

**Continental Conference On The Impact Of Covid-19 On The Rights Of People
Living With Hiv (Plhiv)**

**15 - 17 March 2022
SALY, SENEGAL**

**KEY CONCLUSIONS AND RECOMMENDATIONS
(THE SALY DECLARATION)**

WHEREAS 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 Committee), held a Continental Conference on the Impact of COVID-19 on HIV responses in Africa. The following were the main objectives:

- I. To raise awareness and build knowledge on the importance of a human rights-based approach in responding to the COVID-19 pandemic and emphasize its significance as an essential element for the protection of HIV-related human rights;
- II. To draw out lessons learnt from the HIV response in order to contribute to on-going conversations on building resilience against future pandemics and other global health and development challenges and developing guiding documents on the same.

WHEREAS the specific objectives were:

- I. To widely disseminate existing legislations and soft laws of the African Commission on Human and Peoples' Rights (the ACHPR) on the promotion and protection of the rights of PLHIV and those at risk, vulnerable to and affected by HIV and sensitizing/educating relevant stakeholders (including enforcement agencies and donors) on the same;
- II. To engage with relevant stakeholders (including state and non-state entities) on key human rights issues affecting availability, affordability and accessibility of healthcare services by PLHIV and those at risk, vulnerable to and affected by HIV especially within the context of the COVID-19 pandemic;
- III. To find a common ground and deliberate on ways and means to implement concrete strategies and programmes for the protection of the rights of PLHIV and those at risk, vulnerable to and affected by HIV;
- IV. To serve as a platform for researchers, policymakers and actors in the private sector to meet and have consensus on regional solidarity as an instrument to accelerating HIV/AIDS responses on the continent and building resilience against future pandemics and other global health and development challenges.

WHEREAS the 49 participants in the Conference including 6 Representatives from Member States, 3 Commissioners, 5 staff members of the Secretariat of the ACHPR, 1 Representative of the Secretariat of the African Committee of Experts on the rights and welfare of the Child (ACERWC), 4 Expert Members of the Committee, 4 Representatives from National Human Rights Institutions (NHRIs); 4 Representatives from International Organizations; 14 Representatives from Non-Governmental Organisations (NGOs), Vulnerable Groups, Key Populations and other stakeholders; PLHIV; 6 Academics, 2 Medical Practitioners, and 1 Independent Expert.

WHEREAS presentations and deliberations during plenaries and Break Away Sessions were made on various thematic issues related to the rights to healthcare by PLHIV and those at risk, vulnerable to and affected by HIV amid COVID-19, followed by fruitful panel discussions during which Participants shared their concerns, experiences, challenges and best practices for the effective protection of the rights of PLHIV during and after the pandemic.

NOW THEREFORE, *makes the following recommendations to the following stakeholders:*

➤ **TO STATE PARTIES**

LEGISLATIVE REFORMS

- ✓ To demonstrate political will on the implementation of health-related commitments towards PLHIV and those at risk, vulnerable to and affected by HIV amid COVID-19;
- ✓ To review existing laws and enact new laws to ensure the implementation of human rights-based approaches in protecting PLHIV and those at risk, vulnerable to and affected by HIV, as well as other vulnerable groups and key populations from any types of abuse and discriminations;
- ✓ To undertake comprehensive, coordinated and gender-based assessments and to rely on disaggregated data to build strong primary health care systems for supporting PLHIV and those at risk, vulnerable to and affected by HIV amid COVID-19;
- ✓ To develop and strengthen private-public partnership for a multisectoral approach in responding to the impacts of Covid-19 on the PLHIV and those at risk, vulnerable to and affected by HIV, as well as other vulnerable groups and key populations, from any types of abuse and discriminations;
- ✓ Ensure NHRIs effectively and independently exercise their quasi-judicial mandate to swiftly handle and provide adequate redress to complaints of human rights violations to enable them handle and provide redress to complaints of human rights violations.

SOCIAL WELFARE

- ✓ To build capacity of health professionals in assisting and advising PLHIV, vulnerable to and affected by HIV, establish capability to manufacture vaccines; and ensure preparedness for any future pandemics;
- ✓ To ensure communication in relevant languages, including indigenous languages;
- ✓ To promote good governance, rule of law and human rights-based approaches in order to strengthen laws;
- ✓ To develop holistic psychosocial and mental health programmes in various interventions to support PLHIV and those at risk, vulnerable to and affected by HIV, as well as other vulnerable groups and key populations;
- ✓ To ensure accessibility, affordability, availability, and quality, of HIV responses , without discrimination of any kind;
- ✓ Provide basic health care and education facilities that meet acceptable standards and leave none behind.

MOBILISATION AND MANAGEMENT OF RESOURCES

- ✓ To mobilize funds, increase investments in scientific research, and public health expenditures;
 - ✓ To ensure that the NHRIs are provided with adequate resources to undertake activities designed to protect and promote the rights of people living with HIV, those affected by, vulnerable to and at risk of HIV;
 - ✓ To scale up human resources, health procurement and supply of medicines, Personal Protective Equipments(PPEs), commodities and technologies that ensure an inclusive access by PLHIV and those at risk, vulnerable to and affected by HIV, as well as other vulnerable groups and key populations.
- **TO THE ACHPR- ESTABLISHED TO PROMOTE AND PROTECT HUMAN AND PEOPLES' RIGHTS IN ACCORDANCE WITH ARTICLE 45 OF THE AFRICAN CHARTER**

LEGISLATIVE REFORM

- ✓ To assess existing laws and guiding principles relating to the rights of PLHIV and those at risk, vulnerable to and affected by HIV as well as other vulnerable groups and key populations to ascertain whether they comply with the rights guaranteed by the African Charter and other human rights treaties;
- ✓ To encourage State Parties to guarantee the right to health especially to the PLHIV, and those at risk, vulnerable to and affected by HIV as well as other vulnerable groups and key populations, in accordance with Article 16 of the African Charter;

- ✓ To ensure continuous protection of PLHIV despite Covid-19 and other epidemics;
- ✓ To broaden the mandate of the Committee to include other health crisis, preparedness and social inclusion issues relating to PLHIV and those at risk, vulnerable to and affected by HIV, as well as other vulnerable groups and key populations.

MONITORING AND RESEARCH

- ✓ To carry out intersectional studies that produce disaggregated data on the impact of COVID-19 and cases of violations and abuses of the rights of PLHIV and those at risk, vulnerable to and affected by HIV, as well as other vulnerable groups and key populations.

AWARENESS RAISING

- ✓ To provide guidelines on specific details concerning the roles of various stakeholders in responding to the impact of Covid-19 on PLHIV and those at risk, vulnerable to and affected by HIV; as well as other vulnerable groups and key populations;
- ✓ Increase country-specific outreach to popularize its mandate and increase its visibility for effective use by African States and people.

STATE REPORTING

- ✓ To devise epidemics preparedness guidelines that describe what States should react in case of health, biomedical and technological emergency, including rights-based responses;
- ✓ To include pandemics preparedness in Shadow Reports submitted for State Reports under Article 62 of the African Charter, with recommendations in the Concluding Observations of State Reports.

➤ TO NHRIs

COMPLAINT HANDLING AND ADVISORY ROLE

- ✓ To ensure that Governments work in compliance with international human rights norms, develop guidelines and report to the Commission and any relevant legal body as stated in Article 62 of the Charter;
- ✓ To advise different stakeholders on their roles in the implementation, the promotion and the enforcement of laws on the human rights of PLHIV and those at risk, vulnerable to and affected by HIV; as well as other vulnerable groups and key populations;
- ✓ Effectively play their advisory role to States in policy development and support the establishment of a robust legal framework for the realization of the right to health and social protection of key populations in their diversity in the context of HIV;

- ✓ Play a lead role in assessing the level of States compliance and implementation of ratified instruments and recommendations in relation to the right to health for all.

MONITORING AND RESEARCH

- ✓ To conduct studies, investigate cases and gather data and evidence on the impact of COVID-19 on the rights of PLHIV, and those at risk, vulnerable to and affected by HIV, as well as other vulnerable groups and key populations.

AWARENESS RAISING

- ✓ To disseminate human rights and efforts to combat all forms of discrimination, against PLHIV, by increasing public awareness, especially through information and education and by making use of all press organs and channels;
- ✓ To promote a culture of rights, through human rights education and awareness raising. As such, NHRIs should act as a bridge between civil society and the State, and between national and international arenas;
- ✓ To scale up efforts that improve the life and well-being of vulnerable groups and key populations in the context of HIV.

MONITORING IMPLEMENTATION OF TREATY BODIES INCLUDING THE ACHPR

- ✓ To ensure that laws and regulations concerning the protection of human rights are effectively applied to the PLHIV, and those at risk, vulnerable to and affected by HIV, as well as other vulnerable groups and key populations;
- ✓ To protect and promote the human rights of the PLHIV, and those at risk, vulnerable to and affected by HIV; other vulnerable groups and key populations;
- ✓ To ensure that treaty bodies including the ACHPR, develop guidelines on epidemics preparedness and contingency response;
- ✓ To develop and integrate the COVID-19 response plan taking into account all key and vulnerable populations and groups;
- ✓ To monitor implementation of decisions, resolutions and guiding standards developed by treaty bodies, including the ACHPR.

➤ **TO CIVIL SOCIETY ORGANISATIONS (CSOs)**

INFORMATION AND COMMUNICATION

- To monitor, collect data on and advocate on the impact of COVID-19 on PLHIV and those at risk, vulnerable to and affected by HIV; other vulnerable groups and key populations;
- To raise public awareness on the plights and the impact of COVID-19 of PLHIV and those at risk, vulnerable to and affected by HIV, other vulnerable groups and key populations;
- To build the capacity of the media/journalists to report on health and social protection issues in relation with the impact of COVID-19 on PLHIV, and those at risk, vulnerable to and affected by HIV;
- Set up journalism networks that report on matters relating to health and social protection for all diverse groups.

MONITOR GOVERNMENT POLICIES AND ACTIONS

- ✓ To formulate recommendations, influence laws and policies that enhance the protection and promotion of the human rights of PLHIV and those at risk, vulnerable to and affected by HIV; other vulnerable groups and key populations in the context of COVID-19;
- ✓ To foster stronger ties and collaboration between the Government and CSOs for the progressive realisation of social protection and access to health-related services.

ADVOCACY

- ✓ To develop advocacy campaigns and to generate political will among decision-makers to mainstream human rights-based approach in responding to COVID-19 impact on PLHIV and those at risk, vulnerable to and affected by HIV; other vulnerable groups and key populations.

Done in Saly, Senegal, on 17 March

2022