



COMESA SOCIAL CHARTER

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Social Charter

PREAMBLE

RECALLING Article 143 of the COMESA Treaty provides for the adoption of a social charter with a view to better the implementation of and promote close regional cooperation in the fields identified therein;

RECOGNIZING that this social charter is a fundamental building block in social and cultural affairs and establishes the major principles for the attainment of social justice and enhanced cooperation in the social and cultural fields;

RECOGNIZING FURTHER Gender equality and equity are the underpinning guiding principles of this Charter in accordance with the COMESA Gender Policy;

BEARING IN MIND that Eleven Strategic Pillars have been identified and have been elaborated as key areas of focus in the formulation of this Charter, namely:

- (a) Employment and working conditions;
- (b) Labour laws;
- (c) Social Protection;
- (d) Human Resource Development and Youth Empowerment;
- (e) Well Being of the Child;
- (f) Freedom of Association;
- (g) Community Development;
- (h) Education Training and Skills development;
- (i) Health Care;
- (j) Sustainable development and protection of the environment;
- (k) Sustainable development and elimination of harmful social and cultural practices.

HAVING REGARD to the fact that the objectives and principles of this Charter have the aim of creating an enabling social and economic environment based on gender equality, equity, equal treatment and equal opportunity and to maintain sustainable development in the Member States and in the region.

CONSIDERING this Charter further elaborates on education and training, protection of persons with disabilities and disadvantaged groups as well as providing for public awareness through a number of traditional and modern means.

NOTING that this Charter attempts to provide the best practices that the Member States and the region should try to adopt with the view to attaining the objectives as identified herein.

PART I

Article I

Definitions

In this Charter, unless the context otherwise requires-

“Child” means a human being below the age of 18 years;

“Employment” includes formal, informal and self employment; and

“Youth” means a person between the ages of 15 and 35 years in accordance with the African Union definition.

Article II

Aims and Objectives

The principal aims and objectives of the Charter are to -

- (a) promote the welfare of the people of the region;
- (b) improve the quality of life;
- (c) accelerate economic growth, social progress and cultural development; and
- (d) enable all individuals from the region to live in dignity and realize their full potential.

Article III

General Principles

Member States shall be guided by the following general principles in the implementation of the Charter -

- (a) ensure an overall balanced development of people in their economic and social policies and strategies;
- (b) establish a people centered national framework for social development;
- (c) promote Good Governance including participatory governance;

- (d) build up a culture of cooperation and partnership, including in the public and private spheres of activities;
- (e) prevent any form of discrimination in the enjoyment of rights and privileges irrespective of nationality, race, ethnic group, colour, sex, language, religion, political or other opinion or social origin;
- (f) protection of the ethnic communities, minority and vulnerable groups and to ensure their participation in the social, economic and cultural life of Member States and the region; and
- (g) protecting the integrity and sustainable use of natural resources and the environment.

Article IV

Areas of Cooperation and Programmes

1. Member States shall cooperate with each other and endeavour to establish programmes in the following areas -
 - (a) employment and working conditions;
 - (b) labour laws;
 - (c) vocational training and the eradication of adult illiteracy in the region;
 - (d) cultural and sporting exchanges;
 - (e) the prevention of occupational accidents and diseases;
 - (f) the right of association and collective bargaining between employers and workers;
 - (g) radio and television programmes on matters that will promote cultural development of the region; and
 - (h) provision of facilities for persons with disabilities and older persons (elderly).
2. Member States shall, in the implementation of the programmes consider the following -
 - (a) human centered development and direct their economies to meet human needs more effectively;

- (b) fulfill the responsibility towards present and future generations by ensuring equity among generations, and protecting the integrity and sustainable use of the environment;
- (c) integrate economic, cultural and social policies so that they become mutually supportive and acknowledge the interdependence of public and private spheres of activity;
- (d) recognize that the achievement of sustained social development in the region requires sound, equitable and broad-based economic policies;
- (e) promote participatory governance, human dignity, social justice and solidarity at the national, regional and international level;
- (f) promote the equitable distribution of incomes and greater access to resources through equity and equality of opportunities for their citizens;
- (g) recognize the family as the basic unit of society, and acknowledge that it plays a key role in social development and as such should be strengthened, with attention to the rights, capabilities and responsibilities of its members, including children, persons with disabilities and the elderly;
- (h) ensure that disadvantaged, marginalized and vulnerable groups are included in social development, and that society acknowledges and responds to the consequences of disability by securing the legal rights of the individual and by making the physical and social environment accessible;
- (i) promote universal respect for and observance and protection of human rights and fundamental freedoms for all, in particular the right to development, promote gender equity, promote the welfare and interests of children and the youth, promote social integration and strengthen civil society;
- (j) recognize and support people with diverse cultures, beliefs and traditions in their pursuit of economic and social development with full respect for their identity, traditions, forms of social organization, and cultural values;
- (k) empower, especially women and the youth, while considering that strengthening their capacities is an important objective of development and its principal resource for the region;

- (l) recognize that the use of modern technology (information, communication and technology) can help in fulfilling social development goals and emphasize the need to facilitate easy access to such technology; and
- (m) strengthen policies that improve, broaden and ensure the participation of women in all spheres of political, economic, social and cultural life, as equal partners, and improve their access to all resources needed for the full enjoyment of fundamental freedoms and other entitlements.

PART II

Article V

Employment and Working Conditions

1. Member States recognize that every person has a right to work including facilitating access to financial resources for the establishment of small and medium enterprises.
2. In particular Member States shall strive to achieve the following -
 - (a) just and fair conditions of work;
 - (b) safe place of work;
 - (c) Provision of adequate facilities for persons with disabilities;
 - (d) proper and appropriate working conditions taking into account, protection against abusive working hours;
 - (e) fair and equitable remuneration;
 - (f) minimum wage sufficient to ensure a decent standard of living for the workers and their families;
 - (g) freedom of association for the protection of the economic and social interests of workers;
 - (h) right to collective bargaining;
 - (i) right to equal opportunity to work;
 - (j) right to maternity and paternity leave; and
 - (k) Provision of adequate facilities for men and women.

3. The Member State shall endeavour to provide adequate and proper technical and vocational training including quality educational programmes for the youth.

Article VI

Labour Laws

Member States shall strive to achieve the following minimum standards in their labour legislation -

- (a) introduction of equitable basic working and living conditions including catering for persons with disabilities;
- (b) specifications of minimum rest periods, annual paid leave, compassionate leave, paid maternity leave, occupational health and safety protection;
- (c) stipulation of acceptable rules and compensation for overtime and shift work;
- (d) conditions of employment for every worker to be stipulated in national law, a collective agreement or a contract of employment; and
- (e) specification of minimum measures for the protection of women working at odd hours.

Article VII

Social Protection

1. Member States shall strive to create an enabling environment so that every worker shall have a right to adequate social protection and shall enjoy adequate social security benefits in accordance with the status and the type of employment established, such as -
 - (a) reduction of people's exposure to risks through the introduction of social insurance programmes such as pension and health insurance schemes;
 - (b) reduction of inequities and improvement of social integration through changes in laws, budgetary allocations as well as retribution measures;
 - (c) enhancement of the capability of the vulnerable groups to protect themselves against risks, hazards and loss of income through labour market programmes such as public works , small business or enterprise development, micro-finance as well as skills development and training;

- (d) promotion of social assistance and welfare programmes as a way of mitigating the impact of vulnerability of groups like persons with disabilities, the elderly, children, orphans, and persons affected and infected by HIV and AIDS and other communicable diseases ;
 - (e) establishment and strengthening of capacity building programmes for the beneficiaries of social assistance so that they graduate to become self reliant; and
 - (f) building of disaster risk management mechanisms to reduce the socio-economic impact of random shocks or disasters through effective planning and response as well as promoting the integration of disaster risk management programmes into sustainable development planning and programming at all levels.
2. Member States shall ensure the social protection of all citizens especially those who are most vulnerable to poverty and are socially excluded.

Article VIII

Human Resource Development and Youth Empowerment

Member States shall strive to -

- (a) promote broad-based growth in order to create productive employment opportunities, encourage volunteerism, internship and exchange programmes for all groups of people;
- (b) provide enhanced job opportunities and adequate employment, and entrepreneurship and recreational activities for the youth in order to make them economically and socially productive;
- (c) enhance job opportunities for persons with disabilities and the youth through increased investments in education and vocational training; and
- (d) promote information access for youth and create awareness on the dangers of HIV and AIDS and sexually transmitted and other communicable diseases as well as the risks associated with tobacco consumption, alcohol abuse and drugs.

Article IX

Well-being of the Child

Member States shall strive to -

- (a) ensure that special protection be given to a child as well as providing opportunities to enable him or her to develop to full potential, be it mentally, physically, spiritually and culturally, in a healthy and normal manner and in conditions of freedom and dignity;
- (b) ensure protection of the child against all forms of abuse and exploitation prejudicial to any aspects of the child's well-being and that the best interests and welfare of the child shall be the paramount consideration and the guiding principle in all matters involving his or her life;
- (c) ensure that a child in tender years, unless otherwise prescribed, shall not be separated from his or her biological mother or parents and particular care shall be extended to children without family and to those without adequate means of support, including where desirable, provision of state and other assistance towards his or her maintenance;
- (d) strengthen provision of services essential to a child's growth and development such as pre and post natal care, early childhood care, immunizations and nutrition programmes with the major aim of reducing infant and child mortality and morbidity rates;
- (e) take effective measures for the rehabilitation and re-integration of children in conflict with the law and children in other vulnerable situations, providing them with essential services such as education, health and proper shelter;
- (f) provide appropriate services to children with special needs; and
- (g) promote parental involvement in child care.

Article X

Freedom of Association

Member States shall promote the right to free association and peaceful assembly, in conformity with national laws in the social, cultural and labour fields provided for under Article 143 of the Treaty.

Article XI

Community Development

1. Member States shall strive to promote the involvement of the community in social, economic, political and cultural development programmes with a view to enhance greater ownership and participation in such programmes.
2. Member States shall endeavour to develop capacity building programmes that will enhance access of the poor and marginalized groups to social services and empower them to fully participate in community development programmes and projects.

Article XII

Education, Training and Skills Development

1. Member States shall strive to provide quality education through formal, non-formal, informal distance learning and lifelong learning to meet the diverse needs of the individual.
2. In that respect, each Member State shall promote to the full extent possible -
 - (a) gender parity in access and quality education;
 - (b) free Pre-school and early childhood education;
 - (c) free primary and secondary education and reasonable access to tertiary education, including technical, vocational, education and training;
 - (d) rehabilitation programmes for persons with disabilities;
 - (e) adapted education for children with special needs and disabilities;
 - (f) access to education scholarships;
 - (g) adult literacy ; and
 - (h) development of adapted science and technology programmes to cater for the socio-economic development of Member States and the region.

Article XIII

Health Care

1. Member States shall strive to attain the best attainable state of physical and mental health for their citizens.
2. In that respect, Member States shall endeavour to pursue full implementation of the following measures -
 - (a) making available equitable and readily accessible medical assistance and health care through strengthened health systems especially in rural and poor urban areas with an emphasis on primary health care;
 - (b) implementing comprehensive programmes to prevent the transmission of infectious and communicable diseases such as sexually transmitted infections (STI), HIV and AIDS, cholera, malaria, hepatitis, tuberculosis (TB) and yellow fever and other communicable diseases by providing contextualized education, information, communication and awareness, including putting in place protective and preventive measures;
 - (c) expanding the availability as well as accessibility of anti-retroviral treatment (ART) and encourage the uptake of HIV Testing and Counseling (HTC) and other HIV and AIDS related programmes such as Prevention of Mother to Child Transmission (PMTCT);
 - (d) instituting and strengthening programmes that address health pandemics such as HIV and AIDS, cholera, Malaria, hepatitis, TB and yellow fever and other communicable diseases and monitor progress of these programmes;
 - (e) promoting the prevention of all diseases and occupational accidents as well as risk exposures;
 - (f) promoting access to Sexual Reproductive Health (SRH) services such as use of modern family planning methods and health information relating to such;
 - (g) promoting the involvement of men in family planning and access to medical services and information to enhance men's health screening for preventable diseases;
 - (h) promoting programmes to prevent maternal and child mortality; and
 - (i) promoting the establishment of programmes to prevent alcohol, drug and other substance abuse and related crimes.

Article XIV

Sustainable Development and Protection of the Environment

1. Member States shall strive to use sustainable methods to improve the protection of the natural environment. In this regard, they shall -
 - (a) encourage the production of exchange and dissemination of information on environmental preservation and best practices to protect the environment;
 - (b) develop mechanisms and strategies for the re-generation of forests;
 - (c) initiate actions to combat desertification;
 - (d) improve the enforcement of regulations for forestry management;
 - (e) implement action plans on the mainstreaming of climate change in sector policies as well as promote adaptation to climate change in order to mitigate its impact on the region;
 - (f) promote sustainable production and consumption mechanisms in the extraction of materials for production and disposal of materials after consumption as preventive measures to toxic waste exposure; and
 - (g) promote eco-tourism and conservation of marine and coastal environments.
2. Member States shall -
 - (a) promote the formulation of disaster and risk management strategies;
 - (b) promote climate change adaptation and mitigation; and
 - (c) take initiatives and develop programmes on early warning systems.

Article XV

Cultural and Sporting Issues

Member States shall -

- (a) encourage the promotion of inter-cultural awareness by organizing exchange programmes amongst Member States and especially with youth organisations across the region;

- (b) encourage the production of local cultural and cultural related programmes and to enhance their dissemination through information and communication technology;
- (c) promote the participation of the private sector in cultural exchanges with a view to further develop cultural tourism;
- (d) promote cooperation in sports, physical education, recreational and leisure activities;
- (e) encourage the setting up of appropriate and adapted sports infrastructure and services in rural and urban areas; and
- (f) encourage the active participation of women, the youth, children and persons with disabilities in practicing sports, physical education, recreation and leisure activities.

Article XVI

Sustainable Development and Elimination of Harmful Social and Cultural Practices

1. With a view to ensure sustainable development in the field of social and cultural affairs, Member States agree to take steps to eliminate harmful social and cultural practices that affect the welfare and dignity of their people and prevent their full participation in the economic, social and cultural development of Member States and the region.
2. In that respect, Member States shall cooperate to eliminate those harmful practices such as forced and early marriages, exploitation of men, women and children and traditional practices that undermine the dignity and integrity of men, women and children.
3. Member States shall further cooperate and take collective measures with a view to identifying and eliminating other harmful social and cultural practices which prevent the exploitation of their full potential towards the attainment of their development objectives.

Part III

Article XVII

Review

This Charter shall be reviewed when the need arises.

Article XVIII

Amendment

This Charter may be amended by the Council.

Article XIX

Adoption and Entry into Force

This Charter shall be adopted by Council and shall enter into force when signed by or on behalf of the high contracting parties and ratified by at least eleven signatory States.

Adopted at Kinshasa, Democratic Republic of Congo on the twenty fourth day of February in the year two thousand and fourteen in the English, French and Arabic languages, the three texts being equally authentic.

IN FAITH WHEREOF the undersigned have placed their signatures at the end of this Charter.

The President of the Republic of Burundi

The President of the Federal Islamic Republic of the Comoros

The President of the Democratic Republic of Congo

The President of the Republic of Djibouti

The President of the Arab Republic of Egypt

The President of the State of Eritrea

The President of the People's Republic of Ethiopia

The President of the Republic of Kenya

The President of the Republic of Libya

The President of the Democratic Republic of Madagascar

The President of the Republic of Malawi

The Prime Minister of Mauritius

The President of the Republic of Rwanda

The President of the Republic of the Seychelles

The President of the Republic of Sudan

His Majesty the King of the Kingdom of Swaziland

The President of the Republic of Uganda

The President of the Republic of Zambia

The President of the Republic of Zimbabwe