

ACHPR/Res.163(XLVII)10:RESOLUTION ON THE ESTABLISHMENT OF A COMMITTEE ON THE PROTECTION OF THE RIGHTS OF PEOPLE LIVING WITH HIV (PLHIV) AND THOSE AT RISK, VULNERABLE TO AND AFFECTED BY HIV

The African Commission on Human and People's Rights, meeting at its 47th Ordinary Session held in Banjul, The Gambia, from 12 to 26 May 2010

1. **Recognising** that the African Commission on Human and People's Rights has a fundamental role to protect the most vulnerable groups in Africa against human rights abuses;
2. **Recognising** also that a unique feature of the HIV pandemic is the overwhelming nature of the accompanying stigma;
3. **Nothing** that in circumstances where the rule of law and human rights are not respected as an integrated part of society, the most vulnerable groups within that society are often denied the level of protection they require and hence, are exposed to increased vulnerability;
4. **Recognising** that people living with HIV and those at risk are currently one of the most vulnerable groups exposed to serious violations of human rights in Africa.
5. **Recalling** the Resolution on the HIV/AIDS Pandemic – Threat against Human Rights and Humanity (2001) calling upon African governments, state parties to the African Charter to allocate national resources that reflect a determination to fight the spread of HIV/AIDS, to ensure human rights protection of those living with HIV/AIDS against discrimination and to take appropriate actions so that international pharmaceutical industries make affordable and comprehensive health care available for African governments;
6. **Recalling** commitments of the African Union Heads of States and Governments in the Tunis Declaration on AIDS and the Child in Africa (1994); Grand Bay (Mauritius) Declaration and Plan of Action (1999); Lome Declaration on HIV/AIDS in Africa (2000); Abuja Declaration on HIV/AIDS, Tuberculosis and Other Infections Diseases (2001); Maputo Declaration on HIV/AIDS, Tuberculosis, Malaria and Other Infections Diseases (2003); Gaborone Declaration on a Roadmap Towards Universal Access to Prevention, Treatment and Care (2005); Continental Framework for Harmonisation of Approaches among Member State and Integration of Policies on Human Rights and People Infected and Affected by HIV/AIDS in Africa (2005); Brazzaville Commitment on Scaling Up Towards Universal Access to HIV and AIDS Prevention, Treatment, Care and Support in Africa by 2010 (2006); Abuja Call for Accelerated Action Towards Universal Access to HIV and AIDS, Tuberculosis and Malaria Services in Africa

(2006); and Africa's Common Position to the UN General Assembly Special Session on AIDS (2006).;

7. *Noting with deep concern* that of 33.4 million people living with HIV in the world 22.4 million are living in Sub-Saharan Africa and of 2 million AIDS related deaths 1.4 million occurred in Sub-Saharan Africa in 2008;

8. *Concerned* that AIDS related deaths result in an increase number of orphans and vulnerable children in Sub-Saharan Africa;

9. *Concerned further* that despite commitments undertaken by state parties and regional bodies, PLHIV and those at risk continue to face serious violations of their basic human rights;

10. *Deeply disturbed* by the growing trend by various state parties across Africa toward criminalisation and mandatory testing of PLHIV which leads to greater stigmatisation and discrimination.

Decides to establish a committee on the protection of PLHIV and those at risk for a period of 2 years with the following mandate:

a. To seek, request, receive, analyse and respond to reliable information from a credible sources including individuals, community based organisations, non-governmental organisations, specialised agencies, inter-governmental organisations, and state parties, on the situation and rights of PLHIV and those at risk;

b. To undertake fact-finding missions, where necessary, to investigate, verify and make conclusions and recommendations regarding allegations of human rights violations;

c. To engage state parties and non- state actors on their responsibilities to respect the rights of people living with HIV and those proven to be vulnerable to these infections;

d. To engage state parties on their responsibilities to respect, protect and fulfil the rights of people living HIV and those at risk;

e. To recommend concrete and effective strategies to better protect the rights of people living HIV and those at risk;

f. To integrate a gender perspective and give special attention to persons belonging to vulnerable groups including, women, children, sex workers, migrants, men having sex with men, intravenous drugs users and prisoners; and

g. To report regularly to the African Commission on Human and Peoples' Rights.