

Resolution on the Renewal of the Mandate and reconstitution of the Working Group on Economic, Social and Cultural Rights in Africa - ACHPR/Res.532 (LXXIII) 2022

Dec 12, 2022

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 73rd Ordinary Session, held from 20 October 2022 to 9 November 2022 in Banjul, The Gambia:

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 (African Charter);

Recalling its Resolution ACHPR/Res.73 (XXXVI) 04 Establishing and defining the Mandate of the Working Group on Economic and Social Rights in Africa (the Working Group) adopted at its 36th Ordinary Session held in Dakar, Senegal, from 23rd November to 7th December 2004;

Recalling further its Resolutions ACHPR/Res.147 (XLVI) 09; ACHPR/Res.193 (L) 11; ACHPR/Res.252 (LIV) 13, ACHPR/Res.296 (EXT.OS/XVI) 14; ACHPR/Res.316 (LVII) 2015; ACHPR/Res.391(LXI) 2017; ACHPR/Res.425(LXV)2019; and ACHPR/Res. 457 (LXVI) 2020; on the appointment of Expert Members and renewal of the mandate of the Working Group respectively;

Bearing in mind the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter (Nairobi Principles and Guidelines) and the State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter (Tunis Reporting Guidelines);

Recalling Resolution ACHPR/Res.236 (LIII) 13, on illicit capital flight from Africa requesting the Working Group and the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa to undertake an in-depth study on the impact of illicit capital flight on human rights in Africa;

Recalling also its Resolution ACHPR/Res.300 (EXT.OS/XVI) 14, on the Right to Water Obligations requesting the Working Group to develop Principles and Guidelines on the Right to Water, in order to assist States in implementing their obligations in relation to the right to water;

Further recalling Resolution ACHPR/Res. 342(LVIII) 2016, on Climate Change and Human Rights in Africa mandating the Working Group on Extractive Industries, Environment and Human Rights Violations and the Working Group on Economic, Social and Cultural Rights to undertake a Study on the impact of climate change on human rights in Africa;

Recalling moreover its Resolution ACHPR/Res. 434 (EXT.OS/ XXVI1) 2020, on the Need to Develop Norms on States' Obligations to Regulate Private Actors Involved in the Provision of Social Services;

Considering Resolution ACHPR/Res. 523 (LXXII) 2022, on the Extension of the Mandate and Membership of Six (6) Special Mechanisms of the Commission, which retrospectively extended for a further period of three (3) months effective 2 August 2022, adopted at its 72nd Ordinary Session held virtually from 19 July to 2 August 2022;

Noting with appreciation the work done by the Working Group on Economic, Social and Cultural Rights in Africa under the leadership of Commissioner Mudford Zachariah Mwandenga and its all former Chairpersons in the discharge of its mandate;

Noting also that the mandate of the Chairperson and Members of the Working Group has come to an end;

Recognizing the importance of the mandate and effort of the Working Group in promoting and protecting economic, social and cultural rights in Africa and the need to enable the Working Group to continue to implement its mandate;

Bearing in mind the Standard Operating Procedures on the Special Mechanisms of the Commission (the SOPs on Special Mechanisms) adopted at its 27th Extraordinary Session held from 19 February to 4 March 2020 in Banjul, The Gambia;

Noting in particular the guidelines set out in the SOPs on Special Mechanisms, including the general roles and responsibilities of mandate holders, the composition of the mechanisms, the appointment of members and the duration of their mandate as well as the code of conduct for mandate holders;

Further noting the decisions taken during this 73rd Ordinary Session regarding the allocation of responsibilities among the Commissioners;

Decides to:

1. Renew the mandate of the Working Group;
2. Renew the mandate of **Commissioner Mudford Zachariah Mwandenga as Chairperson**, for another period of two years, with effect from 9 November 2022;
3. Appoint for the same period:
 - Commissioner Rémy Ngoy Lumbu as Vice-Chairperson; and
 - Commissioner Solomon Ayele Dersso as a Member;
4. Renew the mandate of the following expert members for the same period:
 - Ms. Salima Namusobya (East Africa)
 - Mr. Frans Jacobus Viljeon (Southern Africa)

5. Appoint for the same period the following Expert Members:

-Mme. Delphine Aimee Nkengue (Central Africa)

-Ms. Haddy Dandeh-Jabbie (West Africa)

-Mr. Azzouz Kerdoun (North Africa)

Done in Banjul, The Gambia, 9 November 2022