

368: Resolution on Implementation of the Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa - ACHPR/Res. 368 (LX) 2017

The African Commission on Human and Peoples' Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

Bearing in mind Resolution 88 (2005) on the Protection of Human Rights and the Rule of Law in the Fight against Terrorism, which reaffirms that: *"African States should ensure that the measures taken to combat terrorism fully comply with their obligations under the African Charter on Human and Peoples' Rights and other international human rights treaties, including the right to life, the prohibition of arbitrary arrest and detention, the right to a fair hearing, the prohibition of torture and other cruel, inhuman and degrading punishment and treatment and the right to seek asylum"*;

Considering the Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa adopted by the African Commission on Human and Peoples' Rights at its 56th Ordinary Session held in Banjul, The Gambia, from 21 April to 7 May 2015;

Welcoming the participation, as partners, of civil society in raising awareness and promoting the implementation of the Principles and Guidelines by States Parties;

Cognisant of the fundamental importance of guaranteeing respect for human and peoples' rights and the standards of the rule of law when developing and implementing policies, regulations and laws on counter-terrorism and whilst undertaking counter terrorism operations;

Reaffirming the important role of the African Commission on Human and Peoples' Rights, States Parties to the African Charter on Human and Peoples' Rights, the African Court, Regional Economic Commissions, national courts and other stakeholders, including civil society and security sector institutions, in the implementation of the African Charter on Human and Peoples' Rights as well as the process of monitoring and evaluating respect for same;

Noting with concern that African States are still enacting and implementing certain aspects of counter terrorism legislations that are in violation of fundamental human rights of populations also resulting in shrinking civic space;

Noting further that African States including law enforcement agencies are yet to take ownership of the principles enshrined in the Guidelines while countering terrorism;

The Commission:

1. **Calls on** all African States, in accordance with Article 1 of the African Charter on Human and Peoples' Rights, to adopt legislative, administrative, judicial and other appropriate measures to give effect to the Principles and Guidelines on Human Rights while Countering Terrorism in Africa and ensure that the rights and obligations contained therein are guaranteed in law, policies, regulations and practices governing all counter-terrorism operations, including during armed conflict and under a state of emergency;
2. **Further calls on** African States, in accordance with their reporting obligations under the African Charter on Human and Peoples' Rights, to include information on the progressive implementation of human rights compliant legislation, policies and regulations that have to do with their counter-terrorism operations and on the extent to which their on-going or proposed counter-terrorism measures are consistent with these principles and guidelines;
3. **Undertakes**, through its Special Rapporteur on Human Rights Defenders, to develop and recommend for adoption to States Parties to the African Charter on Human and Peoples' Rights a strategy and work plan that ensures the effective implementation of the Principles and Guidelines while Countering Terrorism in Africa;
4. **Urges** States Parties to the African Charter on Human and Peoples' Rights to take the necessary measures to build the capacity of all stakeholders concerned on these Principles and Guidelines, as well as undertake to include provisions of the Principles and Guidelines in both the rules of engagement and deployment plans for all counter-terrorism operations;
5. **Calls on** the African Union to support the efforts of States Parties in the implementation of the Principles and Guidelines.

Done in Niamey, Republic of Niger, on 22 May 2017