



African Network on
Discrimination based on Work,
Descent and Contemporary
Forms of Slavery
(ANDS)



Resolution passed by the NGO Forum of Africa Commission of Human and Peoples Rights on the Protection and Promotion of the Rights of Communities Discriminated based on Work and Descent

Date: 18th October 2023

Recalling its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Considering the Constitutive Act of the African Union (AU) adopted in Lomé on 11 July 2000, and in particular its articles 3(h) and 4(m) on the promotion and protection of human rights and the respect for democratic principles, the rule of law and good governance;

Noting the Aspiration 3 of the Agenda 2063 calling for an African Continent where democratic values, culture, practices, universal principles of human rights gender equality, justice and the rule of law are entrenched, where citizens participate actively in the social, economic and political development and management, and that has capable institutions and transformative leadership in all fields (political, economic, religious, cultural, academic, youth and women) at the continental, regional, national and local levels;

Recalling also that Article 2 of the African Charter prohibits any form of discrimination against any person on the basis of race, ethnicity, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

Further recalling that Article 3 of the African Charter grants equal protection of the law to all;

Noting that Article 5 of the African Charter recognises that every individual shall have the right to the respect of the dignity inherent in a human being and that all forms of exploitation and degradation, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment shall be prohibited;

Noting further that Article 14 of the African Charter recognises that every individual shall have the right to work under equitable and satisfactory conditions and shall receive equal pay for equal work;

Recalling Article 28 of the African Charter that clearly states that “every individual has the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance”;

Strongly troubled by the persistence, despite the adoption and ratification of human rights treaties, the enactment national constitutions and national laws, of abject practices of discrimination based on work and descent, including discrimination based on caste, and analogous systems of traditional and modern forms of slavery, inherited status and untouchability, as violations of human rights and international law;

Acknowledging that discrimination based on work and descent is widespread across the African continent, and that multiple, aggravated and intersecting forms of discrimination impact women, children and youth, persons with disabilities and those of diverse sexual orientation and gender identity, which makes them more vulnerable to denial of their human rights on an equal basis with others;



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Strongly deploring acts of violence, untouchability and segregation committed against persons on the basis of work and descent, as well as acts of sexual and gender-based violence predominantly committed against women and girls from communities discriminated on the basis of work and descent;

Recalling that the Sustainable Development Goals seek to realise the human rights of all and leave no one behind, in particular, communities and individuals that are most marginalised such as those that have historically, and continue to, suffer discrimination based on work and descent;

Reaffirming the Africa we want to build is free from all forms of discrimination including that of discrimination based on work and descent;

Noting the lack of human rights standard setting that addresses discrimination based on work and descent;

Concerned, however, at the persistence of discrimination based on work and descent almost 40 years after the operationalization of the African Charter;

The Commission:

1. *Calls upon* States Parties to acknowledge the existence of discrimination based on work and descent as a distinct form of discrimination that deserves the attention of the African community and that which affects peoples across Africa;
2. *Further calls upon* States Parties to take all necessary constitutional, legislative, administrative, budgetary, judicial, educational, and social measures to eliminate discrimination based on work and descent in their respective states and to respect, protect, promote, retribute, implement and monitor the human rights of those facing this discrimination including through robust disaggregated data collection in line with data protection and data privacy principles;
3. *Urges* States Parties, in collaboration with National Human Rights Institutions, civil society organisations and human rights defenders belonging to communities discriminated based on work and descent to combat prejudicial beliefs and practices in all their forms, including notions of untouchability, pollution and caste superiority or inferiority, as well as to prevent human rights violations taken on the basis of such beliefs;
4. *Requests* the Africa Commission on Human Peoples Rights to initiate a process to realize a continental study on the situation of communities discriminated based on work and descent to be shared with the African Union organs and institutions;
5. *Decides* to establish a Working Group on Discrimination Based on Work and Descent, composed of Members of the African Commission on Human and Peoples' Rights, with the participation of representatives of communities discriminated on the basis of work and descent, to study further the practices of discrimination based on work and descent in the African region and their impact on the realisation of human rights under the African Charter, with the aim of developing further interventions to prevent discrimination based on work and descent.