

African charter on human and peoples' rights

In September 2019, the Republic of Mauritius submitted its Ninth and Tenth Combined Periodic Report on the Implementation of the African Charter on Human and Peoples' Rights. This covers the period January 2016-August 2019. The Report was considered during the 66th Ordinary Session scheduled for Friday 24 and Monday 27 July. Some 100 NGOs and institutions have been invited by the Senior Chief Executive of the Ministry of Foreign Affairs, Regional Integration and International Trade (Human Rights Division) to follow the deliberations online.

NMRF

On page 20 para 53 of the Submission, we read the following:

"In December 2017, a National Mechanism for Reporting and Follow-Up (NMRF) was set up under the Ministry of Justice, Human Rights and Institutional Reforms as per the recommendations of the Office of the High Commissioner for Human Rights. The NMRF has become, inter alia, the platform for consultations with Ministries, Departments, NGOs and civil society on a regular basis. The NMRF is chaired by the Hon. Minister of Justice, Human Rights and Institutional Reforms. The NMRF aims to ensure that Human Rights obligations, be it at the United Nations (UN) or African Union (AU) level, are kept under review for proper follow up. Periodic reports and mid-term Review/Progress Reports are submitted in a timely manner after thorough consultations with all parties concerned.

The NMRF ensures a better coordination among Ministries in respect of the implementation of recommendations and decisions and enables a thorough monitoring of Human Rights obligations. In this respect, a fully manned Human rights secretariat has been put in place at the level of the Ministry, to assist the NMRF."

OUR REMARKS

We candidly believed and still so that in the spirit of the "permanence de l'État" beyond the last General Elections we, speaking from the point of view of an NGO who participated actively in the sessions of the NMRF, would continue to advance our ideas and proposals but since then, the NMRF has not been convened. We had founded the NMRF as 'the' forum where to follow up on our proposals meeting after meeting. This is how we saw to it that the following issues be kept live on the agenda:

1. that the State of Mauritius participates systematically at the annual UN Open-Ended Working Group Sessions on Ageing (OEWGA). We have had the opportunity of congratulating the authorities for having expressed its position in favour of a convention for the Rights of Older Persons at the OEWGA in 2018 and 2019.

2.that the State of Mauritius signs and ratifies the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa. We shall recall that this Protocol was adopted by the Assembly of Heads of States in its 26th ordinary session in January 2016.

The NMRF allowed us to enquire on progress and on the State's continued intention to sustain its position which we can't as at now as the NMRF hasn't been convened since the last elections.

PERSONS WITH DISABILITIES

On Page 38 para 113 we read: "Mauritius is considering to become a party to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa and all the implications are being looked into. Though Mauritius has already ratified the UN Convention on the Rights of Persons with Disabilities since 2010 it is not in a position yet to remove the reservations under the Articles 9(2)(d), 11, 24(2)(b). Continuous progress is being made concerning accessibility. The Building Control Act 2012 provides for enhanced accessibility to public infrastructure by disabled persons. The Building Control (Accessibility and Gender Compliance in Buildings) Regulations 2017 provide for a universal design requirement in respect of new buildings and buildings under major renovation. For the granting of the Land Use and Building Permit, a technical sheet of the Planning Policy (PPC) regarding access for people with disabilities, which gives guidance for the needs/requirements of people with disabilities."

OUR REMARKS

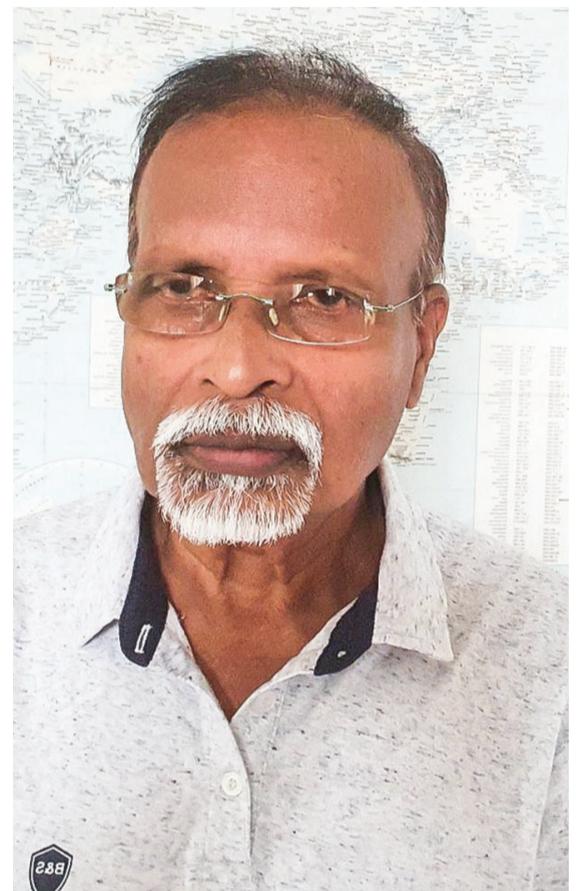
Is there a long way to go? We opine that the progress should be accelerated for full compliance. True there are still many challenges (ref our article in the 20 July edition) to address. We'll name a few, the access to public and private buildings be they a Court of Justice, a Health institution or a public bus. We propose a robust plan of actions along a reasonable timeline because people living with a handicap, of whom many older citizens, cannot wait ad vitam eternam. Meaning we have no right to leave them behind.

PROTECTION OF ELDERLY PERSONS

On Page 42 para 135 we read: "Following the promotional visit of the Commissioner from the African Union Commission in December 2018, Government is looking into the possibility of acceding to the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons in Africa. A technical committee is looking at all the implications for an eventual signature/ratification of the Charter".

OUR REMARKS

Records are there as a proof that DIS-MOI has been advocating this Protocol at the level of the NMRF since its last meeting by the end of the previous Government mandate. We have also toured the country here and in Rodrigues since 2016 to sensitise the students, the young adults and the older citizens on the opportunity for Mauritius to sign and ratify this Protocol. There have been several workshops and seminars



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attended by local and foreign officials.

DIS-MOI organized a multi-stakeholder meeting in 2019 and earlier this year on these two issues: the AU Protocol and the OEWGA. Taking it at that, this paragraph 135, we cannot but hope that sooner than later this Government will join the African countries, the last being the Rwanda to have ratified the AU Protocol.

In the same breath, we earnestly wish corrective and revolutionary measures are taken to develop an inclusive society where people sustaining a disability are citizens at par.

NB: The Honourable Minister of Foreign Affairs stated that Mauritius has taken a stand to ratify the AU Protocol on the Rights of Older Persons and the Protocol on the Rights of People with Disabilities while submitting Mauritius 9th and 10th Combined Report under the African Charter on Human and Peoples' Rights on Friday 24th July. We congratulate Government on this decision.