to the facilitation of the Honourable Commissioner Hatem Essaiem, whom I would like to thank, I was able to have a meeting with Tunisia's distinguished delegate to this event.

53.My task was to advocate the ratification of the two Protocols based on the already very supportive framework that exists in Tunisia for these two categories of vulnerable people.

54.I would like to thank the distinguished delegate for his willingness to forward my message to the relevant authorities.

55. I also had similar discussions with Mr Cyr Maixent Tiba, Director General of Human Rights and Fundamental Freedoms at the Ministry of Justice, Human Rights and the Promotion of Indigenous Peoples of the Republic of Congo. With him, I continued the discussions initiated following my initial contacts with him as reported in my previous report.

56. Finally, with the Chairperson of our Commission, we were able to discuss with Mr Paul Nsapu, the President of the National Human Rights Commission of the DRC, the ways and means of strengthening collaboration between that country and our Commission.

### **✓ STATE OF RATIFICATIONS OF PROTOCOLS AND SUCCESSES ACHIEVED**

57. So, as usual, at this juncture, I would like to take stock of the ratifications of the two Protocols to date and to note the progress made in this respect since my last intersession report, in order to see the changing curve on the issue and the impact of our concerted actions towards the objective of the entry into force of these texts.

58. To date, the Protocol on the Rights of Older Persons in Africa has been ratified by thirteen (13) States (Angola, Benin, Burundi, Cameroon, Ethiopia, Kenya, Kingdom of Lesotho, Malawi, Mozambique, Niger, Rwanda, Saharawi Arab Democratic Republic and Togo). The following twenty-five (25) States have signed it: Angola, Benin, Burundi, Cameroon, Central African Republic, Chad, Comoros, Ethiopia, Gabon, Ghana, Guinea, Kenya, Kingdom of Lesotho, Malawi, Mali, Mauritius, Mozambique, Nigeria, Niger, Rwanda, Sahrawi Arab Democratic Republic, Sao Tome and Principe, Sierra Leone, Togo and Zambia.

59. Thus, the number of ratifications for the Protocol on Older Persons rose from 12 to 13, while the number of signatures rose from 24 to twenty-five in relation to the last intersession report. The latest ratification is that of the Saharawi Arab Democratic Republic, which deposited its instrument of ratification on 25 October 2023. Consequently, 2 ratifications still need to be obtained through the actual deposit of instruments of ratification for this Protocol to enter into force.

60. Four new ratifications were made to the Protocol on Persons with Disabilities. They are those of the Sahrawi Arab Democratic Republic, Uganda, Malawi and Nigeria. These countries deposited their instruments of ratification with the African Union Commission on 25 October 2023, 11 October 2023, 20 December 2023 and 15 January 2024 respectively. These new elements increase the number of ratifications previously communicated in my last report from 10 to 14. The number of signatures has risen from 16 to 18.

61.The Protocol on the Rights of Persons with Disabilities therefore requires only one ratification to enter into force.

62.I believe that this success in terms of results is the consequence of all the energy deployed by the Working Group in particular, and by the Commission in general. Indeed, the Protocol on the Rights of Persons with Disabilities was signed for the first time on 2 October 2018 by the Central African Republic, and ratified for the first time by the Republic of Mali on 10 May 2021. Today, as we have noted, it has been ratified 14 times in just three years. As for the Protocol on the Rights of Older Persons, it was signed for the first time by the same Central African Republic on 2 October 2018 and ratified for the first time by the Kingdom of Lesotho on 11 April 2018. To date, it has been ratified 13 times in 4 years.

63.Another success factor is that the Protocols have also become popular among many stakeholders and are now frequently cited in human rights discourse in different contexts, as specific human rights instruments protecting the rights and addressing the particular challenges of these categories of vulnerable people. They have given rise to new projections on issues related to the people protected by these instruments and to various interventions and advocacy initiatives by various stakeholders on their rights, as far as possible in their non-binding state.

64.This is why I am convinced that these two Protocols will enter into force very soon.

## **2.ACTIVITIES OF THE WORKING GROUP ON SPECIFIC ISSUES RELATING TO THE WORK OF THE AFRICAN COMMISSION**

65.During the 77th Ordinary Session, this Working Group, on my strong recommendation, came under the chairpersonship of Honourable Commissioner Litha Ogana. Since then, she has skillfully steered the work of this internal mechanism, which is highly strategic for the Commission's work.

66.Thus, in my new capacity as Vice-Chair, I was able to follow and contribute to the meetings during the 77th and 78th Ordinary Sessions held by the Group. The work in question concerned the development of a framework and guidelines for the Commissioners' intersession activities, the project to set up a general framework designed to follow up on the Commission's recommendations and decisions, and a strategy to improve the implementation of these decisions and recommendations by the Member States. These projects are making significant progress under the technical responsibility of Mrs Eunice Refiloe Malotha, the Expert made available to the Commission by the Republic of Botswana, with, on the one hand, the adoption of the project for the establishment of a general

framework for follow-up on the Commission's recommendations and decisions, as well as a strategy for improving the implementation of these decisions and recommendations by States; and the formulation of clear instructions to complete the development of a framework and guidelines for the Commissioners' intersession activities, on the other hand.

### **3.ACTIVITIES OF THE WORKING GROUP ON COMMUNICATIONS**

#### **➤MEETINGS OF THE WORKING GROUP ON COMMUNICATIONS**

67.I chaired all the intersession meetings relating to this Working Group. The separate report that I am presenting in this capacity is a detailed one on these activities.

### **4.MEMBER OF THE WORKING GROUP ON INDIGENOUS POPULATIONS/COMMUNITIES AND MINORITIES IN AFRICA**

68.This Working Group, of which I am Vice-Chair, has held two meetings, as set out below. I took part in all these activities.

#### **a)VALIDATION MEETING OF THE STUDY ON THE IMPACT OF COVID-19 ON INDIGENOUS PEOPLES IN AFRICA, 20-21 NOVEMBER 2023, WINDHOEK, NAMIBIA**

69.As stated in the press release, this meeting determined "whether the study provides a comprehensive and balanced understanding of how the COVID-19 pandemic has affected the lives of indigenous populations in Africa, and whether it can be used to put in place **targeted interventions and policies to promote their well-being and resilience in the face of future challenges**".

#### **b)FOLLOW-UP MEETING ON THE VALIDATION OF THE STUDY ON THE IMPACT OF COVID-19 ON INDIGENOUS PEOPLES IN AFRICA, 14-15 MARCH 2024, FREETOWN, SIERRA LEONE**

70.The aim of this meeting was, as the Final Communiqué so aptly put it, to enrich and improve the validated study, and to formulate evidence-based policy recommendations aimed at strengthening the resilience of indigenous communities in future public health emergencies. It was also "an opportunity to incorporate into the study the comments received from participants at the study validation meeting".

## **II.HUMAN RIGHTS SITUATION IN COUNTRIES UNDER MY PURVIEW**

As announced above, these include the following countries: Angola, Burundi, Congo, Democratic Republic of Congo and Gabon.

### **A.REPUBLIC OF ANGOLA**

## 1.General Protection of Human Rights

71.As Country Rapporteur for Angola, I do not wish to undermine the solemnity of the Commission's consideration of this country by giving the results of my monitoring of the human rights situation in this State Party at this stage of the intersession period.

72.Angola has submitted its 8th and 9th Combined Report and its Initial Report on the Maputo Protocol, which are due to be examined as soon as possible. As we all know, the review of a Periodic Report by the Commission is an opportunity for both parties to constructively discuss the progress made and points requiring improvement in the human rights situation of the country under review. This discussion concerns the realities covered by the period of the report and those of the moment. For this reason, I leave it to this exercise to reveal to us the details of the general human rights situation in Angola, and I congratulate this State Party on its efforts to comply with its reporting obligations under the Charter and the Maputo Protocol. I have no doubt that the recommendations arising from this review will be implemented in good faith by this country.

73.I have also included in my Agenda for 2024 the possibility of undertaking a promotion mission to Angola, following the solemn verbal invitation extended to me by the country's delegation at the 73rd Ordinary Session, in the third quarter of 2022.

## 2.On the Rights of Persons with Disabilities

74.As reported in my previous intersession reports, the Republic of Angola has signed and ratified the two Protocols relating to Older Persons and Persons with Disabilities and has deposited the instruments of ratification. It is thus positioned as one of the countries that will be champions in my vision of intervention once the Protocols in question come into force very soon, according to our expectations in the year 2024.

## **B.REPUBLIC OF BURUNDI**

### 1.General Human Rights Protection

75.The general trend in the human rights situation in Burundi as reported in my previous reports continues. Burundi continues to face many challenges in terms of protecting the human rights of human rights defenders in particular, despite the general lull observed following the arrival of a new government and its avowed openness to external partners.

76.One notable case of the arrest, detention and criminal prosecution of a journalist occurred on 13 April 2024. It is reported that "Sandra Muhoza,

42, a journalist with La Nova Burundi, an online media outlet, was arrested on Saturday 13 April and taken the next day to the premises of the National Intelligence Agency (SNR) in Bujumbura. She was charged with "undermining the internal security of the State", according to judicial sources and her family. She is said to have been subjected to "physical abuse during interrogation" and to have been interrogated blindfolded and handcuffed behind her back for hours. Her arrest was reportedly prompted by a report of remarks made in a WhatsApp conversation among journalists during a debate on the alleged distribution of machetes to the Imbonerakure, members of the CNDD-FDD party's Youth League.

77.Regardless of the subsequent or current outcome, such allegations are worrying insofar as the case of journalist Floriane Irangabiye, which I mentioned in my previous report, has not evolved positively since then. Indeed, Floriane Irangabiye, who is serving a 10-year prison sentence following her conviction in January 2023 on charges of undermining Burundi's national security in connection with her work with the online media Radio Igicaniro, saw her conviction upheld on 13 February 2024 by the Cassation Chamber of Burundi's Supreme Court. It is worth recalling at this point the concerns of the Commission and other stakeholders about the situation of prisons, which are clearly overcrowded and in conditions that fall far short of the relevant standards.

78.These developments do not seem to be in line with the Burundian government's general policy of loosening the stranglehold on the defence of human rights and press freedom. The proof of this is the adoption of the bill to revise the 2018 press law, which, according to government spokesman Jérôme Niyonzima, "is part of the process of updating the press law, abolishing prison sentences for journalists for press offences, decriminalising these offences and punishing them with fines ranging from 500 to 1,500,000 Burundi francs". This revision could benefit from the Commission's expertise as it continues to be finalised, so that Burundi can adopt the best international standards in this area. In the same vein, I reiterate my request for a promotion mission to the country. A Note Verbale was sent again on 30 April 2024 to this effect.

## 2.On the Rights of Persons with Disabilities

79.Burundi has ratified the Protocols on the Rights of Older Persons and Persons with Disabilities, and deposited the instruments of ratification on 4 July 2022.

80.Therefore, as indicated for Angola, we must prepare for the full implementation of the Protocols whose entry into force is imminent. I am at the disposal of the States concerned to support immediate, short-term,

medium-term and long-term action in this regard. This is an important part of my vision and my three-year action plan as submitted to the African Union's general budget process.

## **C. REPUBLIC OF THE CONGO**

### **1. General Human Rights Protection**

81. I reiterate the situation presented in my previous reports, which state that "the human rights situation in the Republic of Congo is relatively calm, as in any country where there is no security crisis". This picture becomes clearer with the country's transition to the 4th [Congo's first, second and third UPRs were carried out in May 2009, October 2013 and November 2018 respectively.] Cycle of the Universal Periodic Review in January 2024. At its 45th Session held from 22 January to 2 February 2024, the Human Rights Council examined Congo's national report, which outlines the country's efforts to promote and protect human rights. The report also includes challenges and concerns regarding the promotion and protection of human rights. This transparent and responsible exercise before the UPR is to be welcomed, and I am certain that the recommendations will be accepted and implemented by the country. I am thinking in particular of the need to remedy as quickly as possible issues such as the non-existence of a specific legal framework for the protection of human rights defenders; the under-representation of women in decision-making bodies; allegations of self-censorship by the media and other human rights defenders due to restrictions on the civic space; allegations of torture; conditions well below international standards in the country's 17 official prisons; the continuing deterioration in living conditions for the country's disadvantaged populations, with a worrying unemployment rate; etc.

82. The government's efforts are therefore required on all these serious issues, including the need to take measures to avoid tragedies such as the one that occurred on the night of 20 November 2023 in a stampede during an army recruitment operation in the capital Brazzaville, in which the government reported 31 deaths.

83. I would also like to note that the national report mentions significant cooperation with international mechanisms for the promotion and protection of human rights. This is commendable, but I am concerned that the African system, including the one I am steering, is not included in this cooperation. For a decade or more, Congo stopped interacting with African Union's foremost Organ for the promotion and protection of human rights. This trend is now changing for the better following contacts with Mr Cyr Maixent Tiba, Director General of Human Rights and Fundamental

Freedoms at the Ministry of Justice, Human Rights and the Promotion of Indigenous Peoples of the Republic of Congo.

84. I can report here that, thanks to the joint efforts of both parties, significant progress has been made since then, and discussions have been held on the margins of the Forum mentioned earlier in this report.

85. I instructed the Secretariat to follow up the formal request for a promotion mission, and this correspondence was forwarded last April with a copy to our direct contact on the Congolese side.

86. I am confident that the promotion mission will take place in 2024 and that Congo will submit its periodic reports on time.

## 2. Specific Rights for Older Persons and Persons with Disabilities

87. The Republic of Congo has not signed the Protocol on the Rights of Older Persons or the Protocol on the Rights of Persons with Disabilities, nor has it ratified them.

88. I reiterate my appeal to this country to ratify these two Protocols, especially as the legal protection of Older Persons and Persons with Disabilities in this country is constitutional.

89. Indeed, Article 31 of the Constitution of the Republic of Congo states that "Older Persons and Persons with Disabilities have the right to protection measures in line with their physical, moral or other needs, with a view to their full development under the conditions determined by law". "The State has a duty to promote the presence of persons living with disabilities in national and local institutions and administrations".

90. Furthermore, according to its national report submitted to the Universal Periodic Review in January 2024, since 2014 the Republic of Congo has ratified the International Convention on the Rights of Persons with Disabilities and its Additional Protocol, and the State has an Advisory Council for People Living with Disabilities, which is responsible for issuing opinions and making suggestions to the Government for better care for people with disabilities [ Article 234 of the Constitution of 25 October 2015 established an Advisory Council on Persons with Disabilities. ] .

## **C. DEMOCRATIC REPUBLIC OF THE CONGO**

### 1. General Human Rights Protection

91. The country, its people and its leaders are to be congratulated for having been able to hold peaceful elections. We wish the authorities, all the parties and the people every success in this new term of office. This was also the purpose of the letter of congratulations that I sent to the re-elected President. It was co-signed by the Chairperson of the Commission.



92.The holding of the elections, for which I congratulated all the stakeholders concerned, does not, however, preclude the very worrying human rights issues that persist in the country, specifically in the East of the country characterised by the war between the government forces and the M23 armed group.

93.This war is the source of countless human rights violations of all kinds in the DRC.

94. I would like to repeat my call for a firm, holistic approach to this serious security and humanitarian crisis in the eastern part of the DRC. To this end, it is essential, as I have repeatedly called on them to do, that the armed groups immediately put an end to all forms of violence and finally and unconditionally participate in the disarmament, demobilisation, community rehabilitation and stabilisation programme.

95.In view of the renewed confidence of the majority of the country's population in the highest authorities who have presided over the country's destiny in recent years, it seems more necessary than ever to respond favourably to the request for a promotion mission on the ground which I have been continually asking for. As I said in my previous report, such a mission would help to identify the situation in concrete terms and to make appropriate recommendations to the country to help it meet its human rights commitments. A roadmap could then emerge on this aspect to guide the actions of the authorities in promoting and protecting human rights in the country.

96.I have already given an overview of the meetings I have had with DRC officials, including at ministerial level, and with a delegation from the FIDH, and I have no doubt that all these contacts will be stepped up to make the planned joint actions effective.

## 2.On the Rights of Older Persons and Persons with Disabilities

97.The Democratic Republic of Congo has not signed either the Protocol on the Rights of Older Persons or the Protocol on the Rights of Persons with Disabilities, and as indicated in my previous reports, the country's legal framework for these two categories of vulnerable people is more than conducive to ratification of the Protocols in question. I reiterate my confidence that the authorities responsible for this drive to help these vulnerable people are receptive to our intensive lobbying in favour of ratifying these two treaties, especially as they recently won the majority vote of the people, and can complete their projects such as the one that is so helpful to the vulnerable groups in question.

## **D.GABONESE REPUBLIC**

## 1.General Human Rights Protection

98.In my previous report, I reminded Gabon of the principle of the continuity of the State and the responsibilities of all governments to comply strictly with applicable international obligations. I also called on the new authorities to take all measures to ensure that no exceptional circumstances could have a negative impact on the respect and protection of human and peoples' rights in the country under their governance.

99.I can affirm at this point that this appeal seems to have been heard insofar as the said authorities have, during the intersession period, shown the political will to uphold the sanctity of human rights, including in this exceptional context in which their country finds itself.

100.Solemn declarations were made in favour of the protection of human rights despite the exceptional situation. This was the case with the Prime Minister of the Transition at the celebration of the 75th Anniversary of the Universal Declaration of Human Rights, which he attended in Geneva in December 2023. There he clearly reaffirmed Gabon's position on human rights and environmental conservation, stressing its deep attachment to the fundamental principles of human rights.[

<https://gabonmediatime.com/geneve-ndong-sima-reaffirme-la-position-du-g...>]

101.This was also the case when, on 26 February in Geneva, the Minister of Justice, Mr Paul-Marie Gondjout, representing Gabon at the 55th Session of the United Nations Human Rights Council, stated: "The Transition authorities, committed to respect for human rights and fundamental freedoms, have committed themselves, through a roadmap, to undertaking relevant political and institutional reforms to lay the foundations of a modern, resilient State that is in tune with the aspirations of its fellow citizens" [ <https://www.gabonreview.com/droits-de-lhomme-paul-marie-gondjout-vante-...>]

102.There are grounds for optimism about the general human rights situation in Gabon, given that political will is the trigger and catalyst for all actions and policies to promote and protect human rights.

103.That is why I, as Country Rapporteur, remain confident that the issues of prison overcrowding and torture noted by the SPT during its mission to Gabon in February 2024, and already noted by the Minister of Justice when he took office[ "Our prisons are overcrowded. We currently have over 5,000 prisoners. But the capacity is much less than that. Two-thirds of the people in our prisons are remand prisoners, people awaiting trial. We need to reduce this number. More than 1,700 convicts and just over 3,000 remand prisoners; this is not normal", Paul-Marie Gondjout, Gabon's

Minister of Justice - 2 October 2023 on RFI available by following the link <https://www.rfi.fr/fr/podcasts/invit%C3%A9-afrique/20231002-paul-marie-...>;

] , will be addressed and resolved in accordance with the applicable international standards and Gabon's international obligations.

104.I am also keeping a close eye on the transition timetable with regard to the return to normal constitutional order scheduled for the end of 2025, because it is recognised that only a democratic framework can provide fertile ground for the promotion and protection of all human rights.

105.I have constantly expressed my interest in seeing the promotion visit that the Commission agreed with this country through to fruition, and I am of course open to practical discussions to this end.

## 2.On the Rights of Older Persons and Persons with Disabilities

106.As I mentioned in my previous reports, Gabon has signed the two Protocols on Older Persons and Persons with Disabilities. Ratification is yet to be done.

### **III.RECOMMENDATIONS**

107.My recommendations below are for the most part similar to those made in my previous reports, so I urge the Member States of the African Union and parties to the African Charter, to:

i.Ratify, for those who have not yet done so, the two Protocols on the rights of Older Persons and People with disabilities, so that they can enter into force in 2024;

ii.Kindly contribute to the Initial Report on the Situation of the Rights of Older Persons and Persons with Disabilities in Africa, which is being prepared by my Working Group;

iii.Authorise and facilitate the Commission's visit to their countries on a promotion mission, in the case of the countries for which I am Rapporteur;

iv.Furthermore, I would be grateful if the countries for which I am rapporteur, and whose human rights situations have been identified in this report, could give us their version and their interpretation of these analyses, so that we can work closely together to improve their human rights performance and share their good practices in this area;

v.I urge the African Union to provide the Commission with a sufficient budget to enable it to carry out its mission effectively and fulfil its mandate;

vi.I urge partners and donors to intensify their multifaceted support to the Commission in the effective implementation of its mandate to achieve the Africa we want.

### **CONCLUSION**

108.I would like to take this opportunity to thank all the people and organisations who have spared no effort to support the Commission in its mission in general, and to assist the Working Group on Older Persons and Persons with Disabilities (GTPAPH) in implementing its mandate in particular.

109. I urge all these actors to continue in this spirit of collaboration to achieve our common goal of promoting and protecting human rights in Africa, but with a short-term goal dear to my Special Mechanism, the achievement of the 15 ratifications required for each of the Protocols in the year 2024.

110.I would like to pay a well-deserved tribute to the Expert Members of my Working Group, and encourage those who are still eligible to submit their applications when the Commission, in the coming months, launches the competition for application to the position of member of the Working Group, on the understanding that the current two-year term of office of the members expires in August 2024.

111.Thank you for your kind attention.