

ACHPR/Res. 447 (LXVI) 2020: Resolution on upholding human rights during situations of emergency and in other exceptional circumstances

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 pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

Recalling Article 4 of the United Nations Human Rights Committee General Comment No. 29 on Derogations during a State of Emergency, which affirms that States' measures of derogation from treaty obligations should be in accordance with humanitarian law;

Noting that there is no guidance on derogation from social, economic and cultural rights in international human rights law in relation to cases of emergency or disaster;

Bearing in mind the recommendations in the ACHPR/Res.332(EXT.OS/XIX) 2016 on Human Rights in Conflict Situations, and the Study entitled "Addressing Human Rights Issues in Conflict Situations: Towards a more systematic and effective role for the African Commission on Human and Peoples' Rights" adopted during its 64th Ordinary Session, which among others assigns the Focal Point on Human Rights in Conflict Situations in Africa the responsibility for monitoring state of emergency laws and practices in Africa, and review the Commission's position on derogation from Charter rights under states of emergency;

Considering the seriousness of the human rights issues arising from the declarations of states of emergency or of disaster and implementation of such declarations across the continent, such as in the context of the health emergency relating to the novel corona virus (COVID-19);

The Commission:

1. **Tasks** the Focal Point on Human Rights in Conflict Situations in Africa to develop a normative framework in the form of Guidelines on adhering to human and peoples' rights standards under the African Charter when declaring states of emergency or disaster, taking account of the relevant Protocols to the African Charter on Human and Peoples' Rights and standards of the African Commission; and
2. **Requests** the Focal Point on Human Rights in Conflict Situations in Africa to report on declarations of state of emergency and state of disaster laws and practices in Africa to ensure that they comply with human and peoples' rights standards under the African Charter.

Done virtually on 07 August 2020