

The Kigali Declaration on upholding human rights during a pandemic and other global crises

Context

The Commonwealth Forum of National Human Rights Institutions (CFNHRI) is an inclusive body of Commonwealth National Human Rights Institutions (NHRISs) and other national accountability mechanisms with a human rights mandate. Its role is to support the broad objectives of: promoting networking; sharing information, experience and best practice; encouraging countries to establish Paris Principles-compliant NHRIs; and assisting national institutions to fulfil their mandated activities.

Since the outbreak of the COVID-19 pandemic, CFNHRI members have worked in challenging situations to uphold human rights. The Forum has drawn on its members' expertise to share good practices on upholding human rights during the pandemic, including producing a report and recommendations on respecting the human rights of disabled people. It is this collective expertise which informs this Declaration, which is forward looking and seeks to embed learning of preparedness for future emergencies.

The Forum calls upon the Commonwealth Heads of Government to recognise the importance of putting human rights for all at the heart of recovery from a pandemic or any global crisis as expressed in this, our Kigali Declaration.

Declaration

We, the members of the Commonwealth Forum of National Human Rights Institutions attending the meeting on the 16th-17th June 2022 in Kigali, Rwanda:

- (a) Reaffirm the values and principles contained within the Commonwealth Charter;
- (b) Recall Member States' obligations to international human rights instruments which they are signatories to, including the Universal Declaration of Human Rights; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Convention on the Rights of Persons with Disabilities, and all their respective Optional Protocols;

(c) Recognise the Omnibus Resolution on Comprehensive and Coordinated Response to the COVID-19 Pandemic adopted by the United Nations (UN) General Assembly of 11/09/2020 in its Plenary Seventy Fourth Session;

(d) Recall the UN Guiding Principles on Business and Human Rights;

(e) Recall the 2030 Agenda for Sustainable Development, and the commitment to endeavour to equally reach everyone while ensuring that vulnerable people are not left behind, and acknowledge that the realisation of human rights and the achievement of the 2030 Agenda are inter-related and mutually reinforcing;

(f) Reaffirm the Mérida Declaration on the role of NHRIs in Implementing the 2030 Agenda for Sustainable Development (Para 7), which encourages the Agenda to be comprehensive and set ambitious goals for the range of issues that affect people and the planet; and

1. Highlight that human rights must be upheld at all times, including during times of pandemic, global emergencies and economic downturns;
2. Recognise the opportunity to learn from the COVID-19 pandemic to ensure that measures implemented in response to future global crises do not erode human rights;
3. Recognise that the human rights of certain population groups (including, but not limited to, older people, disabled people, prisoners and others who are held in detention, children, people from ethnic minority groups, indigenous people, refugees and asylum seekers, people from lower socio-economic backgrounds and pregnant women and girls) are particularly at risk during a global crisis;
4. Recognise the importance of forward-planning which takes a human rights consistent approach to mitigate potential human rights derogations and violations during other global crises;
5. Emphasise the importance of analysing the human rights impacts of new laws, policies, and procedures, even when these are necessarily planned at speed;
6. Recognise that steps taken to uphold human rights must take into account the differing requirements to uphold rights for different groups of people, such as disabled people, indigenous people and people from ethnic minority backgrounds;
7. Acknowledge the need for Governments to make difficult and rapid decisions during a global crisis, but remind leaders that this need does not negate the obligation to uphold human rights, including respect for indigenous peoples' self-determination and the obligations of free, prior and informed consent, and encourage leaders to be transparent about decision-making processes and include NHRIs in disaster management planning;
8. Acknowledge that pandemics and other similar global crises require competing human rights to be balanced, and that certain rights may need to be temporarily restricted to protect public health and uphold the right to life, but this must be legal and proportionate in pursuit of a legitimate aim, the least restrictive possible, and subject to ongoing review;

9. Highlight the importance of drawing on the expertise held by NHRIs, civil society organisations and human rights defenders during decision-making processes to ensure that human rights are respected, protected, and fulfilled;
10. Offer our on-going support to Governments, leaders, and other decision-makers to help them understand how to make decisions that are rights-respecting by design.

Therefore, to ensure that human rights continue to be upheld during the COVID-19 pandemic and in future pandemics or similar global emergencies, we declare as follows:

As a group of Commonwealth NHRIs and other national accountability mechanisms, we will:

- I. Share experience and good practice within CFNHRI to inform the work of individual members and utilise the Forum to co-ordinate work;
- II. Work with the Commonwealth Secretariat's Human Rights Unit to strengthen the capacity of NHRIs across the Commonwealth to promote and protect human rights, particularly in the context of Covid-19
- III. Encourage ongoing knowledge, evidence, and expertise transfer between CFHNRI member organisations on current and future human rights issues, including environmental rights;
- IV. Continue to strengthen CFNHRI as a mechanism for promoting and protecting human rights across the Commonwealth, including working towards the establishment of a Permanent Secretariat for CFNHRI.
- V. Exercise our mandate, in accordance with the Paris Principles and our founding legislation, to provide advice to our Government, investigate or inquire into potential human rights issues, and support legal action that protects and promotes human rights;
- VI. Work within our jurisdictions, including with our Government, leaders, health and care providers, business leaders, traditional rulers, civil society, and other relevant parties to ensure that new laws, policies and all forward-planning is consistent with human rights;
- VII. Investigate, inquire into, report on and/or receive complaints on issues raised by people whose rights have been restricted or potentially violated by measures introduced in response to the COVID-19 pandemic;
Offer advice to leaders to inform planning on key issues such as access to healthcare, detention and deprivation of liberty, access to justice impacted by health emergencies and other global crises;
- VIII. Encourage Governments to design and implement a national strategy and global emergencies disaster preparation on the value of forward-planning to the fulfilment of human rights obligations and standards;
- IX. Strengthen the relationships between NHRIs and other national accountability mechanisms with a human rights mandate, the Commonwealth Forum of NHRIs and the Commonwealth Secretariat, to carry out joint work to uphold human rights during future worldwide crises;

- X. Promote respect for human rights to the general population and carry out activities to educate people about their rights and how they can seek redress.

Declaration formally adopted by members of the Commonwealth Forum of National Human Rights Institutions at its biennial meeting on Friday 17 June 2022 in Kigali, Rwanda.