

AFRICAN UNION		UNION AFRICAINE
الاتحاد الأفريقي African Commission on Human & Peoples' Rights		UNIÃO AFRICANA Commission Africaine des Droits de l'Homme & des Peuples
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CONCEPT NOTE

Panel Discussion on the Launch of the Guidelines on the Right to Water in Africa and the development of General Comments on the Role of Non-State Actors in providing Social Services

On the eve of the 30th anniversary of the African Charter on Human and Peoples' Rights (African Charter), the African Commission on Human and Peoples' Rights (Commission) adopted the 2010 Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in Africa, also referred to as the 'Nairobi Guidelines', and the 2010 Reporting Guidelines for Economic, Social and Cultural Rights in Africa, also referred to as the 'Tunis Reporting Guidelines'. These instruments constitute the building blocks for the protection of economic, social and cultural rights in Africa.

At the 17th Extra-Ordinary Session held from 19th to 28th February 2015, in Banjul, The Gambia, the Commission adopted Resolution **ACHPR/Res.300 (EXT.OS/XVII) 2015** on the Obligation on the Right to Water mandating the Working Group on Economic, Social and Cultural Rights (Working Group), to develop 'Principles and Guidelines on the Right to Water (the Guidelines)', to assist States in the implementation of their obligations in respect of water-related rights. The Working Group on Economic, Social and Cultural Rights therefore developed the Guidelines on the Right to Water in Africa, which was adopted by the Commission at its 26th Extraordinary Session held from 16th to 30th July 2019 in Banjul, The Gambia, and is to be launched at the 68th Ordinary Session of the Commission, scheduled to take place from 14th April to 4th May 2021, virtually.

On 4th March 2020, meeting at its 27th Extraordinary Session, held in Banjul, The Gambia, from 19 February to 4 March 2020, the Commission resolved to address private actors' negative effects on social services such as healthcare and education. It adopted Resolution **ACHPR/Res.434 (EXT.OS/ XXVI1) 2020**, on the Need to Develop Norms on States' Obligations to Regulate Private Actors in the Provision of Social Services. This Resolution mandates the Working Group to develop 'soft law standards' that define State obligations in this domain. To this end, the Working Group formed a drafting committee tasked to develop a new General Comment.

These soft-law standards inform a comprehensive state-integrated strategy to address all economic, social, and cultural rights, which are by nature interconnected and interdependent. Overall, these standards provide the main legal reference to assess progress towards the goals pursued in the 2063 Africa Union Agenda. At the United

Nations level, these instruments advance Sustainable Development Goal (SDG) 3, to ensure ‘healthy lives and promote well-being for all’, SDG 4 to achieve ‘inclusive and equitable quality education’ for all, and SDG 6 to ensure an ‘equitable and sustainable use and management of water resources for socio-economic development, regional cooperation and the environment’ and ‘access to water for all’.

Objectives

In addition to launching the Water Guidelines, this Panel aims to inform and support the work of States, while meeting their obligation to respect, protect and fulfill social, economic and cultural rights, and in developing their periodic reports to the Commission. Further, the discussion will address the increased prevalence of non-state actors in social service delivery, and its ramifications for human rights on the continent.

The specific objectives are as follows:

- i. protect the quality of national and international water resources and the entire riverine ecosystem, from watersheds to oceans;
- ii. ensure the rational and equitable use of water resources through the distribution of water resources to meet, in priority, the vital human needs of the populations concerned, in particular access to drinking water in sufficient quantity for personal and domestic use, sanitation, agriculture and other means of subsistence;
- iii. recognize, protect and develop traditional and local water and other social service systems for indigenous populations on their ancestral lands as well as local communities, and protect water resources from abusive use and pollution;
- iv. establish mechanisms for the participation of individuals and communities in decision-making on the management of water resources, as well as public social service systems;
- v. guarantee the justiciability of the rights to water, education and healthcare;
- vi. build the capacity of populations in human rights education, including the rights to water, education and healthcare and their relevant protection mechanisms; and
- vii. comply with the principle of non-discrimination and take into account the needs of vulnerable persons, in particular women and children, persons with disabilities, elderly persons, rural populations living in geographically inaccessible areas, displaced persons, refugees and persons deprived of their liberty.

Methodology

The methodology proposed is a short panel discussion setting the pace for the launch. Specifically, the panelists/speakers will make brief presentations touching on various aspects relating to the history, process, overview and content of the Guidelines. This will be followed by an interactive discussion. Thereafter, the participants will be invited to join the Commission in officially launching the

Guidelines on the Right to Water in Africa. The session will also include brief presentations on aspects of the role of non-state actors in the provisions of social services, in the context of the Working Group's ongoing work to develop soft-law standards in this domain.

Expected Outcome

The expected outcome of this activity is:

- i. Guidelines on Water to be widely disseminated and implemented; and
- ii. Commission to make a positive impact in contributing to ECOSOC rights in Africa.
- iii. Introduce States, and other stakeholders to the drafting process and rationale for soft-law standards on the role of non-state actors in the provisions of social services.

Panelistes

1. Commissioner Solomon Ayele Dersso – ACHPR Chairperson (Moderator);
2. Commissioner Mudford Mwandenga – Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa;
3. Commissioner Jamesina L. King – Former Chairperson of the Working Group on Economic, Social and Cultural Rights in Africa and Special Rapporteur on Freedom of Expression and Access to Information in Africa;
4. Ms. Helene Boussard Ramos dos Santos - Right to Water Focal Point & Former Expert Member of the Working Group on Economic, Social and Cultural Rights;
5. Ms. Salima Namusobya, Member, Working Group on Economic, Social and Cultural Rights in Africa;
6. Allana Kembabazi, Initiative for Social and Economic Rights;
7. Sylvain Aubrey, Global Initiative for Social and Economic Rights; and
8. Dr Takele Bulto, Director of Economic, Social and Cultural Rights programme, Ethiopian Human Rights Commission.

Participants

All participants at the 68th Ordinary Session of the Commission including, State Parties, Organs of the African Union, National Human Rights Institutions, International Organizations, Non-Governmental Organizations and the general public.

Language

The Panel will be conducted in the four (4) AU languages i.e. English, French, Portuguese and Arabic.

Date & Time

The Panel will take place on 24th April 2021, from 9 to 10:30 am GMT.

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**Panel Discussion on the Launch of the Guidelines on the Right to Water in Africa
and the development of General Comments on the Role of Non-State Actors in
providing Social Services**

**68th Ordinary Session
24 April 2021
Virtual Session
09:00 – 10:30**

PROGRAMME

Moderator:	Hon. Commissioner Solomon Ayele Dersso , Chairperson of the African Commission on Human and Peoples' Rights
09:00 – 09:10	Opening Statement , Hon. Commissioner Mudford Mwandenga, Chairperson of the Working Group on Economic, Social and Cultural Rights (10 mins)
09:10 – 09:20	Overview of the Drafting Process of the Guidelines on the Right to Water , Hon. Commissioner Jamesina E. L. King, Former Chairperson of the Working Group on Economic, Social and cultural Rights and Special Rapporteur on Freedom of Expression and Access to Information in Africa (10 mins)
09:20 – 09:40	Overview and Importance of the Guidelines on the Right to Water , Ms. Helene Boussard Ramos dos Santos - Right to Water Focal Point & Former Expert Member of the Working Group on Economic, Social and Cultural Rights (20mins)
09:40 – 09:50	Background to the development of soft law standards of the Role of Non-State Actors in Realising Economic, Social, and Cultural Rights in Africa , Ms. Salima Namusobya, Member, Working Group on Economic, Social and Cultural Rights in Africa (10 minutes)

09:50 – 10:00	The Impact of Non-State Actors on the Right to Health in Africa, Allana Kembabazi, Initiative for Social and Economic Rights (10 minutes)
10:00 – 10:10	The Impact of Non-State Actors on the Right to Education in Africa, Sylvian Aubrey, Global Initiative for Social and Economic Rights (10 minutes)
10:10 – 10:20	The Impact of Non-State Actors on the Right to Water in Africa, Dr. Takele Bulto, Director, Economic, Social and Cultural Rights programme, Ethiopian Human Rights Commission (10 minutes)
10:20 – 10:30	Closing Remarks & Official Launch of the Guidelines on the Right to Water in Africa (10 minutes)

End of Programme