



**RESOLUTION ADOPTED DURING THE ZOOM WEBINAR OF THE FORUM OF NGOS
IN THE 66TH ORDINARY SESSION OF THE AFRICAN COMMISSION ON HUMAN
AND PEOPLES' RIGHTS**

9-10 JULY, 2020

Resolution on the protection of human rights in Africa during the COVID-19 pandemic

We, the participants of the Forum on the Participation of NGOs in the 66th Ordinary Session of the African Commission on Human and Peoples' Rights (ACHPR) held virtually in the form of a Zoom Webinar from 9-10 July, 2020 due to the current global Coronavirus (COVID19) pandemic on the theme '*the impact of COVID19 on human rights and governance in Africa*' adopted the following resolution to the African Commission on Human and Peoples' Rights for consideration during its 66th Ordinary Session to be held virtually from 13 July-7 August, 2020.

Recalling its mandate to promote and protect human and peoples' rights in Africa under 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 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 African Union Convention on Preventing and Combating Corruption, the African Youth Charter, the African Charter on Democracy, Elections and Governance, the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa and African Union (AU) Convention Governing Specific Aspects of Refugee Problems in Africa;

Recalling Resolution ACHPR/Res.185(XLIX)11 on the Safety of Journalists and Media Practitioners in Africa, resolution ACHPR/Res.196(L)2011 on Human Rights Defenders in Africa, Resolution ACHPR/Res.333(EXT.OS/XIX)2016 on the Situation of Migrants in Africa, Resolution ACHPR/Res.335(EXT.OS/XIX)2016 on the Situation of Internally Displaced Persons 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, The ACHPR Guidelines on Freedom of Association and Assembly in Africa, and the Guidelines on Policing Assemblies;

Further recalling its press statement on human rights based effective response to the novel COVID-19 virus in Africa on 24 March 2020;

Recalling the Abuja Declarations and the Africa Health Strategy 2016-2030;

Concerned that some States have introduced legislative measures ostensibly to deal with COVID-19 but without adequate stakeholder consultation, little or no oversight by parliament or judiciaries, and some of which are not time bound or specific and such situation has resulted to the extrajudicial killings, torture, abuse of authority, arbitrary arrest and detention of civilians by the police and other law enforcement officials and non-state actors in some African States, in the context of the implementation of national regulations to contain the spread of COVID-19;

Condemning the attacks against journalists, human rights defenders, and whistle-blowers for their legitimate work;

Deeply concerned by the attack on fundamental freedoms while implementing COVID-19 measures, and violation of rights such as access to justice, work, water, food, health and education, information, gender-based violence, child sexual exploitation and increased corruption in Africa;

Deeply concerned by the increasing number of incidents of violence against women and girls, including rape, gender-based violence, as well as elderly women, as a result of the lockdown during the COVID19 pandemic in some State Parties;

Concerned by the escalating number of brutality by the security sectors charged with enforcing lockdown regulations to curb the spread of the virus, which lead to many civilians losing their lives and some sustaining serious bodily harm that the

response of some States to COVID19 has a disproportionate impact on the most at risk and vulnerable populations such as indigenous people, women, children, persons with disabilities, refugees, LGBTIQ+ persons, persons in detention, persons living with HIV/AIDs, internally displaced persons, asylum seekers, migrants, stateless people and minorities;

Further concerned about the inaccessibility by the indigenous populations and communities to health services due to lack of resources and the remote location of health centres, as well as the inappropriateness of national health policies to the indigenous way of life;

The NGO Forum calls on the African Commission on Human and Peoples' Rights to urge African Union Member States to:

1. Ensure that people affected by the Coronavirus and people coming from countries with major spread of the virus are treated humanely and with dignity and that they are not subject to attacks and discriminatory treatment;
2. Take into consideration the way of life of the most vulnerable populations, including indigenous people, in all decisions taken for the prevention and control of COVID-19 with a view to address their specific needs for a strategic response to this epidemic;
3. Ensure that COVID-19 responses are designed and implemented in a way, which respect fundamental human rights including association, assembly, expression and public participation, which do not lead to persecution and violence towards vulnerable groups and do not violate the right to work which is essential for the realization of economic, social and cultural rights as inseparable and inherent part of human dignity in the society;

4. Involve representatives of indigenous populations/ communities with a view to obtaining their free, prior and informed consent in decision-making and actions concerning them in respect of COVID-19 and make every effort to ensure that indigenous peoples have access to information on measures to prevent the spread of COVID-19, including translation into local indigenous languages and the use of accessible means of communication;
5. To request the World Health Organization (WHO) to support States to take the necessary steps to ensure the health and well-being of vulnerable groups, by facilitating their access to safe drinking water, soap and sanitizers, accessible and appropriate health facilities and other basic social services and ensure that communities affected by developmental projects such as mines where there is a high influx of people from outside the areas, are given adequate protection and access to health services to curb the spread of COVID-19 to the vulnerable communities;
6. Take appropriate measures with regards to prisons and other places of detention to curtail the spread of the virus, including but not limited to measures to reduce prison overcrowding, providing training, support and educational support to staff and persons detained, and protecting those who are vulnerable (with underlying health conditions, pregnant women, women with infants and older persons) including by early release. Any restrictions imposed on detainees should be non-discriminatory, necessary, proportionate, time-limited and transparent. Measures should not, under any circumstances, justify absolute or solitary confinement. Confinement measures should enable confidential and through distance, meetings of inmates with their families, close companions and lawyers in a confidential manner, while respecting the WHO recommended physical distancing and handwashing protocols. All detainees should have access to

time outside of the confines of their cells and be able to utilise recreational spaces available;

7. Continue and accelerate the release of persons detained for minor offences, including those awaiting trial for minor offences and those who pose limited risk to society, in order to reduce the spread of the Corona virus. Furthermore, prisoners of conscience, prisoners detained for expressing their opinions, human rights defenders, whistle-blowers, and undocumented migrant detainees should be immediately and unconditionally released;
8. Ensure that Law Enforcement Officials are given strict and enforceable guidelines for operations in emergency situations and that allegations of violations are subject to prompt, effective, thorough, impartial, transparent and independent, investigations, the perpetrators brought to justice and reparation made available to victims and their families;
9. Take all measures to guarantee respect and protect the right to freedom of expression and access to information through ensuring access to internet and social media services especially during the COVID-19 pandemic and any restrictions imposed;
10. Ensure that their national budgets contribute 15% to the health sector as contained in the Abuja Declaration to improve the state of health systems to deal with future Pandemics
11. Ensure that members of the public receive accurate, regular, accessible and science-based information on the threat COVID19 poses to their health, the role and impact of the measures adopted for preventing and containing the virus, the precautionary measures that members of the public should take, and on the scale of the spread;

12. Adopt the principle of equality in all COVID-19 related responses while providing special protection to women and girls through access to sexual and reproductive health services, provide alternative accommodation to victims of GBV, as well as Establish or support existing safe houses or shelters for domestic violence survivors through provision of financial and technical resources in order to increase demand for their services by individuals escaping abusive homes, counselling services for women and girls who are victims of GBV, provide support to women who have lost their sources of income, while pre-empting economic empowerment strategies/plans post COVID-19, and ensure that women are involved in all Plans and Actions aimed at protecting their rights during and after the pandemic;
13. Ensure that the measures adopted to fight COVID19 do not lead to discrimination and stigmatization of any one on the basis of any grounds of discrimination, including on the basis of their real or imputed Sexual Orientation or Gender Identity; while ensuring the needs of the LGBTIQ+ community are represented in all COVID19 interventions;
14. Refrain from adopting COVID19 related emergency declaration or any legislation, policies or practices which unnecessarily curtail the enjoyment of human rights and fundamental freedoms of citizens as well as repressive measures against specific groups such as human rights defenders which contributes to creating a hostile environment for their work, in particular those providing support to the most vulnerable populations impacted by COVID19;
15. Ensure that everyone has equitable access to an amount of safe and clean water that is sufficient for personal, domestic and productive uses, including preventing diseases, for

subsistence farming and for securing the livelihoods of peoples, no matter where they live, particularly for indigenous communities;

16. Ensure, as part of the right to health, access to preventive cleaning products and protective materials at affordable prices and with free provision for those having no ability to pay and no access to clean water and sanitation;

17. Make available information related to COVID19 in all major languages and with particular attention to ensuring access to such information by children and vulnerable groups including the poor with limited access to mainstream media and sources of information, and persons with disabilities

18. Establish mechanisms for involvement of all stakeholders in responding to and preventing the spread of COVID19, especially civil society actors who are crucial for service to and outreach to communities most at need. Of great importance is ensuring that civil society actors have unfettered access to these vulnerable and most in need populations as well as the ability to monitor the manner of enforcement of COVID19 containment measures with respect to human rights compliance;

19. Ratify and implement relevant AU frameworks and instruments and in particular: The Migration Policy Framework for Africa and Plan of Action (2018-2030), 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) and the draft Protocol to the African Charter on Human and Peoples' Rights in the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa;

20. Ensure that state and non-state actors involved in corruption and corrupt undertakings in the procurement of Personal Protective Equipment (PPE), distribution of social and financial support to vulnerable and marginalised groups and the management of funds raised to combat COVID19 are subject to prompt, effective, thorough, transparent and independent investigations, and perpetrators are brought to justice;
21. Cease evictions, land-grabbing and take all measures to ensure adequate and safe shelter for the homeless, vulnerable and marginalised communities.
22. Support partnership and collaboration with Non-State Actors (NSAs), including NGOs/CSOs in the implementation of programmes to promote and protect human rights during and post COVID19.

Done on Zoom – 10th July, 2020