Chapter 10
The Rights of Older Persons and Persons with Disabilities in Africa

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1 Introduction

The African regional human rights system consciously makes broad provisions for protecting both civil and political rights as well as economic, social and cultural rights in the African Charter on Human and Peoples’ Rights (ACHPR). Significantly the ACHPR provided in its Article 18(4) that ‘The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs’.

Consequently, advocacy for adequate protection of the elderly in Africa has generated much thinking within the African Union (AU), which led to the development of the African Union Policy Framework and Plan of Action on Ageing of 2002. The AU Policy Framework on Ageing binds States Parties to recognise the fundamental rights of older persons and to abolish all forms of discrimination based on age. States Parties are also called upon to ensure that the rights of older persons are effectively protected by appropriate legislation. The adoption of the Resolution on the Rights of Older Persons in Africa by the African Commission on Human and Peoples’ Rights (African Commission) during its 41st Ordinary Session in Accra, Ghana, in May 2007 is a significant step towards implementing the AU Policy Framework on Ageing. It is worthy of note that the UN’s Madrid Inter-

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1 See chapters 2 and 3 in this volume.
3 See ibid, Article 4.1, Recommendation 1 on Policy Recommendation and Plan of Action.
4 ACHPR/Res.118 (XXXX11) 07.
5 ACHPR/Res.106 (XXXXI) 07.
national Plan of Action on Ageing of 2002 had itself drawn inspiration from the AU Policy Framework on Ageing and had committed States to achieve objectives that covered areas of concern to older persons.

The protection of persons with disabilities (PWDs) has also acquired significant importance both globally and in Africa. As noted in chapter 1, almost 80 per cent of PWDs live in developing countries. This number continues to increase due to population growth, greater longevity and other changes taking place worldwide. In Africa a growing number of persons are added to the list of PWDs due to different socio-economic factors, including the consequences of war, poverty, diseases, ageing, malnutrition, natural calamities and disasters and accidents. There are open as well as hidden manifestations of disability. A victim of polio or autism could be more easily recognised than someone suffering from deafness or the lack of any form of life skills with which to sustain them. On every count each of these victims could face challenges of discrimination, poverty and exclusion.

The proclamation of the UN Decade of Disabled Persons (1983-1992) brought promises of change in society’s attitude to PWDs. Africa responded with the establishment of the African Rehabilitation Institute (ARI) mandated with the coordination of disability issues in Africa. Disability is now a major programme in the AU Department of Social Affairs whose specific objectives among others are to raise awareness on disability and develop measures that enhance the quality of life of PWDs. Central to the effort is the commitment by African States to empower PWDs by mainstreaming them in society with a view to securing jobs for them and allowing them to play a meaningful role in political, social and economic development and enjoy access to rehabilitation.

The African continental response went further. In July 1999, the AU General Assembly of Heads of State and Government proclaimed the African Decade of Disabled Persons (1999-2009) and followed that up promptly with the Continental Declaration and Plan of Action to energise the decade.

The 2002 AU Policy Framework on Ageing has been of immense value to Member States in also developing appropriate national policies and programmes to meet the specific need of PWDs. Such policies and programmes are adopted usually as part of their fulfilment of the challenges enunciated within their individual Poverty Reduction Strategy Papers (PRSPs) and the Millennium Development Goals (MDGs).

Perhaps another major indicator of deeper commitment to the rights of the PWDs was the pro-active transformation in 2009 of the Focal Point on the Rights of Older Persons in Africa, a pivotal development which was itself created in 2007, into a Working Group on the Rights of Older Persons and People with Disabilities.

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7 See AU Department of Social Affairs, at http://www.achpr.org write-up on Disability and Rehabilitation.