

449 Resolution on Human and Peoples' Rights as central pillar of successful response to COVID-19 and recovery from its socio-political impacts - ACHPR/Res. 449 (LXVI) 2020

The African Commission on Human and Peoples' Rights (the Commission) meeting at its 66th Ordinary Session, held virtually from 13 July to 7 August 2020 in Banjul, The Gambia:

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

Reaffirming the rights guaranteed by the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), the African Charter on the Rights and Welfare of the Child, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Older Persons, the African Youth Charter, the African Charter on Democracy, Elections and Governance, the African Union (AU) Convention Governing Specific Aspects of Refugee Problems in Africa, and the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);

Recalling Resolution ACHPR/Res.336(EXT.OS/XIX) 2016 on measures to protect and promote the work of women human rights defenders, Resolution ACHPR/Res.335(EXT.OS/XIX)2016 on the Situation of Internally Displaced Persons in Africa, Resolution ACHPR/Res.333(EXT.OS/XIX)2016 on the Situation of Migrants in Africa, Resolution ACHPR/Res.275(LV)2014 on Protection against Violence and other Human Rights Violations against Persons on the basis of their real or imputed Sexual Orientation or Gender Identity, Resolution ACHPR/Res.259 (LIV) 2013 on Police and Human Rights in Africa, Resolution ACHPR/Res.185(XLIX)2011 on the Safety of Journalists and Media Practitioners in Africa, Resolution ACHPR/Res.196(L)2011 on Human Rights Defenders in Africa, , Resolutions ACHPR/Res.119(XXXXII) 07 and ACHPR/Res.69 (XXXV) 04 on the situation of human rights defenders in Africa,;

Recalling General Comment No.1 on Article 14 (1) (d) and (e) of the Maputo Protocol; General Comment No. 2 on Article 14.1 (a), (b), (c) and (f) and Article 14. 2 (a) and (c) of the Maputo Protocol; General Comment No. 3 On The African Charter: The Right To Life (Article 4); General Comment No. 4: The Right to Redress for Victims of Torture and Other Cruel, Inhuman or Degrading Punishment or Treatment (Article 5) and General Comment No.5 on the African Charter: The Right to Freedom of Movement and Residence (Article 12(1));

Further recalling the Principles on the Decriminalisation of Petty Offences in Africa of 2018, the Guidelines for the Policing of Assemblies by Law Enforcement Officials in Africa of 2017, the African Commission's Guidelines on Freedom of Association and Assembly in Africa of 2017, the Guidelines on Conditions of Arrest, Police Custody and Pre-trial Detention in Africa of 2015, The Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in the African Charter on Human and Peoples' Rights of 2011, the Guidelines and Measures for the Prohibition and Prevention of Torture and Cruel, Inhuman or Degrading Treatment or Punishment in Africa (Robben Island Guidelines) of 2008, Principles and Guidelines on the Right to Fair trial and Legal Assistance in Africa of 2003, the Kigali Declaration of 2003, the Ouagadougou Declaration and Plan of Action on Accelerating Prison and Penal Reform in Africa of 2002, the Grand Bay Declaration and its Plan of Action of 1999, United Nations Declaration on Human Rights Defenders of 1998, Kampala Declaration on Prison Conditions in Africa of 1996;

Further recalling and reaffirming its press statement of 28 February 2020 and its statement on human rights based effective response to the novel COVID-19 virus in Africa of 24 March 2020 and the Statement of the African Commission on Human and Peoples' Rights on Elections in Africa during the COVID-19 Pandemic of 22 July 2020

Reiterating the Abuja Declaration of 2001 and the Africa Health Strategy 2016-2030;

Noting the efforts of States Parties to the African Charter towards containing the spread of COVID-19 in pursuit of their obligations under Articles 1, 4 and 16 of the African Charter, including in the justice sector such as the suspension of all public court hearings, the suspension of all prison visits, taking health and security measures to prevent or contain the spread of the coronavirus among prisoners, including prison sterilization and disinfection operations and commending the success that some States Parties have registered in containing the pandemic's community spread and its impact on the health and life of the public;

Considering that COVID-19 carries profound human rights consequences in the short to the long term and that the 66th Ordinary Session of the Commission had a particular focus on human and peoples' rights in the context of COVID-19 in Africa;

Recognizing the necessity of maintaining the relevant COVID-19 containment public health measures in the face of the threat that the pandemic poses to the right to health and life of the public as its spread in many parts of the continent continues to escalate reaching a total of 736,288 cases as of 21 July 2020 showing an increase of 21% compared to the number of cases reported during the previous week;

Concerned about the disproportionate impact of the restrictions that some of the blanket COVID-19 response measures as instituted by various States Parties brought about on freedom of movement, with excessively adverse consequences on people's livelihoods and security, their access to health care (including for non-COVID-19 health issues), to food, water and sanitation, work and education;

Alarmed by high incidents of violations of human rights resulting from the highly securitized approach that have been used in many States Parties during the COVID-19 pandemic and subsequent State of Emergencies, that has led to non-compliance by the police with basic human rights standards in the execution of their duties, including excessive use of disproportionate force, extrajudicial killings and summary executions, assault and bodily injury, including sexual violence, arbitrary and illegal arrest or deprivation of liberty, torture, inhumane and degrading treatment, extortion and highly intrusive communication and online surveillance and cyber policing, affecting disproportionately the poor, women, journalists, human rights activists and members of opposition political parties;

Recalling that persons deprived of their liberty run a higher risk of contracting the virus, with a limited possibility of containing it, mainly due to severe overcrowding in prisons and places of detention in many African states, making social distancing and self-isolation in such conditions almost impossible, with inadequate hygiene and health services, among others, while commending States that took steps to release people from prisons to reduce congestion;

Concerned by the increasing number of attacks on human rights defenders, particularly for having criticized the failures in the implementation of COVID-19 response plans, which in many cases have violated the rights of citizens and the arbitrary detention of defenders who have attempted to carry out their human rights promotion and protection activities;

Deeply concerned by the severe socio-economic and humanitarian consequences of COVID-19 and the COVID-19 response measures including the total lockdowns, curfews, closure of economic activities and social services, leading to the disruption of the livelihoods of vulnerable members of society, loss of jobs, household food insecurity, lack of access to social protection, health care services such as sexual and reproductive health including pre- and post-natal care for pregnant women, disruption of educational activities, weakening or disintegration of social systems supporting children, older persons and persons with disabilities, disruption of access to humanitarian assistance for IDPs, refugees, asylum seekers and migrants, mistreatment of migrants, closure of borders for refugees and asylum-seekers and disproportionate impacts on other marginalized sections of society, including youth, the poor, persons in detention, minorities and indigenous populations/communities, LGBTI people and the rise in acts of discrimination against certain groups, as well as hate speech and xenophobia;

Underscoring the need for continental and global cooperation and solidarity, welcoming the communique of the Bureau of the Assembly of the African Union (AU) Heads of State and Government Video Conference of 26 March establishing the Continental Solidarity Anti-COVID-19 Fund and urging creditors of African countries to take debt relief and restructuring measures to enable African countries to respond to the pandemic, and recalling the 20 May 2020 Joint Press Statement of the Chairperson of the Commission and the UN High

Commissioner for Human Rights calling for global solidarity;

Deploring the unprecedented scale in the deprivation of the rights of women and girls reported in the context of the pandemic across the continent involving a spike in domestic violence against women and children, the alarming incidents of gender-based and sexual violence, the rise in harmful practices including forced child marriage and female genital mutilation and the heightened burden of women and girls due to the increase in demand for reproductive and household care work;

Welcoming the communique of the 924th session of the Peace and Security Council of the African Union (PSC) on the situation of internally displaced persons (IDPs), refugees, returnees, migrants and peacekeepers in Africa and the adoption by the Office of the United Nations High Commissioner for Human Rights of the Guidelines on COVID-19, calling for solidarity and cooperation to combat the virus and to mitigate the often unforeseen effects of measures to halt its spread on refugees, and expressing its appreciation to those countries that have taken measures to protect asylum seekers, refugees, internally displaced persons, migrants and stateless persons in this period of COVID-19, including by continuing to receive asylum-seekers while most other States are closed, and putting in place measures to enforce hygiene measures and provide food relief to these vulnerable groups;

Also taking note of the communique of the 918th Session of the PSC on the impact of the COVID-19 outbreak on peace and security in Africa which acknowledged that COVID-19 constitutes an existential serious threat to international peace and security, and expressed concern about the impact of the pandemic on conflict prevention, mitigation and post-conflict reconstruction and peacebuilding;

Considering that people living with HIV, those at risk, vulnerable to and affected by HIV may be at greater risk of experiencing severe health complications from COVID-19, compared to the general population, due to their pre-existing conditions;

Considering the negative impact of lockdown measures imposed by States during the COVID-19 pandemic, resulting in closure of markets in indigenous communities which affects their livelihoods, and pastoral activities; inadequate and/or limited access to medical health services; limited access to clean water and sanitation; as well as food insecurity;

Reiterating the human rights necessity for compliance with the principles of legality, necessity, proportionality and non-discrimination in the application of the measures that restrict the normal enjoyment of human rights;

Emphasizing the need for limiting the time and scope of the application of the measures suspending or restricting rights and for bringing such suspension or restriction of rights to a complete end;

Underscoring the need for taking appropriate administrative, economic and social measures for enabling people to comply with the public health measures;

Cognizant of the imperative for addressing the conditions that allowed both the perpetration of violations of human and peoples' rights during the pandemic, and the inequalities and lack of access to basic needs and services including water, sanitation, hygiene, universal health care, education, sustainable livelihood and employment due to lack of investment in the provision of socio-economic rights and the social and economic infrastructure and institutional and administrative capacities for their delivery;

Underscoring the need for prioritizing investment in economic, social and cultural rights and in the socio-economic and institutional infrastructures and accountable and responsible ethos of public institutions necessary for delivering on access to these rights, with particular attention to the socio-economically marginalized members of society;

Considering that the COVID-19 pandemic has affected all categories of rights enshrined in the African Charter including in particular the right to life, personal safety and security, health, freedom of movement, the right to work, education, food, water, shelter and the right to development;

Reaffirming the centrality of the rights and freedoms enshrined in the African Charter for a successful response to and recovery from the impacts of COVID-19 in order to create socio-economic and governance conditions capable of avoiding the repeat of the damage caused by the COVID-19 pandemic;

The Commission:

1. Calls on States Parties to ensure, in respect to the right to health and life under Articles 16 and 4 of the African Charter, that:
 - a. They prioritize the use of measured public health measures including mandatory wearing of masks, installing hand washing/sanitizing stalls in public places, disinfecting public spaces, holding of gatherings in an open space, observing social distancing when engaging in economic activities;
 - b. Special measures are taken to protect those most vulnerable to suffer most from contracting COVID-19 such as older persons and persons with underlying health conditions including by educating members of their family, care facilities and neighbors, on insulating such groups of people from physical proximity from people active in social and economic life of the public;
 - c. Health workers on the frontlines of the fight against COVID-19 are provided with the necessary medical supplies and appropriate equipment including PPEs, as well as conducive/satisfactory working conditions, including flexible working arrangements and additional compensation for working overtime;
 - d. Mechanisms are put in place for SAFE ACCESS to health care including for non-COVID-19 health problems and for provision of critical health services, including sexual and reproductive health services, pre- and post-natal care for pregnant women and immunization programmes;
 - e. SAFE provision of health services, including access to medication is uninterrupted for those that require regular access, including through developing contingency plans to ensure access to routine healthcare services for people living with HIV, at risk and most vulnerable groups, where COVID-19 response measures interrupt these services, and developing specific standard operating procedures with infection prevention and control measures in health facilities, such as for people with HIV in prison who have no means of protecting themselves;;
 - f. Emergency access to water and soap is provided to those without access, including people living in informal settlements, minorities and indigenous populations/communities;
 - g. The public has access to preventive cleaning products and protective materials at affordable prices and with free provision for those having no ability to pay;
 - h. All persons in health care in relation to the pandemic give their prior informed consent and that their privacy and protection of their personal data are protected and they are treated with dignity and humanely; and
 - i. Put in place policy and budgetary measures for addressing the pervasive lack of access to water, sanitation and basic health care as necessary conditions for safeguarding the health and life of the public.

2. Urges States Parties in respect of enforcement of COVID-19 regulations to ensure that:
 - a. The response of Law Enforcement and Public Security Forces to States of Emergency during the COVID-19 pandemic are consistent with the principles of legality, necessity, proportionality, accountability and do not endanger human life;
 - b. There is an absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, and declare that: all "options such as 'necessity', 'national emergency', 'public order'... shall not be invoked as a justification of torture or cruel, inhuman or degrading treatment or punishment";
 - c. Ensure that the measures adopted by State Parties meet the minimum standards for the protection of human rights and are accompanied by policy measures adapted in order to mitigate negative effects, particularly in the most vulnerable sector of society;
 - d. Personnel of law enforcement institutions are given strict and enforceable guidelines on

enforcing emergency regulations, with priority being given to the use of persuasion and community engagement for fostering public compliance and to use force or detention only as a last resort measure in exceptional cases;

- e. Mechanisms are in place for independent, prompt, impartial and transparent investigations of all allegations of excessive use of force, extrajudicial killings, inhuman treatment, assault or arbitrary deprivation of liberty, gender-based violence, or extortion by members of law enforcement institutions and for holding perpetrators of violations accountable;
 - f. Those whose rights have been violated by members of law enforcement institutions are granted access to remedies, including reparation and compensation;
 - g. Enforcement measures do not affect vulnerable groups disproportionately and lead to discriminatory consequences against the poor, persons with disabilities, minorities, people working in the informal sector; women and girls; homeless persons, children and adolescents; IDPs, refugees, asylum seekers and migrants;
 - h. The use of digital surveillance tools for monitoring and detecting the transmission of the pandemic is strictly limited, both in time and scope to the fight against COVID19 and is transparently monitored through independent oversight mechanism;
 - i. No arbitrary arrest and detention are carried out and all arrests are carried out with judicial oversight; and
 - j. Reforms are introduced to address gaps in the laws, guidelines regulating the conduct of law enforcement institutions, in the training of members of law enforcement institutions and in the mechanisms for monitoring and investigating the conduct of law enforcement institutions for their compliance with human rights principles and standards.
3. Calls on States Parties within the framework of the right to participation under Article 13 of the African Charter to ensure that:
- a. Avenues are put in place for consultation with and participation of people in decision-making and implementation of public health measures including through community leaders, civil society organizations, women groups, and religious organizations;
 - b. Decisions relating to the holding of elections are made based on consultations, in compliance with the processes provided for in national Constitutions, and without creating conditions that lead to electoral disputes or endanger public health as envisaged in the statement of the Commission on Human and Peoples Rights on Elections in Africa in the context of the COVID-19 pandemic;
4. Further calls on States within the framework of Articles 7 and 26 of the African Charter:
- a. To ensure that there exist mechanisms for accountability and access to justice in the face of possible violations of human and peoples' rights;
 - b. To ensure that the right to due process of the law are fully complied with;
 - c. To use detention as a measure of enforcing COVID-19 regulations and pre-trial detention as a measure of last resort to avoid congestion and spread of the virus in places of detention;
 - d. To make special arrangements for enabling the judiciary to continue dispensing with justice with particular attention to issues of rights violations in the context of the pandemic and for enabling individuals or affected communities to receive legal assistance from civil society organizations and human rights defenders;
 - e. To prevent entry of the virus into prisons, States should provide portable hand washing facilities and avail information on precautionary measures and limit external visits, while allowing telephonic and other distance communication means to maintain contact with

families, along with thorough screening, particularly of those responsible for the safe keeping of prisons;

- f. Emulate the measures taken by some States to opt for appropriate emergency measures to reduce overcrowding in prisons and other places of detention, through the release of persons detained for minor offences, those awaiting trial for minor offences, prisoners who have been rehabilitated and who pose limited risk to society, those who have served the minimum term of their sentences, older persons, persons with disability, pregnant women and those with children, undocumented migrant detainees, those with greater health risks and those imprisoned on account of their work or political views such as human rights defenders, journalists and political prisoners, in order to reduce the spread of the Corona virus;
 - g. Take appropriate measures with regard to prisons and other places of detention during the pandemic, including for women prisoners, in particular:
 - Ensure that the human rights of detainees are upheld;
 - Provide adequate food, sanitation, health services and quarantine measures, to guarantee decent living and health conditions for all detainees;
 - Ensure that any restrictions imposed on detainees are non-discriminatory, necessary, proportionate, time-limited and transparent;
 - Ensure measures to prevent riots and restore order and security within prisons and detention centres;
 - Respect the rights of persons deprived of their liberty in accordance with Article 6 of the African Charter, while adhering to and complying with the World Health Organization's Interim Guidelines on the Preparation, Prevention and Control of COVID-19 for prisons and other places of detention;
5. Reminds States Parties of the necessity of observing the principles of non-discrimination under Article 2 of the African Charter, and to this end urges them:
- a. To adopt affirmative measures for protecting vulnerable groups to ensure that the measures adopted for containing COVID-19 do not lead to discrimination against and further marginalization of vulnerable members of society including people working in the informal sector, the unemployed, indigenous populations/communities;
 - b. To ensure that COVID-19 response measures are applied in strict compliance with the principle of equality before the law and mechanisms are put in place for preventing and remedying abusive and discriminatory applications of pandemic regulation measures;
 - c. To ensure that protection is extended to non-nationals, refugees, asylum seekers and migrants;
 - d. To ensure that the measures and approaches developed are gender-responsive with a view to effectively addressing the challenges occasioned by the pandemic on women and girls;
6. Appeals to States Parties to implement measures for mitigating the worst impact of the restrictions on jobs, livelihoods and access to basic services, including health care, and to allow, where possible, the exercise by people of their human rights while observing the health safety regulations, through among others:
- a. Putting in place fiscal and economic relief measures to ensure that households are kept afloat and people who lost their jobs have means of sustenance, to expand social security to those whose livelihoods have been disrupted as a result of COVID-19 response measures, to distribute, or establish safe arrangements for the distribution by members

of the public of, food parcels and other consumables for people in need of such support and to support medium and small businesses with tax breaks, subsidies and other support measures;

- b. Allowing SAFE conduct of public and private socio-economic activities that can be carried out in compliance with the relevant public health measures (see 1(a) above) in order to limit the adverse impact of the measures on the socio-economic well-being of members of society particularly those working in the informal sector and depend for their survival on daily economic activities;
- c. Suspending of evictions, establishing emergency shelter for the homeless, granting of temporary residency rights to all migrants and extending COVID-19 testing to all irrespective of their legal status;
- d. Supporting minorities and indigenous communities by ensuring they have access to medical services, food, adequate shelter and clean water to manage the spread of the virus; and to ensure their inclusion in all social and economic services; as well as conduct advocacies relating to COVID-19 in indigenous languages;
- e. Renegotiating the terms and timelines of debt servicing and mobilizing efforts for debt relief or restructuring and for receiving international economic relief support;

7. Urges States Parties to guarantee, within the framework of Article 9 of the African Charter:

- a. Unhindered access to and regular provision of public health information on the pandemic and the precautionary safety measures that should be followed, including through local languages;
- b. Access to the internet and social media platforms as both sources of information and important medium of communication in an era of social distancing, and to facilitate access to information on prevention measures, by ensuring that the internet including social media and other digital communications platforms, remain open, accessible and secure at all times;
- c. That the application of penal law for breach of regulations on misinformation is restricted to cases that are capable of causing damage to public health and are not used to stifle freedom of expression, the press and access to information;
- d. The unrestricted operation of journalists and free press and media as essential public services in the context of social distancing for access to information including about the pandemic;
- e. No full or partial blocking of media outlets without due process of the law and for clearly and objectively established grounds laid down in laws that are in accord with freedom of expression and media and internet access without interruption; and
- f. Information is made available in all major languages and with particular attention to ensuring access to such information by vulnerable groups including the poor with limited access to mainstream media and sources of information, and persons with disabilities;

8. Further **Calls on** States parties, pursuant to Article 10 and 11 of the African Charter to:

- a. Ensure that national responses to the COVID-19 pandemic do not lead to the targeting or undue interference with the work of human rights defenders;
- b. Refrain from using COVID-19 related emergency declarations to justify the adoption of repressive measures against specific groups such as human rights defenders;
- c. **Take** all necessary measures enabling human rights defenders to conduct their core activities, in particular, those providing support to the most vulnerable populations, while complying with the health measures necessary to combat COVID-19;

9. Calls on States Parties within the framework of the right of women and girls as provided for in the Maputo Protocol to:
- a. Prioritize the protection of women and children in the conception, planning, development and implementation of national response measures to the novel COVID-19, as well as employ gender-equality sensitive approaches to provide adequate protection of the rights of this vulnerable group as provided in the African Charter, the Maputo Protocol and other relevant human rights instruments;
 - b. Ensure the representation and participation of women and women organizations in the decision-making processes relating to national mechanisms for containing the spread of COVID19
 - c. Expand gender-based and domestic violence monitoring and response tools and infrastructure, including hotlines, social workers and alternative accommodation;
 - d. Support the work of non-governmental organizations engaged in services for the prevention of gender-based and sexual violence and for provision of medical, psychosocial and safe shelter support to victims of SGBV;
 - e. Ensure continuity of the operation of social systems that support older persons, persons with disabilities, women and children and those in protection shelters;
 - f. Ensure access to relevant information and access to safe sexual and reproductive health care services;
 - g. Prioritize women in the development and distribution of financial and other socio-economic relief measures for mitigating the economic impact of COVID-19, especially those who have lost their sources of income; and
 - h. Ensure that national response measures permit women to work and feed their families as well as balance work with household responsibilities;
10. Further calls on States within the framework of Article 18 of the African Charter to:
- a. Take measures to protect children and adolescents from COVID19 and the adverse impacts of COVID19 response measures including by supporting families and social institutions that support and protect children;
 - b. Ensure that all children are provided with equal opportunities for pursuing their education and avoid the marginalization of children from marginalized families and communities and those without access to internet;
 - c. Put in place mechanisms for community monitoring, reporting on and remedying violence against children;
 - d. Protect adolescents, particularly girls, from domestic violence, sexual violence and ensure that their access to sexual and reproductive health services are not disrupted;
11. Urges States within the framework of Article 1 of the African Charter and their obligations to promote and fulfil economic, social and cultural rights, to:
- a. Urgently reorganize their annual budgets in order to apportion 15 percent to the health sector as contained in the Abuja Declaration as one of the measures to improve the state of health systems to deal with future pandemics;
 - b. Increase their budget allocation to ensuring access to water, sanitation, social protection, education and sustainable livelihood particularly for those without access to these basic necessities;
 - c. Take all necessary policy and budgetary measures to address the challenge of food insecurity and hunger, which has been exacerbated during the pandemic, in particular for the most vulnerable groups;

- d. Prioritize the building and expansion of the social and economic infrastructure and institutional and administrative capacities for delivering on the rights to economic, social and cultural rights;
 - e. Ratify and implement all the relevant human rights instruments of the African Union including the Protocol to the Treaty Establishing the African Economic Community relating to Free Movement of Persons, Right of Residence and Right of Establishment (PFMP), the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), the Protocol on the Rights of Older Persons, and the Protocol on the Rights of Persons with Disabilities;
12. Reminds individuals, the private sector, community leaders, media and religious institutions of the duty that they bear under the Chapter of the African Charter on duties in the promotion and protection of rights and supporting the provision of public goods, including in protecting public health, and in this regard, urges States to:
- a. Allow and support community engagement and participation in the effort not only to contain the spread of the virus but also in taking mitigating measures for limiting the impact of COVID-19 and COVID-19 measures;
 - b. Refrain from restricting the work of civil society organizations rendering essential services and the movement and activities of human rights defenders to ensure that they support vulnerable groups and those at risk of facing violations and deprivation of their rights, including economic, social and cultural rights;
 - c. Encourage the private sector to avoid retrenchment of employees and contribute to the efforts to limit the impact of COVID19 including through supporting special solidarity funds;
13. Reminds States within the framework of the right to freedom of movement under Article 12 of the African Charter in respect of IDPs, refugees, asylum seekers and migrants that:
- a. There is a need to include refugees, asylum seekers, migrants and stateless persons in the development and implementation of national plans in response to COVID-19;
 - b. There is a need for ensuring that refugees and asylum seekers have safe entry into their territories to seek protection and that they should through collaboration with UN agencies and other humanitarian organizations establish technologically innovative and advanced medical screening facilities at borders, with a view to avoiding the expulsion of asylum-seekers and combating trafficking in persons;
 - c. They collaborate with relevant UN agencies and other humanitarian organizations to ensure that IDPs, refugees, asylum seekers and migrants continue to have access to humanitarian assistance and are provided with measures for their protection from COVID19, including obtaining documents, free access to public health information on the pandemic, on prevention, containment and travel restriction measures;
 - d. They put in place measures to safeguard refugees, asylum seekers and migrants from discrimination, hate speech, abuses, xenophobia and violence;
 - e. They refrain from resorting to the detention of migrants and similar measures that may exacerbate the risk of the virus spreading without respecting physical distancing measures;
 - f. They take the necessary steps to lift all restrictions imposed on refugees, asylum seekers, migrants and stateless persons, such as disconnecting SIM cards preventing them from accessing their bank accounts, and communicating with their families or relatives;
 - g. They strengthen access to healthcare, water, hygiene equipment, medical screening facilities, at the borders and in camps and detention centers;

- h. They particularly consider the precarious situation of women suffering from violence, the elderly, people with disabilities and displaced persons, who would suffer the most from deportation during this pandemic;
- i. They continue to organize solidarity operations in the refugee camps and strengthen all measures to protect asylum seekers, refugees, internally displaced persons, migrants and stateless persons;
- j. That States join in the post COVID-19 framework in a reflection on the review of human mobility, by prioritizing the protection of human rights and humanitarian action;

14. Calls on States within the framework of the right to development and the right to environment under Articles 22 and 24 of the African Charter to:

- a. Adopt human rights-centred economic recovery plans that focus on reversing the adverse impacts of the pandemic on the socio-economic wellbeing of people, improve standard of living, inclusiveness and reduces inequalities by investing in access to socio-economic rights and the administrative and economic infrastructure for delivery of access to these rights;
- b. Put in place appropriate and inclusive development policies and strategies and mobilize domestic and external resources for addressing social inequalities in all its dimensions including through adopting targeted affirmative action measures in the education, agricultural, skills development, health, and social protection sectors;
- c. Institute natural resources governance policies that facilitate value addition, eradicate illicit financial flows in the extractive industries sectors, and ensure ecologically sustainable and socially uplifting industrialization;

15. Further calls on States to ensure within the framework of Article 23 of the African Charter on the right to peace and security to ensure:

- a. That they adopt measures to prevent the social and economic impact of COVID-19 to precipitate instability and violence;
- b. That ongoing peace-making, mediation and peace implementation efforts are not derailed on account of the pandemic;
- c. That they take urgent measures by reaffirming their commitments to human rights, constitutionalism and rule of law, to avoid patterns of human rights violations, including violent restriction of freedom of assembly and association, manipulation of presidential term limits and uncertainties relating to the conduct of elections, so that they do not descend into political instability and violent conflict; and
- d. That they support the call of the UN Secretary General and the AU Commission Chairperson for a global ceasefire;

16. Urges the African Union (AU):

- a. To continue its exemplary role in fostering multilateralism and regional and international cooperation in responding to the pandemic by launching a continental platform for the Partnership to Accelerate COVID-19 testing, and enhance its role for achieving a just global order of shared responsibilities and inclusive and human centred development;
- b. To put in place follow-up mechanism for the implementation of the communiqués of the meetings of the Bureau of the AU Assembly of Heads of State and Government;
- c. To prioritize identification and support of efforts for the development of vaccines on the African Continent;
- d. Develop a strategy for ensuring that when a COVID-19 vaccine is found, arrangements

- are made for the production and distribution of the vaccine on the continent;
- e. To take all necessary measures, including through its Peace and Security Council and as envisioned under Article 3(a)&(b) of the Protocol relating to the Establishment of the Peace and Security Council of the AU, to end or call for a ceasefire in all conflicts on the continent in the face of the threat of the pandemic, and to take steps to prevent new tensions arising from the pandemic from developing into full-scale conflicts;
 - f. Engage collectively with the international financial bodies and third party States to negotiate debt relief and cancellation for African States and facilitate provision of economic support packages to countries with fragile economies, to limit the development setbacks from the pandemic and enable these countries to regain resilience;
 - g. Elaborate mechanisms for joint mobilization of financial resources including through developing effective and transparent regulation of the extractive industries sector and illicit financial flows;
 - h. Fast-track the adoption of the Protocol on the Right to Social Protection in Africa;
 - i. Develop a policy paper and strategy on human and peoples' rights and building back better in collaboration with the African Commission for providing guidance to Member States on how to build resilience on the basis of human rights particularly by expanding and prioritizing investing in economic and social rights; and
 - j. Review Agenda 2063 in order to shift the development paradigm underpinning the development blue print from GDP growth to human centred development and infuse the AfCFTA process with human rights standards and principles of the African Charter for ensuring that trade, investment and finance processes serve for achieving climate resilient socio-economic transformation of Africa as a vehicle for reducing poverty and inequalities and implementing environmentally sustainable inclusive development.

Done virtually, 07 August 2020



Adopted Resolutions

[Resolution on the Allocation of Country Rapporteurship among Commissioners - ACHPR/Res. 440 \(LXVI\) 2020 #440](#)

[Resolution on the Socio-political Situation and Realization of Human Rights in Mali - ACHPR/Res. 441 \(LXVI\) 2020 #441](#)

[Resolution on the Deterioration of the Human Rights Situation in Cameroon during the Covid-19 Period - ACHPR/Res. 442 \(LXVI\) 2020 #442](#)

[Resolution on the Human Rights Situation in the Republic of Zimbabwe - ACHPR/Res. 443 \(LXVI\) 2020 #443](#)

[Resolution on the Human Rights Situation in the Republic of the Sudan - ACHPR/Res. 444 \(LXVI\) 2020 #444](#)

[Resolution on the Human Rights Situation in the Republic of Kenya - ACHPR/Res. 445 \(LXVI\) 2020 #445](#)

[Resolution on conducting a Study on the right to health for all and its financing in Africa - ACHPR/Res. 446 \(LXVI\) 2020 #446](#)

[Resolution on upholding human rights during situations of emergency and in other exceptional circumstances - ACHPR/Res. 447 \(LXVI\) 2020 #447](#)

[Resolution on the Drafting of Guidelines for the Protection of All Persons from Enforced Disappearances in Africa - ACHPR/Res. 448 \(LXVI\) 2020 #448](#)

[Resolution on the Renewal of the Mandate of the Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa - ACHPR/Res. 450 \(LXVI\) 2020 #450](#)

[Resolution on the Renewal of the Mandate of the Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa - ACHPR/Res. 451 \(LXVI\) 2020 #451](#)

[Resolution on the Renewal of the Mandate of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa - ACHPR/Res. 452 \(LXVI\) 2020 #452](#)

[Resolution on the Appointment of the Special Rapporteur on Freedom of Expression and Access to Information in Africa - ACHPR/Res. 453 \(LXVI\) 2020 #453](#)

[Resolution on the Renewal of the Mandate and Appointment of the Special Rapporteur on the Rights of Women in Africa - ACHPR/Res. 454 \(LXVI\) 2020 #454](#)

[Resolution on the Renewal of the Mandate, Appointment of the Chairperson, Reconstitution and Expansion of Mandate of the Working Group on Indigenous Populations/Communities, in Africa - ACHPR/Res. 455 \(LXVI\) 2020 #455](#)

[Resolution on the Renewal of the Mandate, Appointment of the Chairperson, and Reconstitution of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa - ACHPR/Res. 456 \(LXVI\) 2020 #456](#)

[Resolution on the Renewal of the Mandate of the Working Group on Economic, Social and Cultural Rights in Africa and Appointment of its Chairperson and Members - ACHPR/Res. 457 \(LXVI\) 2020 #457](#)

[Resolution on the Renewal of the Mandate of the Working Group on the Rights of Older Persons and Persons with Disabilities in Africa and on the Appointment of its Chairperson and Members - ACHPR/Res. 458 \(LXVI\) 2020 #458](#)

[Resolution on Renewal of the Mandate and Reconstitution of the Working Group on Extractive Industries, Environment and Human Rights Violations in Africa - ACHPR/Res. 459 \(LXVI\) 2020 #459](#)

[Resolution on the Renewal of the Mandate, Appointment of the Chairperson, and Reconstitution of the Committee on the Protection of the Rights of People Living with HIV \(PLHIV\) and those at Risk, Vulnerable to and Affected by HIV - ACHPR/Res. 460 \(LXVI\) 2020 #460](#)

[Resolution on the Renewal of the Mandate of the Chairperson and the Appointment of Other Member Commissioners of the Committee for the Prevention of Torture in Africa - ACHPR/Res. 461 \(LXVI\) 2020 #461](#)

[Resolution on the Renewal of the Mandate, Appointment of the Chairperson and Reconstitution of the Working Group on Communications - ACHPR/Res. 462 \(LXVI\) 2020 #462](#)

[Resolution on the Renewal of the Mandate, Appointment of the Chairperson and Reconstitution of the Working Group on Specific Issues related to the Work of the Commission - ACHPR/Res. 463 \(LXVI\) 2020 #463](#)

[Resolution on the Renewal of the Mandate, Appointment of the Chairperson and Reconstitution of the Advisory Committee on Budgetary and Staff Matters - ACHPR/Res. 464 \(LXVI\) 2020 #464](#)

[Resolution on the Renewal of the Mandate and Reconstitution of the Committee on Resolutions - ACHPR/Res. 465 \(LXVI\) 2020 #465](#)