

Resolution on conducting a Study on Integrating Economic, Social and Cultural Rights in National Development Planning in Africa - ACHPR/Res.561 (LXXV) 2023

Jun 15, 2023

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 75th Ordinary Session, held from 3 to 23 May 2023, 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 that the African Charter enshrines economic, social and cultural rights, in particular in Articles 14, 15, 16, 17, 18, 21 and 22;

Considering that the African Union (AU)'s Agenda 2063 in Aspiration 3, envisages that by 2063, Africa will be "a continent where democratic values, culture, practices, universal principles of human rights, gender equality, justice and the rule of law are entrenched" and that it will have "capable institutions and transformative leadership in place at all levels";

Bearing in mind that Agenda 2063 (the African we want) and the 2030 Agenda for Sustainable Development reflect key human rights standards and principles, and reaffirm the right to development;

Considering Article 45(1) (a) of the African Charter, which mandates the African Commission to "collect documents, undertake studies and researches on African problems in the field of human and peoples' rights";

Recalling its Resolution ACHPR/Res.73 (XXXVI) 04 adopted at its 36th Ordinary Session held in Dakar, Senegal, from 23rd November to 7th December 2004, establishing the Working Group on Economic, Social and Cultural rights, with a mandate, among others, to "undertake, under the supervision of the African Commission on Human and Peoples' Rights, studies and research on specific economic, social and cultural rights";

Bearing in mind the Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples Rights, and the State Party Reporting Guidelines for Economic, Social and Cultural Rights in the African Charter on Human and Peoples Rights;

Conscious of the ongoing impoverishment, dispossession, environmental degradation, deepening inequalities, as well as other human rights concerns and abuses in connection with development processes, on the continent;

Recognising that national development and sector laws, policies and implementation frameworks are key measures for contextualising the African Union (AU) Agenda 2063 and the 2030 Agenda for Sustainable Development and the underlying human rights;

Concerned by the challenges in effectively integrating international and regional standards on economic, social and cultural rights in national development and sector laws, policies and implementation frameworks;

Concerned also by the fact that certain groups, including minorities and indigenous peoples, are exposed to serious violations of their rights in development processes and by the lack of

adequate disaggregated data to assess and monitor the enjoyment of their rights, including economic, social and cultural rights;

Conscious of the need to identify concrete opportunities and challenges of integrating economic, social and cultural rights and a human rights-based approach to development in national development and sector laws, policies and implementation frameworks on the continent;

The Commission:

1. **Affirms** that developing rights-based guidance, focused on key implementation mechanisms at the national level in Africa, could deepen engagement and more effectively promote alignment between human rights and sustainable development policies and plans within African states;

2. **Tasks** the Working Group on Economic, Social and Cultural Rights, in collaboration with its partners, to prepare a draft Study on 'Economic, Social and Cultural Rights and National Sustainable Development Processes in Africa', and to present it to the Commission for its consideration and adoption within one (1) year; and

3. **Calls** upon all stakeholders including States parties to the African Charter, National Human Rights Institutions, and non-State actors to contribute to the Study.

Done in Banjul, The Gambia, 23 May 2023