

NGO Coalition- Draft concept Note
Side event / Panel during the 58th session of the ACHPR, April 6th to 20th Banjul,
The Gambia

Organized by the NGO Coalition for the OP-ICESCR¹ with support of the Working Group on Economic, Social and Cultural Rights of ACHPR

The role of the Optional Protocol to the International Covenant on ESCR in advancing equality and human rights for all.

Over the last decade, the legal recognition of economic, social and cultural (ESC) rights has greatly increased in many parts of the world, including Africa. This is demonstrated by the growing use of litigation strategies within civil society, increased legal mobilization of marginalized groups and the greater constitutional recognition of ESC rights.

At the regional level, the African Commission on Human and Peoples' Rights (ACHPR) has been central to advancing these rights. Its efforts have yielded the creation of the Working Group on Economic, Social and Cultural Rights, the adoption of guidelines and indicators for ESC rights, and key [Resolutions](#) such as Number 223 of May 2012, which calls on all member States to ratify the International Covenant on Economic, Social and Cultural Rights (ICESCR), as well as its Optional Protocol (OP-ICESCR).

Ratification of the OP-ICESCR, and recognition and implementation of international human rights law more broadly, are important steps in realizing all human rights, particularly those most closely associated with inequality, poverty and marginalization.

Aware of the potential of the OP-ICESCR to contribute to the promotion of economic, social and cultural rights, African states were active in the negotiation, drafting and adoption of the OP-ICESCR – ensuring no standards fell below those contained in the African Charter or African regional human rights system. The OP-ICESCR was opened to signatures and ratifications in September 2009.

As of March 2016, ten African states have signed the OP-ICESCR: Angola, Benin, Burkina Faso, Congo, DRC, Ghana, Guinea Bissau, Madagascar, Mali, Senegal and Togo. Three other states have ratified the OP-ICESCR: Cabo Verde, Gabon and Niger.

¹ The NGO Coalition for the OP-ICESCR, coordinated by ESCR-Net, is formed by over 300 organizations around the world and is led by a Steering Committee of 10 organizations. <https://www.escr-net.org/ngo-coalition-op-icescr/support-campaign-ratification-op-icescr>

Another key advance was South Africa's ratification of the ICESCR in 2015, strengthening the push for ratifications on the continent.

The Coalition aims to build on previous efforts during the ACHPR session in Banjul, in April 2012 and 2015. The objective is to foment recognition of these rights and, particularly, of this treaty that provides a legal avenue to present complaints at the international level. We believe that the potential of this protocol goes beyond these formal mechanisms, furthering the full recognition of these rights by strengthening the capacity of rights holder to claim and advocate for real changes.

This year we celebrate the 50th Anniversary of both the Covenant on Civil and Political Rights, as well as the Covenant on Economic, Social and Cultural rights (ICESCR). In addition, 2016 has been named the African Year of Human Rights with a special focus on Women's Rights. In this context, there is momentum to continue to advance and call for more ratifications of this treaty that has the potential to make the access to justice a reality for all in Africa.

The NGO Coalition for the OP-ICESCR, in collaboration with its partners, will hold a Panel on the importance of the OP-ICESCR on 11th of April at 3 pm at the 58th Session of the African Commission on Human and Peoples' Rights in Banjul, The Gambia.

Objectives of the event and related activities at the ACHPR session:

- Articulate the value of OP-ICESCR ratification in supporting the realization of ESCR in Africa, and encourage new African States to ratify the OP-ICESCR.
- Strengthen outreach to and collaboration with organizations involved in the Civil Society Forum and the Session.
- Deepen dialogue with country officials, Commissioners and other partners open to advancing ESCR.
- Assess next steps in promoting the campaign for OP-ICESCR ratification on the continent.

Suggested format for panel:

Moderator: Dr. Mabassa Fall, FIDH (TBC)

1-Key Remarks: **Commissioner Jamesina E.L. King**, Chair of the Commission's Working Group on ESCR.

2- Ivahanna Larrosa, Campaign Coordinator of NGO Coalition for the OP-ICESCR.
Brief overview on the campaign for the OP-ICESCR in the Africa region.

3 – Member of the African Commission’s Working Group on ECOSOC Rights
Access to justice and the enjoyment of ESCR

4- Pauline Vata, Hakijamii, Kenya
Envisioning positive impacts at the national level by ratifying the OP-ICESCR

4- Representative of CSO working on women’s rights
The role of international and regional mechanisms for claiming Women’s ESCR.

*The event will count with interpretation in the official languages of the session