

**ACHPR/Res. 448 (LXVI) 2020: Resolution on the Drafting of Guidelines for the Protection of All Persons from Enforced Disappearances in Africa**

***The African Commission on Human and Peoples' Rights (the Commission), meeting at its 66<sup>th</sup> Ordinary Session held virtually from 13 July to 07 August 2020:***

**Recalling** its mandate of promotion and protection of human and peoples' rights in Africa pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

**Recalling** its Resolution ACHPR/Res 408(LXII) 2018 on the expansion of the mandate and composition of the working Group on Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa to include enforced disappearances, adopted at its 63<sup>rd</sup> Ordinary Session held from 24 October to 13 November 2018 in Banjul, The Republic of The Gambia;

**Bearing in mind** the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa; the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (Luanda Guidelines); and the Resolution on the Guidelines and Measures for the Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa set out standards for those deprived of their liberty;

**Determined** to ensure the promotion, the realization and protection of human rights with the view to safeguarding full and free enjoyment of human rights on the African continent;

**Underscoring** the obligation of every African State to ensure the protection of all persons living under their jurisdiction;

**Concerned** that enforced disappearances are still taking place on the continent, although this practice has been widely under-reported;

**Noting** that enforced disappearance is an international complex crime that constitutes a multiple violation of several fundamental rights, including the right to liberty and security of the person, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, the right to life and the right to the recognition of the legal status, among others;

**Recognizing** that enforced disappearance is a continuous violation, which starts at the time of the abduction of the victim and extends until the victim's fate or whereabouts are established, and that if committed in a systematic or widespread manner it constitutes a crime against humanity;

**Recalling** the lack of an African instrument that addresses specifically the prevention and protection against enforced disappearance on the continent;

**Convinced** that the preparation and drafting of guidelines on enforced disappearances will help improve the situation of victims of enforced disappearance and will contribute to preventing such practice in the continent;

**The Commission:**

- i. Tasks the Working Group on Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa to develop Guidelines for the Protection of All Persons from Enforced Disappearances in Africa.
- ii. Calls on all the relevant stakeholders to provide the necessary support to draft these Guidelines.
- iii. Decides that the Guidelines should be presented to the Commission for consideration within a period of one (1) year.

**Done virtually, 07 August 2020**