



A trade union guide on the African Union Protocol on Social Protection

Contents

<hr/> BACKGROUND AND CONTEXT	3
<hr/> THE PROTOCOL ON THE RIGHTS OF CITIZENS TO SOCIAL PROTECTION AND SOCIAL SECURITY	4
<hr/> WHY IS THE PROTOCOL RELEVANT AND IMPORTANT TO TRADE UNIONS, AND WHAT CAN THEY DO TO PROMOTE ITS RATIFICATION?	5
<hr/> ANNEX I – MODEL LETTER: RATIFICATION OF THE PROTOCOL	7

Background and context

Social protection is an internationally recognised human right and is enshrined in the African Union Charter on Human and People’s Rights as the right of all citizens. However, less than one in five people – around 17 per cent – across the African continent have access to social protection,¹ the lowest percentage in the world. **Public investment towards social protection is** dismally low, with only 3.8 per cent of GDP on average allocated to social protection, and such low levels of spending remain the main impediments to the expansion of social protection coverage, especially across rural areas where most of the poor are found. Rural populations are three times more likely to live in extreme poverty (defined as living on less than US\$2.15 per day) than urban populations and are more likely to be in informal employment. Rural populations also face higher exposure to various risks, including working poverty, malnutrition and hunger, poor health, work-related injuries, natural disasters, and climate change. This **exceptionally high level of informality** is further driving economic insecurity, as well as impeding both social protection coverage and the financing base for social spending. Most employment (85.5 per cent) is informal,² and most new jobs created are in the informal economy. **Conflict**, as well as **the climate emergency**, are further compromising people’s livelihoods and food security, as well as contributing to their displacement, with the UN estimating that by 2030 around 118

million people will be affected by extreme heat and droughts.

African trade unions, supported by the global trade union movement, have long called for the extension of social protection, as a right and fundamental component of decent work, to be ensured across the continent. Unions demand that policymakers urgently work to extend social protection coverage; increase national-level funding for social protection through reprioritising resources, mobilising progressive forms of taxation, and making efforts to address tax evasion, and that they strengthen international financial support to social protection.

Trade unions have been engaging with national governments for improved legal and political frameworks to extend the right to social protection for all, in line with International Labour Standards, notably Convention 102 on social security minimum standards, Recommendation 202 on social protection floors, and Recommendation 204 on the transition to the formal economy. Inclusive social dialogue must underpin reform efforts and workers must have a seat at a table for decisions that affect them.³

Over time, increased political commitment towards extending social protection has been observed at both the regional and national levels. In 2015, the African Union adopted a strategy for delivering on goals for sustainable and inclusive development within the framework of the **Agenda 2063: The Africa We Want**. In the strategy, the African Union Commission presents its plans

¹ ILO (2022) World Social Protection Report 2020-22 – Regional companion report for Africa

² Ibid.

³ ITUC (2022) A new social contract – 5th ITUC Congress Statement

and commitments for the development of “an integrated, prosperous, and peaceful Africa, driven by its citizens and representing a dynamic force in the international arena”. Seven goals represent the main priorities to be achieved within a 50-year timeframe: the first calling **for increased access to social protection as a means for the achievement of high standards of living and well-being for all.**⁴ The right to social protection is further recognised in the *African Charter on Human*

and People’s rights, through a combination of health, education, protection of the elderly and people with disabilities. To achieve this first goal, the African Union recently adopted a *Protocol to the African Charter with a focus on the right to social protection*, which could potentially create a notable change in the provision of social protection in Africa. What is needed now, however, is to ensure these commitments begin to have real-world impact.

The Protocol on the Rights of Citizens to Social Protection and Social Security

Following the decision of member states in 2015, the ACHPR (African Commission on Human and Peoples’ Rights) and the African Union Commission, with the support of a wide range of CSO’s including ITUC- Africa, embarked on developing the Protocol on Social Protection and Social Security. The Protocol borrows international social protection standards, ILO Convention 102 and Recommendation 202, ILO social security standards, as well as the pillars of the Decent Work Agenda⁵, and the Agenda 2063: The Africa We Want⁶. It was adopted by heads of state and government in 2022.

The Protocol reaffirms social protection as a right for everyone, over their entire life cycle, and includes all components of social protection⁷, as well as a range of essential basic services, such as housing, nutrition, and access to water.

The Protocol identifies **the main and critical actors within African countries that have the obligation and responsibility to ensure that social protection systems are developed with good governance**. It also emphasises the importance of coherence among the institutions delivering social protection. Every signatory country shall ensure the provision of at least essential services and social protection benefits to “every person residing in the territory” (Art. 3).

To do so, the Protocol calls firstly for the development of **adequate legislation at national level**. In this domain, signatory countries shall:

- Adopt legislation compelling all **employers to register all their workforce** into social security systems (Art. 4).
- Ensure the effective and meaningful participation of stakeholders, through

⁴ AU Our Aspirations for the Africa We Want

⁵ Employment creation, social protection, rights at work, and social dialogue. See more: [the ILO Decent Work Agenda](#)

⁶ See more: <https://au.int/en/agenda2063/overview>

⁷ According to the ILO, social protection is a set of policies and programmes designed to reduce and prevent poverty, granting access to: child and family benefits, maternity protection, unemployment benefits, employment injury benefits, sickness benefits, health protection, old-age pensions, disability pensions, and survivors’ pensions.

tripartite social dialogue for the development, implementation, and monitoring of policies (Art.23), as well as of representatives of the informal economy (Art.5).

- Review and **abolish all existing discriminatory laws**, customs, and practices that hinder social protection for all, for instance gender-based or in relation to maternity rights (Art.8, Art.13) and discrimination of people with disabilities (Art.12).
- Ensure that social protection programs are sensitive to the needs of the **elderly** (Art.10) and of **children and youth** (Art.11).
- Produce complementary laws working towards the achievement of high living standards for all, **aligning with international labour standards** (Art.15), supporting adequate **free public education services** (Art.18), and ensuring adequate **nutrition and access to water** (Art.19, Art.20).

In addition, the Protocol recognises the context of the **worsening climate emergency and environmental degradation** and mandates that signatory countries develop policies to protect

people against specific as well as collective risks, including those deriving from climate change (Art. 2), specifically exposing the **strong link between social protection and climate mitigation and adaptation policies** (Art.23).

Regarding **informal work**, the protocol highlights the need to provide social protection to undeclared workers and calls for the adoption of a regulatory framework that includes informal workers in social security schemes through dedicated instruments. It also calls for the **extension of maternity rights to working mothers in the informal economies**. (Art.5)

By signing the Protocol, countries commit to **allocate public resources** to social protection towards the goal of **ensuring universal social protection**. (Art.24)

The Protocol is open to countries for signature, ratification, and accession. When a country intends to ratify the Protocol, it should declare it to the Chairperson of the African Commission. However, the Protocol's entry into force will only occur **when at least 15 countries have communicated their intention of ratification** (Art.33). At present, only two ratifications have been achieved.

Why is the Protocol relevant and important to trade unions, and what can they do to promote its ratification?

Achieving the Protocol's entry into force would represent a huge achievement for African trade unions advocating and negotiating for

extending social protection to all workers, including those in the informal sector, **as it will be a binding instrument mandating governments to prioritise investment in and**

expansion of social protection systems, in line with international labour standards. These include allocating sufficient national resources to this end and engaging in social dialogue on social protection reforms for inclusive economic growth.

As highlighted in this short guide, the Protocol also provides a solid starting point for further claims and demands (e.g., on abolishing discriminatory laws, or on the transition to formality) which unions can use in their domestic lobbying efforts.

Here are some actions that your trade union could undertake to **disseminate and raise awareness about the Protocol, as well as call for its ratification:**

- **Write to your Head of Government** to emphasise the importance of the Protocol for decent work and productive livelihoods and request the Government to sign it and commence the ratification process.
 - **Consider forming alliances with civil society organisations** engaged on social protection issues or those that are campaigning for the ratification of the Protocol, and collaborate to promote it (e.g. organise an awareness event or a lobbying event with local government representatives).
 - If you are a member of a **social security committee or council** (or similar body), raise awareness about the Protocol's significance within the group and request its endorsement. Additionally, urge the committee/council to adopt a public statement **to support the government's ratification of the Protocol.**
 - Increase awareness of the Protocol also through **media coverage and support from local media outlets.**
 - Generate public pressure to remind governments of their commitment to sign and create a timeline for ratification to the Protocol, as signalled by their endorsement of it. This can be achieved through the organisation of a petition requesting ratification.
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Annex I – Model letter: Ratification of the Protocol

To: **Your head of government**

CC: **Your relevant ministers**

Call for ratification of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security

Dear [**head of government**],

As you may know, in 2022, **the African Union adopted a landmark Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security** (from now on, the Protocol). The Protocol reaffirms social protection as an internationally recognised human right enshrined in the African Union's Core Values, and outlines governments' responsibilities to ensure the provision of adequate social protection, in line with international labour standards, as well as the good governance of social protection systems.

The [**union] now calls on the government of [**your country**] to take immediate steps to ratify the Protocol.** As head of government, your responsibility is to ensure that social protection, aligned with agreed international commitments, extends to all and includes social protection and international labour standards, notably ILO Convention 102 on social security minimum standards, ILO Recommendation 202 on social protection floors, as well as ILO Recommendation 204 on the transition to the formal economy.

[**Add specific information on the need for social protection in your country**] Insufficient political commitments and low public investments towards social protection, at both national level and across the African region, are compromising people's livelihoods, particularly among rural populations at higher risk of poverty, malnutrition and hunger, poor health, and natural disasters. While the situation has been serious for years, the matter is even more urgent today. The climate emergency is contributing to the erosion of incomes and increasing inequalities, leading to a situation where postponing the extension of social protection coverage is no longer possible. Extending social protection is both a social and economic investment; it not only reduces poverty and boosts livelihoods, but it is a prerequisite for well-functioning labour markets and the formalisation of the informal economy, for boosting aggregate demand, and supporting sustainable, inclusive economic growth.

The adoption of the Protocol represents a critical opportunity for [**your country**] to lead by example across the African continent. We urge you to commence the ratification procedure within your government and sign the protocol and remind you that failure to take immediate action now, will render your government complicit in future social and economic distress.

Yours sincerely,

[**NAME**]

[**UNION**]

[**SIGNATURE**]



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