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PEACE AND SECURITY COUNCIL 1044™ MEETING 5 NOVEMBER 2021 ADDIS ABABA, ETHIOPIA

PSC/PR/COMM.1044 (2021)

COMMUNIQUE

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**Adopted by the Peace and Security Council (PSC) of the African Union (AU) at its 1044<sup>th</sup> meeting held on 5 November 2021 on the protection of medical facilities and personnel in armed conflict:**

The Peace and Security Council,

**Recalling** the United Nations Security Council Resolution [S/RES/2286 (2016)] adopted under the Presidency of the Arab Republic of Egypt on 3 May 2016, which strongly condemned attacks against medical facilities and personnel in conflict situations; and **also recalling** its previous decisions and pronouncements on related topics, particularly, Press Statement [PSC/PR/BR. (DCCLXXV)] adopted at its 775<sup>th</sup> meeting held on 31 May 2018;

**Further recalling** Article 4 (c) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, which provides for respect for the rule of law, fundamental human rights and freedoms, the sanctity of human life, and international humanitarian law, and Article 25 of the Universal Declaration of Human Rights which speaks to the right to an adequate standard of living as well as the Geneva Conventions of 12 August 1949 and their additional protocols;

**Mindful** that the persistence of armed conflict has a debilitating impact on the socioeconomic development of the Continent and in this regard, **affirming its unwavering commitment** to the promotion of peace, security and stability in Africa as a prerequisite for the realization of the aspirations enshrined in Agenda 2063;

**Reiterating its commitment** to implement all initiatives on "Silencing the Guns in Africa by 2030", accompanied with concerted efforts to comprehensively address the fundamental root causes of conflicts and violence in the Continent;

**Reaffirming** the AU solidarity with the governments and people of Member States in their aspirations to restore peace, stability and development in their respective countries and **also reiterating the commitment** of the AU to respect the sovereignty, political independence and territorial integrity of the Member States;

**Noting** the opening statement made by H.E Ambassador Mohammed Omar Gad, Permanent Representative of the Arab Republic of Egypt and Chairperson of the PSC for November 2021, and statement by H.E Ambassador Bankole Adeoye, Commissioner for Political, Peace and Security;

**Also noting** the statement by H.E Ms Hanna Tetteh, Special Representative of the Secretary-General and Head of the United Nations Office to the AU, as well as statements by the representative of the International Committee of the Red Cross and the representative of Doctors without Borders;

Acting under Article 7 of its Protocol, the Peace and Security Council:

1. **Notes with grave concern** that despite the adoption of the Resolution S/RES/2286 (2016) by the United Nations Security Council in 2016, which strongly condemned attacks against medical facilities and personnel in conflict situations, attacks on medical facilities and personnel, their equipment and means of transport continue unabated;

2. **Expresses concern** over the increasing patterns of violence and stigmatization against healthcare facilities and personnel in situations of armed conflict, which have been exacerbated by the novel coronavirus (COVID-19) pandemic;

3. **Strongly condemns** all forms of indiscriminate attacks perpetrated indiscriminately against civilians and civilian assets in areas of conflict and crisis, including medical facilities and personnel, civilian facilities and infrastructure such as schools and places of worship; reiterates, therefore, its firm commitment to zero tolerance of the AU in the face of deadly attacks against civilian populations and civilian objects as well as in respect of violations of International Law and International Humanitarian Law and of war, and calls for perpetrators of these dreadful acts to be held accountable;

4. **Condemns, in the strongest terms**, acts by belligerents and parties to armed conflicts targeting medical and healthcare infrastructure, as well as the work of medical personnel and delivery of humanitarian assistance to populations in need, particularly the sick, those wounded and vulnerable persons in situation of conflicts, such as women, children, persons with disabilities and the elderly; **deplores** the harassment, torture and detention of personnel providing medical care and humanitarian assistance in conflict situations and in this regard **stresses** the need for ensuring safe access to medical care for those affected by conflict without delay;

5. **Demands** that all parties to armed conflicts facilitate safe and unimpeded passage for medical personnel and humanitarian personnel exclusively engaged in medical duties, their equipment, transport and supplies, to all people in need, consistent with international humanitarian law;

6. **Applauds** all the medical and humanitarian assistance personnel that despite the potential danger to their persons, continue to provide service to those in desperate need; **pays tribute** to those who have paid the ultimate price in service to humanity and **extends** sincere condolences to their families;

7. **Underscores** the importance of observing and adhering to International Humanitarian Law (IHL) and all applicable relevant instruments which cater to the protection of medical personnel, medical facilities and humanitarian personnel in situations of armed conflict to enable them to discharge their services without fear, intimidation, favour and prejudice;

8. **Stresses** the need for sustained awareness programmes to educate about the need to protect medical facilities, civilian infrastructure, medical and humanitarian personnel in situations of armed conflict and crisis, and within this context **urges** personnel providing medical care and humanitarian services in armed conflict to observe full compliance to the principles of humanity, impartiality, neutrality, independence, voluntary service, unity and universality;

9. **Reiterate its call** on the imperative to ensure that all response mechanisms to the conflict, including deployment of peace support operations, adhere to the principles of the international humanitarian law on the protection of civilians, including medical and humanitarian assistance personnel;

10. **Calls** on Member States to redouble efforts of ensuring that defence and security personnel, in the conduct of operations under national authorities and also under international mandating organizations such as Regional Economic Communities and Regional Mechanisms (RECs/RMs), AU, United Nations (UN) and other applicable international entities, respect the sanctity of medical personnel and facilities, and humanitarian assistance providers and civilian populations and property;

11. **Encourages** Member States to consider developing a practical legal framework, at the national level, as appropriate, to prevent acts of violence, attacks and threats against medical facilities and personnel in situations of armed conflict and crisis, especially those offering medical care, their equipment and means of transport, as well as related facilities and infrastructure;
12. **Also encourages** Member States to consider entrenching IHL doctrines in the domestic curriculum for the training of the military, paramilitary and the police aimed at ensuring adherence to universal laws and curbing violations;
13. **Highlights** the importance of establishing national investigations mechanisms, as appropriate, for situations of armed conflict and crisis, with the aim of ensuring compliance, by all parties to the conflict, and collection of evidence to be used in the prosecution of perpetrators who violate universal laws;
14. **Underscores** the need to incorporate and prioritize the rehabilitation of medical facilities in all Post-Conflict Reconstruction and Development efforts in the Continent;
15. **Emphasizes** the need for partnerships between the AU, RECs/RMs, the UN, ICRC, and all relevant stakeholders as well as the broader international community to share best practices and ensure better coordination in raising awareness and responding to the challenges faced by the medical personnel and humanitarian assistance providers in situations of armed conflict and crisis;
16. **Requests** the AU Commission to undertake the following:
  - i. In close collaboration with Member States, RECs/RMs and the international community, to spearhead a campaign or declaration on Protection of Medical Personnel and Facilities and create a platform in which all participating stakeholders commit to taking necessary steps to ensure that medical personnel and facilities are protected and mitigate against the impact of indiscriminate attacks in situations of armed conflict and crisis;
  - ii. To include the protection of healthcare and humanitarian assistance providers as an indicator on the Monitoring and Evaluation Mechanism of the AU Master Roadmap of Practical Steps to Silence the Guns in Africa by the Year 2030, to enable a proper measure of the extent of violations and to inform appropriate responses;
  - iii. To review the Draft Guidelines for the Protection of Civilians in African Union Peace Support Operations, and submit for the endorsement by the PSC as soon as practicable, at the latest by June 2022; and
  - iv. To undertake an empirical study to better analyse and understand the root causes of the growing trend of attacks against medical and humanitarian assistance personnel by parties to a conflict and to formulate mitigating strategies to lessen effects on the general population;
17. **Looks forward** to the full operationalization of the African Humanitarian Agency of the AU, which will be at the forefront of the continental's humanitarian action and efforts towards guaranteeing the protection of medical facilities and personnel, as well as their equipment and transport that they use, especially in situations of armed conflict and crisis;
18. **Decides** to remain actively seized of the matter.