

Reference: C.N.303.2020.TREATIES-IV.4 (Depositary Notification)

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS  
NEW YORK, 16 DECEMBER 1966

NAMIBIA: NOTIFICATION UNDER ARTICLE 4 (3) <sup>1</sup>

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 6 July 2020.

(Original: English)

“Windhoek, 16 June 2020

Sir,

The Permanent Mission of the Republic of Namibia presents its compliments to the Secretary-General of the United Nations and pursuant to Article 4, paragraph 3, of the International Covenant on Civil and Political Rights (ICCPR) apprises that Namibia hereby exercises the right of derogation from its obligations under the said covenant in its entire territory.

I further wish to inform you that on 18 March 2020, by Presidential Decree adopted by the Cabinet of the Republic of Namibia, the government issued a state of emergency throughout the country for a period of twenty one days, after the World Health Organisation (WHO) declared the coronavirus epidemic (Covid 19), a pandemic. In terms of the Namibian Constitution, the initial declaration of a state of emergency expires seven days after such declaration if not approved for an extended period by the National Assembly. The Declaration was subsequently approved by the National Assembly in terms of sub-Article (2) of Article 26 for a period not exceeding six months.

Covid 19 is not only a threat to the lives of the Namibian people and the country's public health care system but it also bears negative economic impact threatening the survival of businesses and consequently jobs and livelihoods. Our key priority is therefore to curb the spread of disease. Since the first case of the coronavirus was detected in early March 2020, the Government took effective measures to protect the further spread of the virus. These include the closure of schools and tertiary institutions, closure of non-essential retail shops, prohibition of public gatherings of more than 10 persons, banning all non-essential air travel, restricted travelling to and from the Khomas and Erongo Regions, as well as urging public and private sector workers to work from home, among other interventions.

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<sup>1</sup> The text of Proclamation No. 7 of 18 March 2020 of the Republic of Namibia regarding the declaration of the state of emergency, attached to the notification, is on file with the Secretary-General and available for consultation.

The Government of the Republic of Namibia fully understands that these are extra-ordinary measures. They are adopted with the sole purpose of protecting the health, security and safety of the Namibian people and those who find themselves in our territory. Therefore the Namibian Government wishes to further inform the United Nations Secretary-General that the application of Article 21 (Fundamental Freedoms) of the Namibian Constitution shall be restricted during the duration of the state of emergency, thus impacting on Articles 12 (freedom of movement) and 21 (freedom of assembly and freedom of association) of the International Covenant on Civil and Political Rights.

Limitation of these Fundamental Rights and Freedoms are of general application and are not aimed at a particular individual and the state of emergency as provided for in Article 26 of the Namibian Constitution is authorized by Proclamation of the State President whereafter Regulations were published in the Government Gazette on 28 March 2020.

The Permanent Mission of the Republic of Namibia to the United Nations accordingly requests you to inform other States parties to the International Covenant on Civil and Political Rights and avails itself of this opportunity to renew to the Secretary-General of the United Nations the assurances of its highest considerations.

*(Signed)* Netumbo Nandi-Ndaitwah

Deputy Prime Minister and Minister of International Relations and Cooperation”

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15 July 2020

A handwritten signature in black ink, consisting of stylized initials 'DN' with a horizontal line underneath.