

ACHPR/Res. 446 (LXVI) 2020: Resolution on conducting a Study on the right to health for all and its financing in Africa

The African Commission on Human and Peoples' Rights (the Commission), at its 66th Ordinary Session held virtually from 13 July to 07 August 2020:

Recalling its mandate of promotion and protection of human and peoples' rights in Africa pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the 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 places on States Parties to protect the health of their people and ensure access to health care;

Recalling its Resolution 73 adopted at the 36th Ordinary Session held from 23 November to 7 December 2004, which established the Working Group on Economic, Social and Cultural Rights and mandated it to undertake studies and research on specific economic, social and cultural rights;

Noting with concern the various challenges to the right to health which have arisen in the context of the novel coronavirus (COVID-19), including the overburdening of fragile health care systems across the continent, challenges to the rights of health workers, and the diversion of resources and limited capacity away from other critical health services, including sexual and reproductive health care and services for persons living with and affected by HIV/AIDS;

Further concerned by the other socio-economic circumstances which affect millions of people across the continent, and which negatively impact on their right to health, including access to water, sanitation, basic education, housing, and the extensive impact of climate change on all aspects of socio-economic rights;

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;

Further recalling the meeting between the Chairperson of the Commission and the Executive Director of the Joint United Nations Programme on HIV and AIDS (UNAIDS) on 11 February 2020 during which the need to conduct a joint study on access to health for all and its financing in Africa was identified and which is made more pressing by the COVID-19 global pandemic;

The Commission:

1. **Affirms** access to health care for all as a fundamental right and public good that should be guaranteed through public investment;
2. **Reiterates its call** to States Parties to make human rights, and socio-economic rights specifically, a central pillar of responses to the COVID-19 pandemic and in particular to ensure that the right to health is respected, protected and upheld, through guaranteeing that all persons and vulnerable people in particular are provided with the necessary socio-economic circumstances to limit their exposure to disease; and
3. **Tasks** the Working Group on Economic, Social and Cultural Rights in collaboration with UNAIDS, to prepare a draft study on 'The Right to health for all and its financing in Africa' and to present it to the Commission for its consideration and adoption within one (1) year.

Done virtually, 07 August 2020