



Trade Unions Statement on the African Union Draft Policy on Business and Human Rights

On the Occasion of the 2nd Annual African Union Business and Human Right Forum

Addis Ababa, Ethiopia – September 07, 2023

We, African trade union leaders and global union federations, from Kenya, Ghana, Liberia, Nigeria, Tanzania, Uganda, Zambia and Zimbabwe, representing workers in the agriculture, building, building materials, cement, construction, forestry, mining, oil and gas, textile and garment, , transport, wood, and other sectors in Africa, meeting in Addis Ababa, Ethiopia, 4-7 September 2023, deliberated on the draft African Union (AU) Policy on Business and Human Rights (B&HR). The trade unions commend the African Union for developing the policy. We perceive the policy as a strategy that will deepen the work of the African Commission on Human and Peoples’ Rights, the Agenda 2063: The Africa We Want, and the African Mining Vision, among other policy initiatives of the AU that seek to advance the interests of African workers and societal development. We hope the draft policy, which is anchored on the United Nations Guiding Principles on Human Rights, will adopt a developmental thrust that promotes the attainment of the Sustainable Development Goals.

According to the ITUC Global Rights Index (2023), which was published before the coup in Niger and Gabon, workers’ rights violations globally including in Africa were on the increase. The conflict in the Democratic Republic of the Congo continued to adversely affect workers whose rights were being violated. This had implications for discussions on business and human rights.

The Global Rights Index paints a bleak picture for the African continent in its report as follows:

“Burundi, Central Africa Republic, Somalia, and South Sudan were still plagued by internal conflicts, which further deteriorated the humanitarian situation and deprived millions of basic protections.”

“In Burkina Faso, Chad, Guinea, Mali, and Sudan, where military regimes have been established following coups in recent years, workers’ civil liberties and freedoms, such as the right to peaceful assembly and access to justice, were severely curtailed.”

“In Eswatini, government repression against opposition, including trade unions, culminated with the killing of a prominent human rights lawyer, while in Zimbabwe, the authorities

relentlessly persecuted and arrested trade union leaders. It was very difficult for workers in Cameroon, Guinea-Bissau, and Mauritania to exercise their collective rights.”

However, we recognize that some progress has been made in Africa in the development of National Action Plans (NAPs) on B&HR although more could have been done. Given the size and magnitude of human right violations within the business environment and the number of countries in Africa, we call upon the AU and its development partners to push for more engagement, sensitization, and popularization of the B&HR agenda on the continent.

We came up with the following demands for the AU to act upon:

- Recognize and include trade unions’ role as key stakeholder in business and human rights as distinct organizations that serve specific workers’ interests with responsibilities that are derived from the mandates that they receive from their members.
- Open communication channels with trade unions and make key documents available online.
- Facilitate dialogue and partnerships with the African Development bank and other strategic financial institutions on human rights due diligence.
- Facilitate the creation of social dialogue spaces at national, regional, and continental levels to enable democratic participation, transparency and representation of the views and interests of trade unions and workers.
- Adopt approaches on mandatory human rights due diligence for businesses to assess risks and mitigate against human and workers’ rights abuses in the world of work in formal and informal supply chains.
- Include International Labour Organization fundamental rights and principles at work and the decent work agenda.
- Promote the ratification and domestication of Convention 190 and Recommendation 206 as instruments to end violence and harassment in the world of work and promote gender equity and mainstreaming.
- Include informal economy workers including artisanal small-scale miners and migrant workers in the supply chains with reference to Recommendation 204.
- Where the impact of companies amount to abuse of human and workers rights effective remedies should be made available to victims to avoid the remedies being nugatory. Further the policy needs to acknowledge that access to remedy can be hindered by an inherent imbalance of power between victims and large companies.
- Use NAPs as tools to deal with corruption & Illicit Financial Flows (IFIs).
- Include labour provisions in the African Continental Free Trade Area agreement.
- Develop mechanisms for feedback on the NAPs.
- The policy should acknowledge the central role that trade unions have to play when discussing B&HRs.
- Trade unions call for a due diligence legislation, the establishment of effective and efficient remedial mechanism that are accessible to the most vulnerable workers such as; women and

women living and working with disabilities, workers in the informal economy, young workers - while protecting children from being a source of cheap labour, protecting

- Recognise the role trade unions in informing and supporting the readiness of countries to develop NAPs, their implementation, monitoring and reporting. It is expected that the implementation of these plans is a necessary step for regulating or mitigating against run away business behaviour, improving beneficiation of national resources, and supporting access to remedies when rights are violated.

While National Action Plans (NAPs) are starting points for developing roadmaps for business and human rights policies, unions and stakeholders should be consulted. The stakeholders will include formal and informal workers, young workers and women, farmers, traders, producers, civil society organizations, nongovernmental organizations, communities, and enterprises.

We want to express our appreciation to the FES AU Cooperation Office, Addis Ababa for their support for the successful convening of trade unions here in Addis Ababa and for the facilitation to attend on the 2nd annual African Union Business and Human Right Forum.

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