

STATEMENT OF THE AFRICAN COMMISSION ON HUMAN AND PEOPLES' RIGHTS AND THE AFRICAN UNION ADVISORY BOARD ON CORRUPTION ON CORRUPTION AND COVID-19

The African Commission on Human and Peoples' Rights (the Commission), through its Chairperson, Commissioner Solomon Ayele Dersso, and the African Union Advisory Board on Corruption (the Advisory Board), through its Chairperson Honourable Begoto Miarom, express their deep concern and alarm about the increasing incidents of corruption on the continent within the context of the fight against the COVID-19 pandemic.

The Commission and the Advisory Board (hereafter, the Institutions) received alarming reports of misuse of the emergency relief funds received from multilateral institutions for the benefit of corrupt officials, the use of companies in which state officials have direct interest for delivery of emergency services and medical goods including Personal Protective Equipment (PPE) for frontline health workers; ventilators, beds and testing kits for hospitals; and the provision of sanitizers and face masks for the general public.

The Institutions are equally concerned about reports of the supply of defective emergency medical supplies at a price much higher than their market value, price gouging, inflation and the creation of artificial shortages of essential goods, including medical supplies in the context of the pandemic.

The Institutions express strong condemnation of the perpetration of such unscrupulous corruption in the context of the fight against COVID-19. At a time when many people face extraordinary threats to their health, life and livelihoods, corruption represents the most serious contravention of the African Union Convention on Preventing and Combating Corruption. Diverting resources away from the intended beneficiaries and into the hands of those who seek to profit from a crisis directly interferes with the protection of the rights to health and life.

The Institutions note that the emergency that the pandemic has brought about and the imperative for speedy response and delivery of services necessitate the utmost responsibility in the use of public resources and the discharge of official duties for averting the threat that the pandemic posed to the public. We express our dismay at the abuse by public officials of the emergency situation for plundering public resources for personal benefit, which is the most unforgivable breach of public trust, and should be prosecuted and punished. We also strongly condemn the harassment, intimidation and arbitrary arrest of journalists, human rights defenders and anti-corruption campaigners for their work in uncovering and reporting corruption in the process of responding to the COVID-19 pandemic.

The Institutions note that the challenge of corruption predates the COVID-19 pandemic, with approximately USD 500 billion lost annually through corruption in the health sector globally and approximately USD 6 million earmarked for the fight against Ebola lost through fraud and corruption in Guinea and Sierra Leone from 2014 to 2016.

In view of the above, the Commission and the Advisory Board:

1. Underscore that the implementation by States of anti-corruption measures, transparent and accountable processes in the administration of emergency relief funds and in the procurement of emergency services and goods, are a human rights and legal necessity in responding to the COVID-19 pandemic;
2. Call on States Parties to the African Charter to fully respect the rule of law and ensure application of the principles of transparency and accountability in all measures they undertake within the context of COVID-19, in conformity with their obligations under the African Charter and the African Union Convention on Preventing and Combating Corruption;
3. Call on States to ensure the integrity of public procurement processes during the emergency period by putting in place minimum standards in line with best practices, such as ensuring open and competitive bidding processes and limiting the use of non-competitive processes; establishing fair and objective selection criteria; and ensuring periodic and independent auditing of procurement processes.
4. Urges States to avail to the public, on a regular basis, all information on the utilization of emergency relief funds and the standards used in procurement of goods and services, the monitoring of such processes and the measures taken in response to reports of corruption in the context of the COVID-19 pandemic, through press briefings and open and public electronic systems;
5. Call on States in which the perpetration of corruption has been reported to swiftly and thoroughly investigate all credible allegations of corruption and combat impunity by holding all perpetrators accountable, whether in the public or private sector;
6. Urge States to respect and put in place measures to ensure the protection of journalists, the media, human rights defenders and anti-corruption campaigners as well as whistle blowers, from any form of reprisal or retaliation; and
7. Call on States to ensure that the institutions for monitoring, investigating and instituting sanctions for all corruption and other illicit practices are given full

cooperation and support to carry out their functions as essential services in the context of such emergencies as the COVID1-9 pandemic.

Commissioner Solomon Ayele Dersso, PhD

Chairperson of the African Commission on Human and Peoples' Rights

Honorable Begoto Miarom

Chairperson of the African Union Advisory Board on Corruption

Banjul, 2 November 2020