

ACHPR/Res. 476 (LXVIII) 2021: Resolution on Conducting a Study on the Impact of COVID-19 on Indigenous Populations/Communities in Africa

The African Commission on Human and Peoples' Rights (the Commission), at its 68th Ordinary Session held virtually from 14 April to 4 May 2021;

Recalling its mandate of promotion and protection of human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (African Charter);

Recalling the right of every individual to enjoy the best attainable state of physical and mental health protected in Article 16 of the African Charter and the duty that this place on States Parties to protect the health of their people and ensure access to health care;

Considering Article 45(1) (a) of the African Charter which mandates the African Commission to "collect documents, undertake studies and researches on African problems in the field of human and peoples' rights";

Further recalling its Resolution 51 adopted at the 28th Ordinary Session held from 23 October to 6 November 2000, which established the Working Group on Indigenous Populations/Communities in Africa and mandated it to undertake studies and research on the implications of the African Charter and well-being of indigenous communities in Africa;

Noting with concern that the COVID-19 pandemic has had an adverse impact on various human rights guaranteed by the African Charter, and indigenous populations and communities have also experienced variant effects of the pandemic;

Further concerned about the inaccessibility by the indigenous populations/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;

Convinced that the preparation of a continental study on the impact of COVID-19 on indigenous populations/Communities in Africa will be useful to global and regional mechanisms, as it will fill the knowledge gap in this area and improve the situation of the rights of indigenous populations/communities in Africa;

Bearing in mind the Abuja Declaration, adopted by Heads of State and Government of the African Union in 2001, through which they set a target of allocating at least 15 percent of their annual budgets to improve the health sector;

The Commission:

1. **Affirms** access to health care for all as a fundamental right and urges State Parties to ensure that COVID-19 responses are designed

and implemented in a way which promotes respect for fundamental human rights;

2. **Reiterates its call** to State Parties to 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
3. **Tasks** the Working Group on Indigenous Populations/Communities and Minorities in Africa to conduct a Study on 'the impact of COVID-19 on Indigenous Populations/Communities in Africa' and to present it to the Commission for its consideration and adoption within (2) years;
4. **Calls upon** State and non-State actors to contribute to the conduct of the Study.

Done virtually on 4 May 2021