SECOND DRAFT

DRAFT PROTOCOL TO THE AFRICAN CHARTER ON HUMAN AND PEOPLE’S RIGHTS ON THE RIGHTS OF CITIZENS TO SOCIAL PROTECTION AND SOCIAL SECURITY

Preamble

We, Member States of the African Union:

Reaffirming that the right to social security is a human right; and that other elements of social protection such as education and health, are human rights;

Considering that Article 66 of the 1981 African Charter on Human and Peoples’ Rights provides that special protocols or agreements, if necessary, may supplement the provisions of the African Charter and the request by the African Union Executive Council that the African Union Commission collaborates with the African Commission on Human and Peoples’ Rights, to develop an additional Protocol to the African Charter on Human and Peoples' Rights on the Rights of Citizens to Social Protection and Social Security;

Also considering the provisions of articles 5, 16 to 18 of the African Charter on Human and Peoples’ Rights, spelling out the rights of every individual to dignity, health, education, for the family, children, persons with disabilities and older persons; and the pledge made by Member States of the African Union in article 1 of the African Charter to recognise the human and peoples' rights enshrined in the Charter and to adopt legislative or other measures to give effect to them;

Further considering that the provisions of Articles 60 and 61 of the African Charter on Human and Peoples’ Rights recognise regional and international human rights instruments and African practices consistent with international norms on human and peoples' rights as being important reference points for the application and interpretation of the African Charter;

Further considering the provisions of the Protocols to the African Charter on the rights of women, children and older persons in relation to social security and social protection and of Conventions of the African Union on refugees and internally displaced persons;
Taking into account aspiration 1 of the AU Agenda 2063 which concerns "A prosperous Africa, based on inclusive growth and social development", calls for "A high standard of living, quality of life and well-being for all citizens" and envisages social security and social protection as a priority area;

Also taking into account the various African Union declarations, conventions and policies, including the Tunis Declaration of the Assembly of Heads of State and Government on Social Development (1994); the African Common Position on Human and Social Development in Africa (1994); the Livingstone Call for Action (2006); the AU Social Policy Framework for Africa (2009); the Yaoundé Tripartite Declaration on the Implementation of the Social Protection Floors (2010); the Principles and Guidelines on the Interpretation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples’ Rights (2010); and the revised Ouagadougou Plan of Action on Employment Promotion and Poverty Alleviation (2014);

Considering the Universal Declaration of Human Rights, in particular Articles 22 and 25 and the International Covenant on Economic, Social and Cultural Rights, in particular Articles 9, 11 and 12;

Considering also ILO social security standards, in particular the Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Social Protection Floors Recommendation, 2012 (No. 202);

Recognising the virtues of African traditions, values and practices of social and national solidarity which should inspire and characterise the provision of mutual social and communal care and support;

Concerned that, while there has been an increase in the interest in social protection across the continent, resulting in innovative ways of expanding social protection coverage in nearly all the countries including the rise in the implementation of universal schemes for older persons and health care and that a number of Regional Economic Communities have developed or are in the process of developing social protection and social security legal and policy instruments, the vast majority of people in Africa are not covered by any social protection provisions.

HAVE AGREED AS FOLLOWS:
Article 1
Definitions

1. In this Protocol the following terms have the meaning as indicated, unless it appears differently from the context:


c. "Assembly" means the Assembly of Heads of State and Government of the African Union;

d. "AU" means the African Union;

e. "Citizen" means any person who resides in any African Member State;

f. "Commission" means the Commission of the African Union;

h. "Informal economy" means all economic activities by workers and economic units that are – in law or in practice – not covered or insufficiently covered by formal arrangements;

i. "Member States" means the Member States of the African Union;

j. "Social Protection" refers to public and private, or to mixed public and private measures designed to protect individuals against life-cycle crises that curtail their capacity to meet their needs. The objective is to enhance human welfare. For purposes of this Protocol social protection includes all forms of social security, but also goes beyond the social security concept. It also includes strategies and programmes aimed at ensuring a minimum standard of livelihood for all people in a given country, enhancing human welfare; (economic security);

k. "Social Allowances" are universal payments financed from government revenue which are granted to designated categories deemed to have exceptional needs (such as children, older people and persons with disabilities). These benefits are not means tested;

l. "Social Assistance" is a form of social security which provides assistance in cash or in kind to persons who lack the means to support themselves and their dependants. Social assistance is means-tested and is funded from government revenues.

m. "Social Insurance" refers to a contributory form of social security designed to protect income earners and their dependants against a reduction or loss of
income as a result of exposure to risks. Contributions are paid by employers, employees, self-employed persons, or other contributors, including the State;

n. "Social Security" is included in the social protection concept and refers to public and private, or to mixed public and private measures, designed to protect individuals and families against: (i) income insecurity caused by contingencies such as unemployment, employment injury, maternity, sickness, disability, old age and death of a family member; (ii) lack of affordable access to health care; (iii) insufficient family support particularly for children and adults; (iv) general poverty and social exclusion. It includes social assistance, social insurance and social allowances;

o. "Social services" are a range of public benefits and facilities such as education, provided by government, private, and non-profit organizations to improve the life and living conditions of citizens;

p. "States Parties" means any Member States of the African Union that has ratified or acceded to this Protocol and deposited the instruments of ratification or accession with the Chairperson of the Commission of the African Union.

Article 2
Objectives; Guaranteed rights; State obligations; and Principles

a. States Parties shall:-

   a. Ensure good governance and the rule of law,

   b. Protect the rights of citizens to human dignity and to equal treatment in relation to social protection and social security,

   c. Promote coherence among institutions responsible for the delivery of social protection,

   d. Provide social protection benefits, and

   e. Develop policies, legislation and programmes that improve the standard of life of citizens.

b. The realisation of social protection, including social security, for African citizens is based on mutually supportive principles, including –

   a. Progressive realisation implying, where indicated, continual progress in relation to the realisation of the rights, obligations and commitments contained in this Protocol, and the taking of immediate steps within the means of States Parties towards the full realisation of these rights, obligations and commitments.

   b. Each State Party shall develop an integrated and comprehensive social protection system, which –
a. Ensures meaningful coverage of everyone under the system in terms of, among others, social insurance schemes and social assistance measures;

b. Protects against special and collective risks, including political conflict, climate change and natural disasters;

c. Integrates sufficient preventive and reintegrative measures, including measures aimed at integrating and reintegrating workers into the labour force;

d. Promotes complementarities between social protection and economic development policies;

e. Provides for social protection in national legislation in order to ensure an appropriate mandate for government to act, and for clarity and certainty of the rights, obligations and functions of all social protection stakeholders.

Article 3
Right to social protection and social security

Every person residing in a territory of a Member State, has the right to social protection, which includes the right to social security that is accessible, available, adequate and affordable, acceptable and transparent. State Parties shall:

a. Develop, maintain and expand an appropriate regulatory, institutional and operational framework for the provision of social protection and ensure good governance of social protection schemes and arrangements;

b. Establish and maintain a system of social protection in accordance with the provisions of this Protocol;

c. Provide a minimum package of essential social protection, which should at least cover the basic needs of all;

d. Ensure that everyone who has insufficient means of subsistence to support themselves and their dependants are entitled to adequate social assistance;

e. Progressively increase coverage of social protection to all citizens and raise systems of social protection to a higher level, in accordance with the provisions of this Protocol;

f. Encourage and regulate private and public sector participation, with regard to the provision and management of social protection.
Article 4
Social insurance

States Parties shall:-

a. Review and adopt legislation that compels all employers to enrol all employees into social insurance schemes; including those working in the NGO, domestic, rural, agricultural, self-employed, and informal economies;

b. Establish health insurance schemes that cover all the population groups;

c. Put in place measures to enable everyone, especially the youth, to prepare for retirement, and that give expression to the need to contribute to social insurance schemes;

d. Carry out periodic reviews of social insurance benefits to ensure that they are in line with inflation and prevailing economic conditions;

e. Adopt legislative and other measures to ensure that persons can benefit from their contributions even when they move between similar schemes or to other countries (portability of benefits);

f. Ensure the protection of social insurance benefits for those covered by bilateral or multilateral agreements;

g. Adopt legislative and other measures to ensure the proper management and administration of social insurance arrangements, the protection of social insurance funds against mismanagement, diversion for other purposes, cyclical fluctuations and market failure.

Article 5
Informal and rural economies

In order to regulate and provide sufficient social protection to the informal and rural sectors which are important pillars of social and economic development, States Parties shall:-

a. Ensure the participation of representatives of the informal economy in the design, development and implementation of social protection policies and programmes;

b. Adopt a regulatory framework promoting appropriate and adequate social security of informal and rural workers, through the inclusion of these workers in general social security schemes adapted to suit the context of these workers as well as, to the extent required, the provision or recognition of amongst others appropriate formal and informal social insurance and micro-insurance mechanisms, universal schemes, social assistance measures, and dedicated savings instruments;
c. Develop and implement, where relevant, social security contribution modalities, qualifying conditions and benefits that are suited to the context of informal and rural workers;

d. Ensure universal access to a minimum package of social protection to informal and rural workers and their families;

e. Ensure that those working in the domestic sector are covered by adequate social protection provision;

f. Extend social security/protection to artisans and workers in the handicraft industry;

g. Establish a system of protection and social insurance for women working in the informal and rural economy and promote an integrated approach linking poverty reduction, maternity and health protection and access to social protection for working mothers in the informal and rural economies to enable a better conciliation of work, family and care responsibilities;

h. Support access to markets and credit for informal and rural workers to sustain their livelihood support and income-generating potential;

i. Ensure progressive formalisation of the informal economy through enabling a legal and regulatory environment for sustainable enterprises, skills development, and progressive extension of labour and social protection;

j. Put in place measures to decriminalise income earned from informal activities and promote workers in those sectors to enrol in social protection programmes.

**Article 6**

**Migrants, refugees, displaced persons and stateless persons**

States parties shall:

a. Adopt measures to ensure that all migrants including migrant workers are provided with social protection benefits;

b. Introduce measures to facilitate the co-ordination and portability of social security entitlements and benefits, especially through the adoption of appropriate bilateral and multilateral agreements providing for equality of treatment between citizens from countries of origin and countries of destination, aggregation of insurance periods, maintenance of acquired rights and benefits, portability of benefits, pro-rata sharing of financial liability, institutional cooperation, and the avoidance of double taxation;

c. Develop mechanisms, services and effective financial products to facilitate the affordable transfer of remittances by migrants;
d. Ensure that displaced persons are included in social protection schemes or measures that are responsive to their needs and contexts;

e. Adopt measures to provide social protection benefits to asylum seekers, refugees and stateless persons.

Article 7
Women and Girls

States Parties shall:-

a. Abolish all gender-based discriminatory laws, customs and practices in their respective social security systems and ensure that women are included in social protection schemes targeting the informal workers;

b. Adopt and promote policies that ensure that workers, particularly female workers, are able to balance occupational and family obligations;

c. Provide for the specific employment and social security needs of women, which may arise as a result of reproductive roles;

d. Provide social assistance to girls, promote their continued education and protect them against early child marriages;

e. Promote the provision of social protection schemes that support the enrolment and retention of girls in schools and other training institutions and the organisation of programmes for women who leave school prematurely;

f. Provide support to small farmers and improve women's access to credit, including microfinance, and invest in their financial literacy.

Article 8
Family protection

States parties shall:-

a. Ensure that the family, as a fundamental unit of society, is appropriately protected. Member States should promote the economic, legal and social protection of family life;

b. Empower the family and enhance its capacity to enable it to meet its socio-economic needs through appropriate social protection interventions such as income transfers, where necessary;

c. Ensure that social security systems and programmes reflect the reality and importance of the extended family. Member States shall recognise and strengthen the extended family support system;

d. Develop, integrate and implement effective social policies, programmes and strategies to address the social protection needs of families in vulnerable and crisis situations, and to provide assistance to families for the care of orphans
and vulnerable children, as well as to those who provide protection for children outside of family care;

e. Adopt measures to promote and support community associations or networks which can support families in times of need;

f. Provide a framework for the extension of appropriate family benefits.

**Article 9**

*Older persons*

a. States Parties shall develop policies and legislation that ensure that older persons that retire from their employment are provided with adequate pensions and other forms of social security, including post-retirement health cover and disability benefits;

b. States Parties shall take measures to ensure that social assistance transfers or universal social protection mechanisms exist to provide income security for those older persons who did not have the opportunity to contribute to any social security provisions;

c. States Parties shall promote institutional, residential, community and home-based care for aged persons;

d. States Parties shall oversee, and put in place measures for the operationalisation of national long-term care policies or strategies, and for the regulation, monitoring and evaluation of their implementation, including through appropriate complaint mechanisms and redress for care recipients;

e. States Parties shall take measures to enable individuals to prepare for income security in old age and to live independent lives;

f. States Parties shall promote policies to encourage productive ageing and recognise the contributions of older persons with skills and expertise and also as caregivers, and shall ensure that employment after the normal retirement period is under the same labour standards and rates of remuneration that apply to all workers.

**Article 10**

*Children and young people*

States Parties shall:

a. Ensure that social protection programmes are sensitive to the needs of children and contribute to the fulfilment of their right to registration at birth, nationality and a standard of living adequate for the child’s physical, mental, spiritual, moral and social development;

b. Provide social protection transfers in cash and in kind to ensure that the basic needs of children are met;
c. Invest in social protection schemes that contribute to early childhood development, including attention to adequate nutrition as well as child care;

d. Put in place effective measures and provision for adequate foster-care and adoption arrangements and the support of child-headed households;

e. Institute clear steps to progressively extend access to free education beyond primary and secondary schooling;

f. Consider social protection measures that contribute to progressively ending child labour abuse, exploitation, marriages, trafficking and soldiering;

g. Ensure that children and the youth participate in developing social protection programmes.

Article 11
Maternity and paternity

a. States Parties shall ensure that the reproductive and maternity rights of all women are protected in all social protection programmes;

b. States Parties shall provide social protection measures that protect women against discrimination and dismissal in relation to maternity, and guarantee adequate and paid pre- and post-natal maternity leave, of at least twelve weeks' duration, in both the private and public sectors;

c. States Parties shall establish and strengthen existing pre-natal, delivery and post-natal health and nutritional services, including hospitalisation for women during pregnancy and while they are breast-feeding;

d. States Parties shall ensure that, unless universal coverage and financing are provided for, maternity benefits shall be financed through compulsory social insurance paid by both the employer and the employees, without distinction of sex, through social assistance or social allowances. Appropriate provision shall be made for maternity benefits in the case of those involved in the informal economy.

Article 12
Health care and sickness benefits

States Parties shall:-

a. Develop social protection programmes that ensure that everyone has access to adequate health care, including family planning services;

b. Put in place legislative and other measures to achieve universal health coverage and financing, including ensuring that every citizen is covered by health insurance schemes;
c. Ensure that health care shall be preventive, curative and promotive, and shall include primary, secondary and tertiary health care and provision of essential pharmaceutical supplies;

d. Provide palliative care and support to the terminally ill, such as the provision of pain-relieving medicines;

e. Adopt measures to regulate appropriate sickness and invalidity cash benefits;

f. Ensure relevant social protection, including income transfers, to support the poorest families in their efforts to mitigate the economic and social impacts of epidemics;

g. Put in place special measures to address the impact of HIV and AIDS pandemic;

h. Adopt social protection measures to support victims of rape and sexual violence;

i. Reduce morbidity and end preventable mortality from communicable and non-communicable diseases and other health conditions in Africa;

j. Provide access to free medical and rehabilitative services for persons with disabilities;

k. Provide access to free detoxification services for persons in need of treatment for drug and alcohol dependence.

Article 13
Occupational health, safety and employment injury

a. States Parties shall take measures towards achieving progressively a safe and healthy working environment through a national system and national programmes on occupational safety and health;

b. States Parties shall ensure that the organisation of occupational safety and health shall be on the basis of tripartite and bipartite cooperation and the participation of all parties at national and enterprise levels;

c. States Parties shall ensure that all workers, including those in the informal economy and those who are particularly vulnerable, such as workers in the sports industry, and workers working in arduous and unhealthy conditions, are covered by employment injury benefit schemes and arrangements;

d. States Parties shall adopt measures in accordance with international labour standards to ensure that workers have the right to services that provide for the prevention, recognition, detection and compensation of work-related illness or injury including emergency cases, with adequate health care, rehabilitation and
reasonable job security after injury and adequate compensation appropriately adjusted from time to time.

**Article 14**

**Persons with disabilities**

States Parties shall:

a. Adopt and implement measures that will ensure the extension of social protection to all persons with disabilities, including the widowed and those in rural areas so that they enjoy an adequate standard of living for themselves and their families;

b. Ensure that social protection schemes provided to persons with disabilities improve their social and professional integration, including through measures such as rehabilitation, vocational training, accessibility and mobility, provision of assistive devices, means of transport and housing and the appropriate organisation of work and the working environment;

c. Ensure that social security schemes guarantee equality of access and coverage to persons with disabilities;

d. Ensure that the special needs (including the need for assistive devices) and circumstances of persons with disabilities are provided for in national social protection programmes.

**Article 15**

**Death and survivors benefits**

a. States Parties shall ensure that social protection schemes provide protection against the contingency of death;

b. States Parties shall ensure that the benefits payable in the event of death of a breadwinner shall be non-discriminatory and include a death grant, funeral costs and – subject to qualifying conditions – survivors’ benefits, which should be in the form of periodical payments, aimed at the upkeep of survivors;

c. States Parties shall ensure that legal dependants and, where justified, factual dependants, qualify as survivors.

**Article 16**

**Unemployment and underemployment**

a. States Parties shall adopt proactive policies and measures towards inclusive economic and social development so as to eradicate poverty and absorb the majority of the labour force into productive employment and income-generating activities;

b. States Parties shall provide unemployment benefits for all citizens, in particular by taking steps to establish unemployment insurance schemes;
c. States Parties shall adopt measures to increase investment in education and training, especially technical and vocational training, and stimulate and support job creation initiatives;  

d. States Parties shall introduce measures to engage those who can work but are not employed and seasonal workers such as those in the agricultural sector, and shall consider for this purpose among others public employment schemes and employment guarantee schemes;  

e. States Parties shall promote innovative, gender-sensitive training and skills development programmes, such as apprenticeship programmes, mentorship and business incubators, and shall promote a culture of entrepreneurship;  

f. States Parties shall provide support structures to be set up to assist entrepreneurs in the establishment and development of small- and medium-sized enterprises and provide effective social protection coverage to workers in small- and medium-sized enterprises;  

g. States Parties shall afford preferential employment opportunities to vulnerable groups, especially the youth, women and girls, older persons and persons with disabilities;  

h. States Parties shall significantly and progressively reduce the unemployment rate, especially among women and young people, and increase youth and women participation in integrated agricultural value chains;  

i. States Parties shall take concrete steps to align skills demand with skills supply and to strengthen the links between education, skills training and the labour market;  

j. States Parties shall formulate strategies to enhance productivity as key to the efforts to reduce underemployment and poverty;  

k. States Parties shall ensure adequate protection against loss of employment, including protection against arbitrary and/or unfair dismissal;  

Article 17  
Care and support  

a. States Parties shall adopt measures to provide social protection schemes aimed at protecting children in conflict situations, orphans, children of mothers in prison and other vulnerable children;  

b. States Parties shall support measures to protect and rehabilitate children in conflict with the law;  

c. States Parties shall adopt measures, including social protection and after care services to ex-prisoners for their social reintegration;
d. States Parties shall provide social protection to poor women and women heads of families, including women from marginalised population groups, and provide an environment suitable to their condition and their special physical, economic and social needs;

e. States Parties shall collectively and individually ensure that their social protection systems adequately provide for the prevention of social risks that affect communities within and across the borders of States Parties, and shall also provide for effective measures of relief, rehabilitation, reconstruction, reintegration and revival for communities so affected;

f. States Parties shall adopt measures, at regional and country levels, to provide prevention, relief, reconstruction and rehabilitation in post-conflict contexts.

**Article 18**

**Education**

a. States Parties shall adopt measures to provide free and equitable access to quality education through other social protection programmes including cash transfers;

b. States Parties shall support access to free adult education for marginalised groups such as women, older persons and persons with disabilities;

c. States Parties shall ensure an education, training and skills development system that is sensitive to the objective of rationalising admission requirements to education and training institutions and accreditation of qualifications, and which simultaneously addresses the needs for employability and sustainable human development;

d. States Parties shall support programmes that extend and expand school feeding programmes to all primary school children.

**Article 19**

**Right to food and nutrition**

States Parties shall:-

a. Provide social protection programmes that contribute to improved nutrition;

b. Establish mechanisms for developing and retaining adequate technical capacity in nutrition to implement effective nutrition programmes;

c. Support social protection programmes that boost agricultural productivity such as input subsidy schemes and crop insurance schemes;

d. Enact and implement legislation to preserve land for food crops and promote production of drought resistant crops, protection of intellectual property in
traditional food crops; commercial farming; and crop diversification for long-term food security;

e. Enhance the production, storage, transportation, availability, accessibility, utilisation, safety and quality of food;

f. Improve the productivity of smallholder agriculture and livestock through extension of technological support, small-scale irrigation schemes, agri-business development, rural infrastructure, credit and social services;

g. Provide support to small farmers and improve women's access to credit, including microfinance, and invest in their financial literacy.

**Article 20**

*Water and sanitation*

a. States Parties shall ensure universal, affordable and reliable access to clean and safe drinking water in a sustainable manner;

b. States Parties shall establish efficient and effective water management systems notably through irrigation;

c. States Parties shall put in place measures to ensure adequate sanitation in all human dwellings.

**Article 21**

*Housing/shelter*

a. States Parties shall facilitate social protection measures that contribute to the affordability of and access to adequate housing and shelter;

b. States Parties shall take all necessary legislative, administrative and other measures to prohibit the execution of evictions that are not in conformity with their international human rights obligations;

c. States Parties shall ensure that adequate and effective legal or other appropriate remedies are available to any person claiming that a right to protection against forced evictions has been violated or is under threat of violation, including the right to resettlement, which includes the right to alternative land of better or equal quality and to adequate housing, without discrimination;

d. States Parties shall adopt measures to protect vulnerable groups from forced evictions in the event that the state acquires land for developmental purposes.

**Article 22**

*Environment*

a. States Parties shall support measures to mitigate the effects of climate change through social protection schemes, in order to enhance environmental protection;
b. States Parties shall enhance investments for resilience building initiatives, including social security for rural workers and other vulnerable social groups, as well as vulnerable ecosystems;

c. States Parties shall support initiatives to grow crops that adapt to the changes in climatic conditions in order to enhance food security;

d. States Parties shall ensure that survivors of catastrophic events, such as conflicts and natural disasters, are provided with social protection benefits.

Article 23
Governance and administration of national social protection systems

States Parties shall:-

a. Consider the inclusion of provisions in their constitutions to ensure that an adequate framework for social protection is provided for;

b. Improve management and coordination of social protection at all levels through a variety of methods including the establishment of single registries, social protection units and coordination bodies;

c. Enhance the technical, infrastructural and institutional capacities of Ministries responsible for social protection;

d. Cause the private sector to implement social protection programmes as part of their corporate responsibilities;

e. Ensure sound governance structures for all social protection programmes, to guarantee the protection of members;

f. Ensure appropriate legal and institutional frameworks for sound investment, auditing and risk management;

g. Put in place mechanisms to ensure that delivery and payment systems are efficient and effective;

h. Ensure the effective and meaningful participation of all stakeholders including social partners and civil society organisations in social protection policy formulation, programme design, implementation, and monitoring and impact evaluation.

Article 24
Financing

States Parties shall:-

a. Develop and operationalise costed national plans for social protection based on the concept of a "minimum package";
b. Take necessary measures to ensure the adequate funding of social protection systems including through domestic funding by allocating specific and transparent budget lines and taking into account contributory capacities of different population groups;

c. Develop flexible feasibility, costing and sustainable funding strategies, combining contributory and non-contributory funding modalities for nationally defined programmes, to ensure sufficient funding for social protection programmes;

d. Commit themselves to progressively allocate a minimum percentage of public resources to social protection expenditure, in particular expenditure that will ensure universal access;

e. Ensure coordination and strengthening of development partner support for sustainable financing of social protection;

f. Take measures to avoid excessive administrative costs prevent fraud, tax evasion, non-payment of contributions and misuse of social protection funds.

**Article 25**

Data management

States Parties shall:

- Adopt mechanisms to collect, compile and publish social protection data, statistics and indicators, with due regard to the need for data protection and individuals' right to privacy;

- Ensure that labour market information is disaggregated by sex and age, collected and reported to facilitate planning and implementation;

- Enhance food and nutrition information dissemination including information on genetically modified foods through education and communication activities and public participation.

**Article 26**

Complaint and appeal mechanisms

States Parties shall:

- Ensure that every claimant has the right to complain or appeal, at the local, national and regional levels with regards to the quality and or quantity of benefits;

- Develop and implement complaints and appeal mechanisms which accommodate both individual and collective complaints, in all social protection programmes;

- Ensure that complaint and appeal mechanisms are impartial, transparent, effective, simple, rapid, accessible and inexpensive;
d. Ensure that access to complaint and appeal procedures is free of charge to the applicant;

e. Ensure that both internal review and external adjudication dispute resolution mechanisms are available to claimants, while allowing also informal dispute resolution and social accountability mechanisms;

f. Regarding external adjudication, provide easy and affordable access for everyone to independent adjudication institutions that have the power to finally determine social protection disputes, inexpensively, expeditiously and free of charge;

g. Ensure that the resolution of social protection disputes are completed within reasonable time limits and that procedural guarantees are available to ensure a fair hearing;

h. Ensure that final resolutions of disputes are respected, complied with and respected.

**Article 27**

**Implementation**

1. States Parties shall:

   a. Ensure implementation of the present Protocol at the national level;

   b. Adopt all necessary measures, including providing budgetary and other resources, for the full and effective implementation of the rights recognised in this Protocol;

   c. Cooperate at the international, continental, regional, sub-regional and bilateral levels on capacity-building in relation to issues provided for by this Protocol and impacting on citizens, including by sharing research, technical, human and financial resources, information and good practices to support implementation of this Protocol;

   d. Ensure that regional and sub-regional cooperation programmes and institutions support the implementation of this Protocol;

   e. Ensure full and effective participation of all stakeholders in the implementation and monitoring of this Protocol;

   f. Include the inclusion of social protection in National Development Plans and Poverty Reduction Strategy Processes, with links to international development outcomes and processes;

   g. Design and deliver effective impact assessments, monitoring and evaluation of social protection programmes;
h. Implement the principle of variable geometry, where a group of States Parties could move faster on certain activities and the experiences learnt are replicated in other States Parties;

2. The provisions of sub-paragraph 1(c) of this Article are without prejudice to the responsibility of each State Party to fulfil its obligations under this Protocol.

3. States Parties shall ensure the implementation of this Protocol, and shall indicate in their periodic reports submitted to the African Commission in accordance with Article 62 of the African Charter, the legislative and other measures undertaken for the full realisation of the rights recognised in this Protocol.

4. States Parties shall undertake to adopt all necessary measures and in particular shall provide budgetary and other resources for the full and effective implementation of the rights recognised in this Protocol.

5. States Parties shall establish or designate national mechanisms, including independent national institutions, to monitor the implementation of the rights enshrined in this Protocol.

**Article 28**

**Interpretation**

The African Court on Human and Peoples' Rights shall be seized with matters of interpretation arising from the application or implementation of this Protocol.

**Article 29**

**Popularisation of the Protocol**

States Parties shall take all appropriate measures to ensure the widest possible dissemination of this Protocol in accordance with the relevant provisions and procedures of their respective constitutions.

**Article 30**

**Safeguard Clause**

1. No provision in this Protocol shall be interpreted as derogating from the principles and values contained in other relevant instruments for the realisation of the rights of African citizens.

2. In the event of a contradiction between two (2) or more provisions of this Protocol, the interpretation which favours the rights of citizens and protects their legitimate interests shall prevail.

**Article 31**

**Signature, Ratification and Accession**

1. This Protocol shall be open to Member States of the Union for signature, ratification and accession.
2. The instruments of ratification or accession to the present Protocol shall be deposited with the Chairperson of the Commission who shall notify all Member States of the dates of the deposit of the instruments of ratification or accession.

**Article 32**
**Entry into Force**

1. This Protocol shall enter into force thirty (30) days after the deposit of the fifteenth (15th) instrument of ratification by a Member State.

2. The Chairperson of the African Union Commission shall notify all Member States of the African Union of the entry into force of the present protocol.

3. For any Member State of the African Union acceding to the present Protocol, the Protocol shall come into force in respect of that State on the date of the deposit of its instrument of accession.

**Article 33**
**Reservations**

1. A State Party may, when, ratifying or acceding to this Protocol, submit in writing a reservation with respect to any of the provisions of this Protocol. Reservations shall not be incompatible with the object and purpose of this Protocol.

2. Unless otherwise provided, a reservation may be withdrawn at any time.

3. The withdrawal of a reservation must be submitted in writing to the Chairperson of the Commission who shall notify other States Parties of the withdrawal accordingly.

**Article 34**
**Depositary**

This Protocol shall be deposited with the Chairperson of the Commission, who shall transmit a certified true copy of the Protocol to the Government of each State Party.

**Article 35**
**Registration**

The Chairperson of the Commission upon the entry into force of this Protocol shall register this Protocol with the United Nations Secretary General in conformity with Article 102 of the Charter of the United Nations.

**Article 36**
**Withdrawal**

1. At any time after three (3) years from the date of entry into force of this Protocol, a State Party may withdraw by giving written notification to the Depositary.
2. Withdrawal shall be effective one (1) year after receipt of notification by the Depositary, or on such later date as may be specified in the notification.

3. Withdrawal shall not affect any obligation of the withdrawing State Party prior to the withdrawal.

**Article 37**
Amendment and Revision

1. Any State Party may submit proposal(s) for the amendment or revision of this Protocol. Such proposal(s) shall be adopted by the Assembly.

2. Proposals for amendment or revision shall be submitted, in writing, to the Chairperson of the Commission who shall transmit such proposals to the Assembly at least six (6) months before the meeting at which it shall be considered for adoption.

3. Amendments or revisions shall be adopted by the Assembly by consensus or, failing which, by a two-thirds majority.

4. The amendment or revision shall enter into force in accordance with the procedures outlined in Article 34 of this Protocol.

**Article 38**
Authentic Texts

This Protocol is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, and all four (4) texts being equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorised to that effect, has signed this Protocol.

ADOPTED BY THE…ORDINARY SESSION OF THE ASSEMBLY OF THE UNION, HELD IN …, ….., MONTH……., YEAR……..