

ACHPR/Res.195(L)11: RESOLUTION ON THE APPOINTMENT OF THE CHAIRPERSON AND MEMBERS 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

The African Commission on Human and Peoples' Rights, meeting at its 50th Ordinary Session held in Banjul, The Gambia, from 24th October to 5th November 2011

1. **Recognising** that the African Commission on Human and Peoples' 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 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 Infectious Diseases (2001); Maputo Declaration on HIV/AIDS, Tuberculosis, Malaria and Other Infectious 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. **Concerned** that AIDS related deaths result in an increase number of orphans and vulnerable children in Sub-Saharan Africa;
8. **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;
9. **Deeply disturbed** by the growing trend of various State Parties across toward criminalisation and mandatory testing of PLHIV which leads to greater stigmatisation and discrimination;
10. **Recalling** further resolution ACHPR/Res.163 (XLV11) 10, adopted during the 47th Ordinary Session, establishing and appointing the Chairperson and members 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;
11. **Recognising** the considerable amount of work done by Commissioner Reine Alapini Gansou in her capacity as the Chairperson of the Committee;
12. **Decides** to appoint Commissioner Lucy Asuagbor as Chairperson of the Committee, Commissioner Reine Alapini Gansou and Commissioner Soyata MAIGA as Members 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 for a period of two years, effective 5 November 2011.

DONE IN BANJUL, THE GAMBIA ON 05 NOVEMBER 2011