



African Policing Civilian Oversight Forum

NGO Observer Status No. 372

Statement on the Human Rights Situation in Africa

75th Ordinary Session of the African Commission on Human and Peoples' Rights

3 to 23 May 2023

[Hybrid], Banjul, The Gambia

Honourable Chairperson and Commissioners,

The [African Policing Civilian Oversight Forum](#) (APCOF) welcomes the adoption of the *Guidelines on Adhering to Human and Peoples' Rights under the African Charter in the Context of States of Emergency or Disaster* by the African Commission during its 74th Private Ordinary Session. APCOF had the privilege of leading a group of experts providing technical support to the African Commission for the development of the Guidelines.

The Guidelines will be of significant normative value to States, National Human Rights Institutions, and Civil Society as we continue to grapple with the consequences of the global Covid-19 pandemic response. As the African Commission has previously noted, the measures taken by States introduced a range of human rights restrictions across the socio-economic, civil and political rights spectrum, the profound effects of which endure even as the crisis has abated. For some states, the measures represented an unprecedented limitation on core rights and freedoms. In others, it caused a 'double jeopardy' of additional restrictions on rights in environments where formal or *de facto* states of emergency or disaster were in place for reasons such as civil unrest. Over the past three years, there has been a reckoning about the ease with which rights protections were eroded; how public participation in the measures was muted; and how securitised the enforcement response was, which led to a cascade of further rights violations.

African Policing Civilian Oversight Forum

Building 23B, Suite 16, Waverley Business Park, Wyecroft Road, Mowbray, Cape Town, 7925

PostNet Suite 63 Private Bag x11, Mowbray, 7705

Tel: +27 21 447 2415

www.apcof.org.za

Trust no. IT1900/2012

PBO 930041858, NPO 119 688- NPO

Trustees: T Gandidze (Chair), G Cronje (Treasurer), P Tlakula, E van der Spuy, A Van Wyk, S Africa

The African Commission's Guidelines, while part of an immediate response to the human rights challenge posed by Covid-19 measures, have been designed to take the lessons learned, and to have broad application to a wide range of events that threaten the existence of an African state – such as conflict, natural disaster and other health emergencies. The Guidelines will provide an agreed framework for measuring the rights compliance of States in response to these events, now and in the future, whether they occur at the international, regional, national or local level.

In support of its efforts to develop the Guidelines, **we now call on the African Commission** to ensure their broad dissemination and promotion, and through its protection mandate, to hold States to account for violations of the Charter as interpreted by the Guidelines.

We also **urge the Commission** to remind States of the need to implement the Guidelines in accordance with Part 6, including to:

- Adopt legislative, administrative, and judicial measures to give effect to the African Charter and the Guidelines.
- Ensure the broad dissemination of the Guidelines, and training (particularly for law enforcement officials).
- Notify the African Commission of declarations of emergency or disaster, ensuring that such notifications include information on how the measures are reasonably justified, subject to time limits and ongoing independent review, a measure of last resort, include genuine participation by affected groups, are non-discriminatory, and will not have a sustained negative impact on the realisation of rights in the African Charter.

Submitted on behalf of APCOF by:

Louise Edwards

Director of Research and Programmes

louise@apcof.org.za

+27 21 447 2415