

Working Group on Economic, Social and Cultural Rights (ECOSOC Rights) - 71OS

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SECTION 1 - INTRODUCTION

1. This Report is submitted in accordance with Rules 25(3) and 64 of the Rules of Procedure 2020, of the African Commission on Human and Peoples' Rights (the Commission) and covers the activities undertaken during the inter-session period between the 69th and the 71st Ordinary Sessions of the Commission.

2. The Report covers activities I undertook in my capacities as a Member of the Commission, the Chairperson of the Working Group on Economic, Social and Cultural Rights (ECOSOC Rights) and a Member of the Committee on the Protection of the Rights of People Living with HIV (PLHIV) and those at Risk, Vulnerable to and Affected by HIV (the Committee on PLHIV).

3. The Report is divided into three (3) sections as follows:

(a) Section I: Introduction

(b) Section II:

- Part I - Activities undertaken in my capacity as a Member of the Commission;
- Part II - Activities undertaken in my capacity as the Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa; and
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- Part II - Conclusion and Recommendations.

SECTION II – INTER-SESSION ACTIVITIES

PART I: ACTIVITIES UNDERTAKEN IN MY CAPACITY AS A MEMBER OF THE COMMISSION

69th Ordinary Session of the Commission

4.From 15th November to 5th December 2021, I participated in the 69th Ordinary Session of the Commission, held virtually. The Commission discussed urgent human rights issues on the Continent, considered and adopted decisions on Communications and other documents, as well as examined Periodic State Reports.

5.The Final Communiqué of the 69th Ordinary Session of the Commission is available on the Commission’s website at: <https://www.achpr.org/sessions/info?id=377 >

Retreat on Result-based Annual Work Planning

6. From 10th to 13th January 2022, as a Member of the Commission, I participated in a Retreat on Result-based Annual Work Planning of the Commission, to review and finalize its 2022 Annual Work Plan (AWP) to ensure that it is comprehensive and properly aligned with the Strategic Plan.

Sittings of the Commission of Inquiry into the Situation in the Tigray Region

7. On 22nd January 2022 and 1st February 2022 respectively, as Commissioner Rapporteur on the Human Rights Situation in the Federal Democratic Republic of Ethiopia and a Member of the Commission of Inquiry (COI), I participated in the sittings/hearings of the COI.

Meeting of the Commission

8.On 16th February 2022, as a Member of the Commission, I participated in the meeting of the Commission held virtually to discuss the Paper on Complementarily Relationship with the African Court on Human and Peoples’ Rights (the Court).

70th Ordinary Session of the Commission

9.From 29th February to 9th March 2022, I participated in the 70th Ordinary Session of the Commission held virtually. During the Session, the Commission considered outstanding items from its previous Sessions, including Communications, Resolutions, Reports and other documents.

10.The Final Communiqué of 70th Ordinary Session is available on the Commission’s website at: <https://www.achpr.org/sessions/info?id=381>

35th Extra-Ordinary Session of the Commission

11.On 5th April 2022, I participated in the 35th Extra-Ordinary Session of the Commission held virtually to discuss the Complementarity Relationship with the Court and other urgent matters.

PART II: ACTIVITIES UNDERTAKEN IN MY CAPACITY AS THE CHAIRPERSON OF THE WORKING GROUP ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS IN AFRICA

High Level Continental Conference on the Right to Health and Social Protection in Africa

12.From 8th to 10th December 2021, as Chairperson of the Working Group on ECOSOC with the Special Rapporteur on the Rights of Women in Africa we jointly organized a High Level

Continental Seminar on the Right to Health and Social Protection in Africa in Dakar, Senegal. The Conference, which was part of the promotion mandate of the Commission, was organized within the framework of Article 45 of the African Charter on Human and Peoples' Rights (African Charter) and was funded by the European Union (EU) under the EU/AGA Support Project 2021-2023.

13. The Conference was organized to raise awareness and remind States Parties to the African Charter of their obligations under the African Charter, the Maputo Protocol and other relevant instruments towards the provision of adequate and affordable health care and social protection services as well as commit to give priority to health care and social protection by undertaking concrete legislative and other measures including reforms of their health sectors.

14. The Conference was attended by Honourable Commissioners, Expert Members of the Working Group on ECOSOC, representatives of Government Institutions, Parliamentarians, NHRIs, International Organizations, NGOs, Academic Institutions, Health Workers and Journalists and facilitated by staff of the Secretariat of the Commission.

Planning Meeting of the Working Group on ECOSOC Rights in Africa

15. On 31st January 2022, in my capacity as the Chairperson of the Working Group on ECOSOC (Working Group), I organised and chaired a Planning Meeting of the Working Group on ECOSOC held virtually, to discuss and develop an Annual Work Plan of the activities of the Working Group for 2022. The meeting also discussed possible areas of interest and planned for the 2023 Annual Work Plan of the Working Group.

Planning Meeting with Danish Institute for Human Rights

16. On 22nd March 2022, I participated in a Planning Meeting with the Danish Institute on Human Rights (DIHR) held virtually, to discuss and plan for a Panel Discussion on Sustainable Development and Human Rights in Africa: How to ensure accountability of States and Business Entities, organized by the Working Group in collaboration with DIHR, during the ongoing 71st Ordinary Session.

Meeting of the Working Group on ECOSOC

17. From 25th to 26th March 2022, I participated in the Meeting of the Working Group held in Pretoria, South Africa. The meeting was organized to discuss the most recent draft of the "General Comment on States Obligations to Regulate Private Actors Involved in the Provision of Social Services"; and to review and finalize the draft General Comment for presentation to the Commission at the ongoing 71st Ordinary Session. The Centre for Human Rights, University of Pretoria, collaborating with the Initiative for Social and Economic Rights, Uganda, hosted the meeting.

4th NHRIs forum on the margins of the 71st Ordinary Session of the Commission

18. From 12th to 13th April 2022, as Chairperson of the Working Group on ECOSOC, I participated in the 4th NHRIs Forum on the margins of the 71st Ordinary Session of the Commission, held in Banjul, The Gambia, a hybrid format, on the theme "Integrating the Protect, Respect, and Remedy Framework to Business and Human Rights in Africa, as a Lever towards the Acceleration of Human, Social, and Economic Capital Development."

19. The forum was organized to provide a platform for African NHRIs, the Commission, the Office of the High Commissioner for Human Rights (OHCHR) and other key stakeholders to deliberate on the situation of business and human rights & sustainable oceans in Africa; and devise

recommendations on a multi-stakeholder approach to integrating the protect, respect, and remedy framework as a lever towards the Acceleration of Human, Social, and Economic Capital Development. During the Forum, on behalf of the Chairperson of the Commission, I officially opened the forum and made a keynote launching statement before launching the NANHRI Business and Human Rights and sustainable Oceans Member Report and officially closed the Forum.

PART III: ACTIVITIES UNDERTAKEN IN MY CAPACITY AS A COMMITTEE ON THE PROTECTION OF THE RIGHTS OF PEOPLE LIVING WITH HIV (PLHIV) AND THOSE AT RISK, VULNERABLE TO AND AFFECTED BY HIV (THE COMMITTEE)

Continental Conference on the Impact of COVID-19 on HIV Responses in Africa

20. From 15th to 17th March 2022, as a Member of the Committee on PLHIV, I participated in Continental Conference on the Impact of COVID-19 on HIV Responses in Africa held in Sally, Senegal. The Conference, which was part of the promotion mandate of the Commission, was organized within the framework of Article 45 of the African Charter and was funded by the EU under the EU/AGA Support Project 2021-2023.

21. The Continental Conference was organized to raise awareness and build knowledge and capacity on the importance of a human rights-based approach in responding to the COVID-19 pandemic and its significance for the protection of HIV-related human rights. The Commission also sought to draw out lessons learnt from the HIV responses in order to contribute to ongoing conversations on building resilience against future pandemics and other global health and development challenges.

22. The Continental Conference brought together stakeholders from State and non-State entities. The Continental Conference which was successful adopted Conclusions and Recommendations, which can be accessed on the website of the Commission on <https://www.achpr.org/news/viewdetail?id=229 >;

PART IV: ACTIVITIES UNDERTAKEN IN MY CAPACITY AS A MEMBER OF THE WORKING GROUP ON THE RIGHTS OF OLDER PERSONS AND PERSONS WITH DISABILITIES

Planning Meetings of the Working Group on the Rights of Older Persons and Person with Disabilities

23. On 22nd December 2021, as a Member of the Working Group on Older Persons and Persons with Disabilities, I participated in the Planning Meeting of the Working Group on the Rights of Older Persons and Person with Disabilities, held virtually, to take stock of the implementation of 2021 Work Plan of the Working Group and also to adopt its 2022 Work Plan.

24. On 23rd March 2022, as a Member of the Working Group on Older Persons and Persons with Disabilities, I participated in the planning meeting of the Working Group aimed at adopting the final 2022 Work plan of the Working Group and adopt strategies for its effective implementation. Responsibilities of various stakeholders as far as the implementation of this plan was concerned, were clearly identified and communicated as necessary.

25. The meeting also adopted a proposal for the 2023 Work Plan of the Working Group to be submitted for approval by Policy Organs in the framework of the overall 2023 Work Plan of the Commission.

PART V: LETTERS OF URGENT APPEAL & PRESS STATEMENT

Letter of Urgent Appeal to the Republic of Liberia

26. On 24th December 2021, as the Country Rapporteur on the Human Rights situation in the Republic of Liberia, together with the Chairperson of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Executions and Forced Disappearances in Africa, Hon. Commissioner Idrissa Sow, we sent a letter of Urgent Appeal to His Excellency Mr. George Weah, President of the Republic of Liberia, regarding allegations of a series of ritual murders in Liberia. Reports indicate that at least ten (10) people were reportedly killed in the course of the year 2021, including five (5) between August and December 2021, in circumstances that remain unclear.

27. The Commission is yet to receive a response from the Government of the Liberia.

SECTION III: SITUATIONAL ANALYSIS

PART I – Situation of ECOSOC Rights on the Continent

28. In many African countries ECOSOC rights are in need of persistent advocacy and action as they are mostly neglected and often categorised as non-justiciable.

29. Human beings should have access to social and economic goods and services needed to live a dignified life and to participate equally in society. This depends on having quality, accessible public services such as health care, water and sanitation, food and nutrition, housing, education, and social security. Governments have an obligation to ensure the right to an adequate standard of living, so that everyone enjoys the rights necessary to live in dignity. Consequently, Governments need to ensure equal access to these rights for all, without discrimination.

30. Covid-19 reinforced the relevance of the right to an adequate standard of living. The pandemic has had a considerable impact on economic, social and cultural rights and created economic inequalities particularly in developing countries. The continent is now emerging from its fourth pandemic wave driven by the Omicron variant. As of April 13, 2022, confirmed cases of Covid-19 from 55 African countries reached 11.5 million while over 273,000 vaccinations have been administered across the continent [<https://allafrica.com/stories/202204130374.html>]. A third of the world's population has yet to receive a single dose of COVID-19 vaccine, including a shocking 83 per cent of all Africans, said the head of the World Health Organization (WHO) [<https://allafrica.com/stories/202203310646.html>]. The impact of the pandemic has been felt particularly hard in situations in which economic, social and cultural rights had not previously been guaranteed.

31. Equitable access to safe and effective COVID-19 vaccines is critical to ending the COVID-19 pandemic. Africa's immunization drive against COVID-19 is gaining momentum in almost all countries, however the vaccination rate on the continent remains low. Although COVID-19 vaccine supplies to Africa have risen significantly, the continent is struggling to expand rollout, with only 11% of the population fully vaccinated. According to WHO, the vaccination rate needs to increase six (6) times if the continent is to meet the 70% target set for the middle of this year. Currently 6 million people are vaccinated on average every week in Africa, and this number needs to increase to 36 million to reach the 70% target agreed globally [<https://www.afro.who.int/news/africa-needs-ramp-covid-19-vaccination-si...>].

32. Governments are therefore urged to reset their programmes, improve coordination and speed up vaccination drives, to ensure vaccines are administered as quickly as possible upon arrival to avoid expired vaccines. Furthermore, Governments need to ensure that testing and vaccines for Covid 19 are affordable and accessible to everyone, and that healthcare facilities have resources to provide adequate care.

33. On a more positive note, by the request of the African Union Executive Council that the African Union Commission collaborates with the Commission, to develop an Additional Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security (the Protocol), the Assembly of Heads of State and Government of the African Union during its 35th Ordinary Session held from 5 to 6 February 2022, in Addis Ababa, Ethiopia, adopted the said Protocol.

34. With the vast majority of people in Africa not appropriately covered by formal social protection provisions, I urge all State Parties to sign and ratify the newly adopted Protocol, to guarantee the rights of all Africans to social protection and social security.

PART II. Conclusion & Recommendations

35. In light of the aforesaid, I wish to make the following recommendations to the various stakeholders:

State Parties:

- i. Take legislative and other measures for the full realization of economic, social and cultural rights in accordance with the African Charter, the Principles and Guidelines on Economic Social and Cultural Rights, the Guidelines on the Right to Water in Africa and other regional and international human rights norms, at all times including periods of a public health crisis;
- ii. Sign and ratify the Additional Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security;
- iii. Create employment opportunities in particular for the youth;
- iv. Ensure access to housing and shelter by all including the most disadvantaged and vulnerable in society;
- v. Ensure access to education for all, at every level of the education system;
- vi. Reform healthcare systems and provide access to health care including adequate and effective healthcare facilities and services for all;
- vii. Take measures and put in place access to water, sanitation and other basic health care necessities, as conditions for safeguarding health and life of the public;
- viii. Take measures to ensure the full enjoyment of the right to food including quality food that meets the requirement of nutrition standards;
- ix. Reset programmes, improve coordination and speed up vaccination drives, to ensure vaccines are administered as quickly as possible upon arrival, to avoid expired vaccines;
- x. Ensure that testing and any treatment such as vaccines developed for Covid-19 are affordable and accessible to everyone, while also ensuring that hospitals and healthcare providers have adequate resources to provide care;
- xi. Spearhead the drive to ensure Covid 19 Vaccines are available, accessible, and that all Africans are vaccinated against Covid 19;
- xii. Other forms of essential health care, including sexual and reproductive health care, also need to continue and remain physically and financially accessible throughout the pandemic;
- xiii. Provide formal and informal businesses with financial support to weather the economic impacts of the Covid 19 pandemic;
- xiv. Ensure all national development plans including monitoring and evaluation mechanisms of such plans, are human rights driven and take into account their obligations under the African Charter, Agenda 2063 and the Sustainable Development Goals;
- xv. Make use of the State Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights (the Tunis Reporting Guidelines); and

xvi. Authorize promotion missions by the Commission, in line with article 45(1) of the African Charter.

Civil Society Organisations and other partners:

- i. Continue to collaborate and support advocacy efforts at the national, sub-regional and continental levels to implement economic, social and cultural rights; and
- ii. Provide support to the Working Group on Economic Social and Cultural Rights in Africa, to enable it to effectively implement its mandate.