67th Ordinary Session of the African Commission on Human and Peoples' Rights

Intersession Activity Report

of

Honourable Commissioner Alexia Gertrude Amesbury

Chairperson of the Committee on the Protection of the Rights of People Living with HIV (PLHIV), Those at Risk, Vulnerable to and Affected by HIV

13 November – 3 December 2020
Introduction

1. This Report is submitted in accordance with Rules 25(3) and 64 of the Rules of Procedure (2020) of the African Commission on Human and Peoples’ Rights (the Commission). It provides an update of activities carried out during the intersession period after the 66th Ordinary Session of the Commission, held virtually from 13 July to 7 August 2020.

2. The Report consists of four parts. The First Part deals with activities carried out in my capacity as Commissioner, and as Vice-Chairperson of the Advisory Committee on Budgetary and Staff Matters (ACBSM); the Second Part consists of activities as Chairperson 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 (Committee on HIV). The Third Part elaborates on the situation of HIV/AIDS in Africa; and the Fourth Part contains the conclusion with a set of recommendations.

Part I: Activities carried out in my capacity as Commissioner and Vice Chairperson of the ACBSM

I. Participation in the 28th Extraordinary Session of the Commission

3. I participated in the 28th Extraordinary Session of the Commission held virtually from 29 June to 1 July. This being my first Session as a newly elected Commissioner, I made the Solemn Declaration at a public Session pursuant to Rule 10 of the Commission’s Rules of Procedure 2020. The Commission subsequently retreated into a Private Session to carry out an induction ceremony for new Commissioners; as well as the reallocation of countries of responsibility and Special Mechanisms amongst its members. On this basis, I was appointed as the new Chairperson of the Committee on HIV.

II. Participation in the 66th Ordinary Session of the Commission

4. I participated in the 66th Ordinary Session of the Commission held virtually from 13 July to 7 August. During the Session, the Commission adopted Resolutions on Special Mechanisms; Country Resolutions; and Thematic Resolutions. The Commission considered Communications and adopted decisions on fifteen (15) Communications.

III. Participation in the 29th Extraordinary Session of the Commission

5. I participated in the 29th Extraordinary Session of the Commission held virtually on 2, 3 and 5 October 2020. During the Session, the Commission

IV. Participation in the Meetings of the ACBSM

6. On 15 and 28 October 2020, respectively, I participated in two Meetings of the ACBSM in my capacity as Vice-Chairperson of the ACBSM. The Meetings were convened to discuss administrative and financial matters of the Commission.

Part II: Activities as Chairperson of the Committee on HIV

I. Introductory Meeting of Members of the Committee on HIV

7. On 20 October 2020, I convened the Introductory Meeting of Members of the Committee on HIV. As new Chairperson of the Committee, the Introductory Meeting was necessary to engage with reappointed and appointed Expert Members, as well as other Commissioner Members of the Committee who had also been recently appointed.

8. The Meeting addressed activities to be undertaken by the Committee on HIV, especially within the context of COVID-19 and the working modalities of the Committee under the new leadership.

Part III: Situation of HIV/AIDS in Africa

9. The Committee on HIV notes with concern the impact of the COVID-19 response measures on HIV-related human rights in Africa. Most notably, the right to access HIV related health services. Lockdown measures have had a significant impact on access to HIV testing programmes, face-to-face psychological support, antiretroviral therapy and other basic services necessary to achieve the target of eliminating HIV/AIDS as a public health threat by 2030.

10. The repurposing of HIV clinics and health workers for COVID-19 responses, imposition of travel/movement restrictions and the worsening socio-economic context has led to the disruptions of HIV related healthcare services.¹ Mitigating these service disruptions is crucial, for if left unaddressed, it is estimated that Africa will suffer a 2.2-fold rise in HIV mortality (over one

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million HIV-related deaths) and a reversal in the gains made in preventing mother-to-child transmission.²

11. As the world continues to battle the COVID-19 pandemic, State Parties are urged to take decisive action to control these two health crises, and adopt a human rights-based approach in the implementation of response measures. Essentially, COVID-19 responses should be grounded in human rights and equality, with particular focus on creating an enabling environment to ensure access to both HIV and COVID-19 prevention and treatment services. This approach requires the removal of restrictive, punitive, arbitrary and discriminatory legal and policy measures that disproportionately affect marginalised and vulnerable communities.

Part IV: Conclusion and Recommendations

12. In light of the foregoing, the Committee makes the following recommendations to the various stakeholders:

To States and Governments:

i. Ensure that the focus on the fight against COVID-19 does not diminish efforts to combat HIV/AIDS and does not undermine the progress already made in terms of HIV prevention and control;

ii. Adopt necessary measures to ensure that public health responses are not undermined by stigma, discrimination and other harmful social and cultural practices that hinder the fight against HIV/AIDS, particularly in health facilities;

iii. Adopt measures to scale up access to sexual and reproductive healthcare services for all without fear of stigma and discrimination;

iv. Adopt effective measures aimed at addressing the surge in incidents of gender-based violence during this pandemic, which if left unabated may serve as a conduit for increased HIV infections;

v. Recall the Abuja Declaration (2001) and realise the pledge made by State Parties to increase domestic funding to improve the health sector and eliminate health crises devastating the continent;

vi. Coordinate the efforts of relevant agencies at national level in support of health action, and address the impact of COVID-19 response measures on HIV-related healthcare services;

vii. Take ownership of the findings of the African Commission's study on "HIV, Law and Human Rights in the African Human Rights System: Key Challenges and Opportunities for Rights-Based Responses to HIV" and implement the recommendations made therein.

To National Human Rights Institutions and Civil Society Organisations:

i. Increase the level of advocacy and action at the national level for the reform of punitive laws and the abandonment of repressive and discriminatory practices;

ii. Raise awareness among State Parties of the need to implement strategies aimed at accelerating HIV response measures;

iii. Address stigma, discrimination and incitement to violence through accurate, gender-responsive and evidence-based information and awareness raising campaigns;

iv. Work in close collaboration with other relevant actors in order to achieve a synergy of actions capable of positively influencing the solutions to the challenges posed by the impact of the COVID-19 pandemic on HIV responses and the protection of PLHIV in Africa.

Other partners:

i. Support the Commission and the Committee on HIV in the popularisation of its Study on HIV, the Law and Human Rights;

ii. Provide support to the Committee on HIV to enable the latter to effectively implement its mandate.