



# **PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS ON THE RIGHTS OF CITIZENS TO SOCIAL PROTECTION AND SOCIAL SECURITY**

**Understanding the Protocol to the African Charter on Human  
and People's Rights On The Rights Of Citizens To Social  
Protection And Social Security**



## Background

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The “Understanding the Protocol to the African Charter on Human and People’s Rights on the Rights of Citizens to Social Protection and Social Security” training manual traces the evolution and importance of social protection as a fundamental human right in Africa. It builds on a series of key agreements, protocols, and declarations, grounded in the African Charter on Human and Peoples’ Rights (ACHPR) and guided by various initiatives under the African Union (AU).

## History

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Historically, Article 66 of the African Charter allowed for the development of special protocols to address specific issues, and the need for a protocol on social protection emerged from numerous calls for action across the continent. These calls, beginning with the 1994 Tunis Declaration, continued through the Livingstone Call for Action (2006) and the revised Ouagadougou Plan of Action (2014). They emphasized the necessity of formalized social protection mechanisms in addressing poverty, inequality, and vulnerability across African nations.

Internationally, the protocol is informed by global human rights instruments such as the Universal Declaration of Human Rights and the International Covenant on Economic, Social, and Cultural Rights. The protocol acknowledges that social protection is not only a fundamental right but also a critical factor in achieving inclusive growth, high standards of living, and the aspirations outlined in the AU’s Agenda 2063.

## Use of Materials

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This manual serves as a tool to help stakeholders, including governments, civil society, and citizens, understand their roles in implementing social security and social protection programs, ensuring that Africa’s rich traditions of solidarity and care are reflected in formal policies to protect vulnerable populations across the continent.

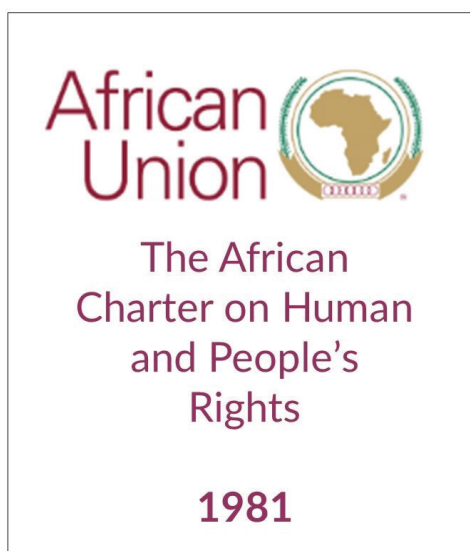
# Introduction

1. Give you some Background on the Protocol on the Rights of Citizens to Social Protection and Social Security, how the Protocol relates to the African Charter on Human and People's Rights, the Protocol's status and why it's important.
2. Sections 1-4 take you through the most important sections of the Protocol, show how you can use the Protocol to help you fight for social protection and point out some problems with the document
3. Section 5 reminds you that the Protocol is just a paper document. More countries need to sign it to make it legally binding. How will you get your country to sign the Protocol?

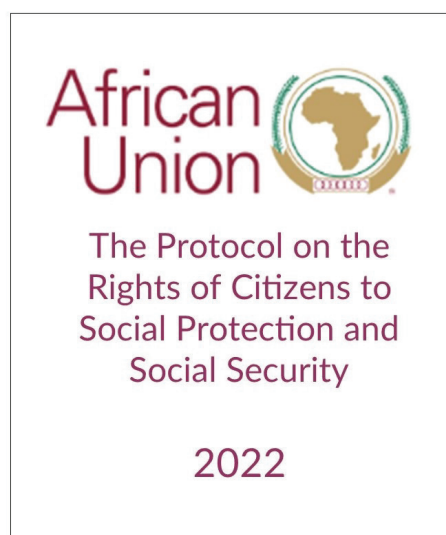
## a.) Background on the Protocol on the Rights of Citizens to Social Protection and Social Security

### History of the Protocol

**1981- The AU adopts the African Charter**



**2022- The AU adopts the protocol on social protection**



# Why this protocol is important

For the first time ever, Africa has ONE binding document that covers a broad range of social protection issues.

- The Protocol sets out the rights to social protection for ALL workers, including informal workers
- It calls for States Parties (those countries that have ratified the Protocol) to establish a minimum social-protection package and to take these measures:
  - i. Include informal worker organizations in decision-making processes and structures to form these systems
  - ii. Adapt current schemes by altering the contributions, qualifying criteria and benefits to suit informal workers and include them
  - iii. Provide systems for women including maternity and health protection
  - iv. Give informal workers access to markets, protect their income and over time formalize them

# How the Protocol will become binding

## Current Status

- There are 55 member states of the AU.
- So far, only TWO countries have signed this Protocol: Niger and São Tomé and Príncipe.
- The Protocol is only binding when 15 countries sign it.
- Now it is just a piece of paper.

## Next process

1. **STEP 1:** Make sure at least 15 countries sign the Protocol.
2. **STEP 2:** The Protocol comes into force.
3. **STEP 3:** Individual countries ratify it. They then review their own legislation to make sure that it complies with the Protocol.



## Exercise

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1. Name some things about the Protocol that you know so far that will help informal workers like yourselves?
2. We need 15 countries to sign this Protocol to make it legally binding. Only two countries have signed so far.
3. What will you do to encourage your country to sign this Protocol so it becomes forceful?

## b.) What is the AU Protocol; Understanding the document

**Section 1:** Preamble, definitions, guiding principles- Articles 1-4

**Section 2:** Groups it targets e.g. informal and rural economies- Articles 5-12

**Section 3:** Types of social protection support- Articles 13-22

**Section 4:** Governance, financing, ensuring accountability - Articles 23-28

**Section 5:** Specifics of the document: interpreting, popularizing etc. - Articles 29-39

## Section 1: Important international rights and documents the Protocol acknowledges and its usefulness

Name	Relevance
The AU Agenda 2063	Social security and social protection
United Nations - Universal Declaration of Human Rights	Everyone has the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
ILO Convention 102 - Social Security	9 work-related risks require protection: old age, health care, maternity, child-care, unemployment, sickness and work injury, widowhood and disability.
ILO labour standard C102, R202 and R204	Link social protection to quality social services e.g. public health care services. Governments must include representatives of member-based organizations e.g. informal workers' organizations in discussions around national social protection systems.
ILO Recommendation 204 – Transition from informal to formal economy	Universal Social Protection must provide basic social protection, social insurance, and affordable quality child-care services

### Important definitions in the protocol

- **Social assistance** – a form of social security paid in cash or in kind by government to people who cannot support themselves. This is often called a “social allowance”.
- **Social Insurance** – this is a type of scheme mostly run by private companies; you must contribute to the scheme to benefit from it.
- **Social security** – includes any measures provided by government or the private sector to support those who cannot support themselves.
- **Social protection** – covers all of the above and includes public or private programmes or a mix of both.

## **Guiding principles in the Protocol for African countries when rolling out Social Protection**

- Ensure good governance and coordination when providing social protection
- Protect the rights of individuals to human dignity; treat everyone equally with regard to social protection
- Provide social protection benefits
- Develop policies, laws and programmes to improve people's standard of living
- Social protection must be human-rights based and inclusive. No-one must be left behind.
- Continually improve social protection in the Protocol
- Everyone must enjoy the rights equally - there must be no discrimination
- Provisions must apply to all and comply with international obligations on social protection
- The social protection system must:
  - cover the different kinds of social protection;
  - protect people against political conflict, climate change, natural disasters;
  - prevent poverty,
  - integrate and reintegrate people into society
  - be guided by social protection laws

## Right to Social Protection and State obligations

- Every citizen has the right to social protection.
- Countries that have adopted this Protocol must ensure that social protection is available, accessible, adequate, affordable and transparent
- These countries must over time:
  - a. Develop a framework to provide social protection that is run democratically
  - b. Establish and maintain a social protection system guided by the Protocol
  - c. Provide a minimum package to cover the basic needs of all
  - d. Provide families that cannot support themselves with the social assistance and support that they need
  - e. Increase the coverage of social protection and improve what is provided
  - f. Encourage and regulate private and public entities that provide social protection

### Exercise

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## Section 2: Targeted groups and how the protocol recommends countries on how to manage

Article	Targeted Group
Article 5	Informal and rural economies
Article 6	Unemployment and underemployment
Article 7	Cross-border migrants and internally displaced persons
Article 8	Women and girls
Article 9	Family
Article 10	Older persons
Article 11	Children, adolescents and youth
Article 12	Persons with disabilities

Informal and rural economies
<b>Recommendations</b>
Informal and rural economy representatives should help to design, develop and implement social protection policies and programmes.
Include these informal and rural economy workers in general social security schemes in a way that suits them. Provide or recognize formal and informal social insurance and micro-insurance schemes, social assistance measures and ways for these workers to save.
Develop ways for these workers to contribute to social security and receive benefits.
Develop a minimum social protection package for informal and rural workers and their families
Extend social protection to working women in informal and rural economies, especially for maternity and health protection.
Help informal and rural workers access markets and credit.
Provide skills development, extend social protection, promote sustainable enterprises for informal workers so that they become more formalized.
Develop measures to protect income that informal and rural workers earn and encourage them to join social protection programmes.

## Women and Girls

### Recommendations

Abolish all discriminatory laws, policies, customs and harmful traditional practices based on sex in social protection systems; ensure that women and girls are included in these systems across formal, informal and rural sectors.

Provide social protection to vulnerable women and girls.

Adopt and promote policies that will support workers, especially females, to balance work and family obligations.

Promote equal access to employment, equal pay for work of equal value and social protection.

Provide social assistance to girls and protect them against early marriages and other harmful practices

Promote social protection schemes that support girls enrolling and staying in schools/ other training institutions and organize programmes for those who leave school prematurely

Provide technical, financial assistance, access to land and training to women who take up farming.

Provide social protection to women and girls exposed to gender-based violence.

### Exercise

1. You want to draw up important social protection demands to present to government for specific groups.
2. What are the most important points to list for informal and rural workers?
3. What about those that are unemployed or underemployed
4. What measures do you want to recommend to cater for these groups of people?
5. And what demands will you put down to make sure that women and girls are covered by the social protection measures?
6. Check Articles 5-12 – what have you left out on your list that is important?
7. Which other groups are you concerned about? What demands should you include for them?

## Section 3: Types of Social protection/support

Article	Targeted Group
Article 13	Maternity and paternity
Article 14	Health care, protection and sickness benefits
Article 15	Occupational health, safety and employment injury
Article 16	Death and survivor's benefits
Article 17	Care and support in other contexts
Article 18	Education
Article 19	Food and nutrition
Article 20	Water, sanitation and hygiene
Article 21	Housing, shelter and property
Article 22	Environment and climate change

### Exercise

1. Which types of social protection do you have in your country for formal and informal workers? (Use the checklist in the table below.)
2. Which ones are most important for you to fight for?
3. Some clauses of the Protocol (highlighted) say "in accordance with capacities and national laws..." Is this good or bad for workers like yourselves? Why? How will you persuade government that it CAN do what it says it CANT?

Type of social protection/support	Yes	No	Remarks
Maternity and paternity			
Health care, protection and sickness benefits			
Occupational health, safety and employment injury			
Death and survivor's benefits			
Care and support in other contexts			
Education			
Food and nutrition			
Water, sanitation and hygiene			
Housing, shelter and property			
Environment and climate change			

## Section 4: Governance, Financing, ensuring Accountability

Article	Obligation	Remarks
Article 23	Governance and Administration of National Social Protection Systems	<ul style="list-style-type: none"><li>• Governments must manage social protection institutions in a democratic and inclusive way</li><li>• Governments must ensure that ALL stakeholders participate actively in formulating social protection policies, designing the program, and monitoring and evaluating it.</li></ul>
Article 24	Financing	<ul style="list-style-type: none"><li>• Governments must commit themselves to year-by-year increasing the percentage of the government budget allocated to social protection so that everyone is covered</li><li>• Governments must take measures to ensure that:<ul style="list-style-type: none"><li>i. there is no fraud, corruption, misuse of social protection funds and</li><li>ii. that those who should contribute do so.</li></ul></li></ul>

### Exercise 1

1. How will you make sure that your organization actively participates with government and other organizations to discuss setting up a social protection scheme? What parts of the Protocol can support your demand to be included in consultations?
2. What other organizations can you work with that also support your demand for social protection?
3. How will you deal with government if it says it doesn't have the money or the capacity to fund and run a social protection scheme?

### Exercise 2

The Protocol recognizes the “virtues of African traditions, values and practices of social and national solidarity which should inspire and characterize the provision of mutual social and communal care and support”.

1. How can organizations like yours use this to advance your demands for social protection?
2. Is there anything in this statement that could be used by governments to undermine your demands?

## Section 5: Road map to the AU Protocol enforcement

REMEMBER! Good Protocol but only paper if it is not signed by 15 countries. How to get your country to sign it?

Article	Actions	Results
Only Niger and São Tomé and Príncipe have signed the Protocol.	<ul style="list-style-type: none"> <li>• Make people aware</li> <li>• Get wide support for Protocol</li> </ul>	<ul style="list-style-type: none"> <li>• Demand government signs</li> </ul>
Unless 13 more countries sign, the Protocol means nothing and cannot be enforced.		
Do you know if your country is going to sign it?		
How can you put pressure on your country to sign it?		
How can you put pressure on your country to ratify and implement?		

### Exercise

How to get government to sign the Protocol?

WHAT ACTION	HOW	WHAT RESOURCES ARE NEEDED
<b>Educate</b> your members about the Protocol and how it can help. Try and get government to help fund popularisation.		Article 30 of the Protocol stresses Popularisation
<b>Work with media</b> to spread the word on the Protocol to a wider audience and what it means		
<b>Run awareness campaigns:</b> - with trade unions - with like-minded organisations e.g. anti-poverty organisations, child rights organisations, NGOs etc		
<b>Work with local and community leaders, community groups</b> to get more support		
Link with other organisations like yours in other African countries to share ideas on how to get it signed		

## About:

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HomeNet Africa (HNA) is a regional network that represents and advocates for the rights of home-based workers (HBWs) across Africa. Formed in 2022, HNA emerged from a decade-long effort led by WIEGO (Women in Informal Employment: Globalizing and Organizing) to organize home-based workers and build institutions at local and national levels in countries like Kenya, Uganda, Tanzania, Ethiopia, and South Africa. HNA aims to strengthen the collective voice of HBWs, support their organizing efforts, and enhance their access to social protection, fair working conditions, and economic opportunities across the continent.



The Institute of Development Studies (IDS) is a globally renowned institution dedicated to transformative research, education, and leadership for more equitable and sustainable development. By fostering partnerships with governments, NGOs, civil society, and academics, IDS drives social, political, and economic change that impacts lives worldwide. Their work includes innovative projects, such as generating additional tax revenues in Africa for national development, providing environmental solutions rooted in local knowledge, and supporting communities in combating epidemics like Ebola. IDS has also cultivated numerous development leaders and continues to lead in global development studies, ranked first worldwide for eight consecutive years.

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