

# Resolution on the Development of Guidelines on the Protection of the Rights of Workers in the Informal Economy Sector in Africa - ACHPR.Res.579 (LXXVIII)2024

Mar 20, 2024

*The African Commission on Human and Peoples' Rights (the Commission) meeting at its 78th Ordinary Session, held virtually from 23 February to 8 March 2024:*

**Recalling** its mandate to promote and protect human and peoples' rights in Africa, under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

**Considering** Article 15 of the African Charter on the right to work and Article 13 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), which require states to adopt legislative and other measures to promote the occupations and economic activities of women, particularly within the informal economy;

**Considering** further the provisions of the International Covenant on Economic, Social and Cultural Rights; General Comment No. 23(2016) on the Right to Just and Favourable Conditions at Work; the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the Rural Workers' Organisations Convention 1975 of the International Labour Organization, which includes commitments to non-discrimination and to the right to work for all people:

**Recalling** the African Union's Agenda 2063 which includes the Social Protection Plan for the Informal Economy and Rural Workers 2011-2015 and the African Union (AU) Strategy on Gender Equality and Women's Empowerment 2018-2028, which recognizes that "women in Africa remain the majority of the poor, the dispossessed, the landless, the unemployed, those working in the informal sector, and those shouldering the burden of care...";

**Bearing** in Mind the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security, on the need to provide social protection to all workers and calls for the adoption of a regulatory framework that include informal workers in social security schemes;

**Considering** Resolution (ACHPR/Res.73(XXXVI) 2004 on Economic, Social and Cultural Rights in Africa adopting the Declaration of the Pretoria Seminar

on Economic, Social and Cultural Rights in Africa, which expressly includes workers in informal employment under the right to work;

**Concerned** that eight out of ten workers in Africa are in informal employment and play a significant role in African economies and that women are over-represented in the informal economy, and that the informal sector plays a critical role in gender equity, employment, peace, and stability across the continent;

**Further** Concerned that workers in the informal economy are excluded from labour and social protection laws, which results in the ban or criminalisation of trading activities central to the workers in the informal economy, and amount to discrimination on the basis of economic status;

**Conscious** of the lack of comprehensive national legislations and the need to develop Guidelines on the rights of workers in the informal economy; coupled with guidance provided by model law(s);

**The Commission decides:**

1. to task the Working Group on Economic, Social and Cultural Rights in Africa, to develop Guidelines on the Protection of the Rights of Workers in the Informal Economy; together with Model Law(s) to regulate different occupations in the informal economy;
2. to work in collaboration with the Special Rapporteur on the Rights of Women in Africa and other stakeholders in the drafting of the Guidelines and Model Law(s);
3. that the Guidelines on the Protection of the Rights of Workers in the Informal Economy and Model Law(s) be presented to the Commission for its consideration and adoption within two (2) years from the date hereof.

**Done 8 March 2024**