

78. ACHPR /Res.73(XXXVI)04: Resolution On Economic, Social And Cultural Rights In Africa

The African Commission on Human and Peoples' Rights meeting at its 36th Ordinary session held from 23rd November to 7th December 2004 in Dakar, Senegal.

Recalling that the African Charter enshrines economic, social and cultural rights, in particular in Articles 14, 15, 16, 17, 18, 21 and 22.

Considering regional and international human rights instruments that stress the indivisibility, interdependence and universality of all human rights, including the African Charter, the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, the Universal Declaration of Human Rights, the Declaration on the Right to Development, the International Covenant on Economic, Social and Cultural Rights and the Convention for the Elimination of All Forms of Discrimination Against Women;

Recognising also that the objectives and principles of the Constitutive Act include a commitment to the promotion and protection of human and peoples' rights, respect for democratic principles, human rights, rule of law and good governance and the promotion of social justice to ensure balanced economic development;

Noting that despite the consensus on the indivisibility of human rights, economic, social and cultural rights remain marginalized in their implementation;

Concerned that there is inadequate recognition by States Parties of economic, social and cultural rights that results in the continued marginalization of these rights, which excludes the majority of Africans from the full enjoyment of human rights;

Appreciating the vast positive impact that information and communication technologies (ICTs), transfer of technology, economic and regional integration can have on the promotion, protection and realization of economic, social and cultural rights;

Recognising that there are several constraints that limit the full realisation of economic, social and cultural rights in Africa;

Deeply concerned by the ongoing and longstanding conflicts in the sub-regions of Africa, which impede the realization of economic, social and cultural rights;

Concerned Further by the lack of human security in Africa due to the prevailing conditions of poverty and under-development and the failure of African States to address poverty through development;

Further Recognizing the urgent need for human rights, judicial and administrative institutions in Africa to promote human dignity based on equality and to tackle the core

human rights issues facing Africans including, food security, sustainable livelihoods, human survival and the prevention of violence;

1. **Adopts** the attached Declaration of the Pretoria Seminar on Economic, Social and Cultural Rights in Africa, adopted on 17 September 2004, in Pretoria, South Africa;

2. **Requests** the Secretary to the African Commission on Human and Peoples' Rights to forward the Pretoria Statement to the Commission of the African Union, Ministries of Justice and Social affairs and Chief Justice, National Human Rights Institutions of all States parties, International institutions working in African and Regional economic communities, Bar Associations and Law Schools in Africa and civil society organizations including non-governmental organizations with observer status, and to report to the 37th Ordinary session;

3. **Urges** its members, its Special Rapporteurs and Working Groups to pay particular attention to economic, social and cultural rights during their missions and in the discharge of their respective mandates;

4. **Further decides** to establish a working group composed of Members of the African Commission on Human and Peoples' Rights and non-governmental organizations with a mandate to:

1. develop and propose to the African Commission on Human and Peoples' Rights a draft Principles and Guidelines on Economic, Social and Cultural Rights;
2. elaborate a draft revised guidelines pertaining to economic, social and cultural rights, for State reporting;
3. undertake, under the supervision of the African Commission on Human and Peoples' Rights, studies and research on specific economic, social and cultural rights;
4. make a progress report to the African Commission on Human and Peoples' Rights at each Ordinary session;

5. **Requests** the African Union to provide the Working group with all support and assistance needed to implement this mission.

Adopted at the 36th Ordinary Session of the African Commission on Human and Peoples' Rights in Dakar, Senegal, on 7th December 2004