

# Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa - 71OS

Apr 29, 2022

## INTRODUCTION

This Report, under Rule 64 of the Rules of Procedure of the African Commission on Human and Peoples' Rights (the Commission), outlines the activities for the promotion and protection of human rights undertaken during the inter-sessional period since the 69th Ordinary Session of the Commission held virtually from 15 November to 13 May 2022.

The report includes activities undertaken in our capacity as Vice-Chairperson of the Commission, Commissioner, member of the Commission; member of the Working Group on the Death Penalty, Extra-Judicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa and of the Committee for the Prevention of Torture in Africa. We will then present the activities carried out under the mandate entrusted to us in our capacity as Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa. This mechanism was entrusted to us by Resolution ACHPR/Res.203 (L) 11 of the African Commission whose mandate was renewed by Resolutions ACHPR/Res.246 (LIV) 2013, ACHPR/Res.318(LVII) 2015, ACHPR/Res.379(LXI) 2017 and ACHPR/Res.450 (LXVI) 2020.

It also contains the activities carried out as a member of the Commission of Inquiry on the situation in the Tigray Region of the Federal Democratic Republic of Ethiopia established under DACHP Resolution/ Res. 482 (EXT.OS / XXXII) 2021 of May 7, 2021.

The report also includes the status of ratification of the African Union Convention for the Protection and Assistance to Internally Displaced Persons, the analysis of the human rights situation in the countries under our responsibility, the situation of refugees, asylum seekers, internally displaced persons and migrants in Africa.

It concludes with recommendations to the various parties involved.

## ACTIVITIES CARRIED OUT AS VICE CHAIRPERSON OF THE COMMISSION

I.Participation in meetings of the deliberative organs of the African Union, (January and February 2022, Addis Ababa, Ethiopia)

1.During the months of January and February 2022, I participated in various meetings of the deliberative organs of the African Union, including the 43rd Ordinary Session of the Permanent Representatives Committee (PRC) held virtually from 20 to 30 January 2022; the 40th Ordinary Session of the Executive Council (EC) held from 2 to 3 February 2022 and the 35th Ordinary Session of the Assembly of Heads of State and Government (the Assembly) held from 5 to 6 February 2022. All meetings were held in Addis Ababa, Ethiopia, the seat of the African Union.

2.The delegation of the Commission, led by the Honourable Commissioner Remy Ngoy Lumbu, Chairperson of the Commission, was composed of members of the Commission, Honourable Commissioners Hatem Essaïem and Solomon Ayele Dersso, as well as the Acting Secretary, Mrs. Lindiwe Khumalo accompanied by members of the Secretariat.

3.During its meetings, the 50th and 51st Combined Activity Reports of the Commission covering the period from 4 December 2020 to 5 December 2021, were presented to the PRC on Monday 24 January 2022.We also had meetings with various partners alongside its meetings.

II.Séance de Working session with the Representative of the Office of the High Commissioner for Human Rights for East Africa (7 February 2022, Addis Ababa, Ethiopia)

4.Alongside these various meetings, we had a working session with the Regional Representative of the Office of the High Commissioner for Human Rights for East Africa, Mr. Marcel AKPOVO. This meeting, at which I was accompanied by Commissioner Hatem, focused on an evaluation of the Addis Ababa roadmap for collaborative relations between our two institutions, through activities carried out with special procedures of the United Nations Human Rights Council. It also provided an opportunity to discuss new projects that are being implemented.

III.The three meetings of the Bureau, (7 January, 22 February and 20 April virtual)

5.Following the institutionalization of the monthly Bureau meetings with the Executive Secretary, I took part in the three meetings of the Commission's Bureau to discuss the activities of the Commission as well as other issues requiring the Bureau's guidance.

IV.Solemn Opening of the African Court (28 February 2022 virtual)

6.I represented the African Commission, at this ceremony, celebrated under the theme "the African Court and the Africa we want". At the request of the President, I delivered a speech in which I recalled the importance of the work of the two organs as well as their collaboration and complementarity in the exercise of the mandate of protection of Human and Peoples' rights, for the benefit of the African populations.

#### **ACTIVITIES AS A COMMISSIONER, MEMBER OF THE COMMISSION**

I.Meeting of the Committee on the establishment of guidelines for parallel reporting by NHRIs and NGOs (20 December 2021, virtual).

1.This was the 2nd meeting of the Drafting Committee attended by Commissioner Maria Theresa Manuela and the group of experts from the Human Rights Centre of the University of Pretoria. The purpose was to discuss the draft guidelines on parallel reporting to be submitted by NHRIs and NGOs respectively.

II.Training Workshop on the Maputo Protocol ( 8 January 2022, Algiers, Algeria)

2.Organized for a consortium of Algerian NGOs, and by the Center for Information and Documentation on the Rights of the Child and Women (CCIDDEF), this workshop focused on a presentation of the Maputo Protocol and its incorporation into Algerian legislation. I was asked to make a comprehensive review of the provisions of the Protocol and an assessment of its implementation by the States Parties. This presentation was complemented by that of another speaker who highlighted the provisions of the Protocol that already exist in Algerian legislation and have been strengthened and those that still need to be incorporated into a new legal framework.

III.Retreat on Results-Based Annual Work Planning 2022 ( 10-13 January 2022, virtual)

1.The objective of this retreat, which brought together members of the Commission and the Secretariat assisted by their colleague from the Strategic Planning Department of the African Union Commission, was to finalize the Commission's action plan for 2022 based on the objectives defined by the Commission's Strategic Plan for the 2021 to 2025 period; in particular, by adopting a results-based approach for greater impact of the Commission's action in the implementation of its mandate.

IV.Meeting on Ethics ( 15 February 2022, virtual)

2.As usual since its inception, we took part in the training on ethics in accordance with the guidelines of the African Union.

V.First Celebration of the International Women Judges Day (March 10, 2022, Algiers, Algeria)

3.On the occasion of the first international day of women judges, I was invited in my capacity as Vice-Chairperson and Commissioner of the ACHPR during which I was honored by the Algerian Minister of Justice, in my capacity as Professor at the École supérieure de la Magistrature since 2000, who has contributed to the training of several classes of magistrates.

4.Other prizes were also awarded to retired women magistrates, as well as to Mrs. Leila Zerrougui, a trained magistrate, former Special Representative of the United Nations Secretary-General for Children in Armed Conflict, and later Head of Monusco.

5.The International Women Judges Day was established by the United Nations General Assembly Resolution 75/274 and makes March 10 a day dedicated to the female judiciary. For better representation of women in the judiciary, from which they had been historically excluded in the past, for a more transparent, inclusive and representative judiciary for the people whose lives it affects.

VI.International Symposium on the Consent of African States to International Jurisdictions ( 21-22 March, La Somone, Senegal)

6.At the invitation of the Institute of Human Rights and Peace of the Cheikh Anta Diop University of Dakar, and in partnership with the regional office on the rule of law of the Konrad Adenauer Foundation, I was invited with the Chairperson of the Commission to take part in this symposium during which I made a presentation on the "follow-up to the ACHPR recommendations". This meeting provided the opportunity to initiate a reflection on the status of the expression of consent of African States to international and regional jurisdictions.

7.This deciphering of the consent of African States allowed many speakers to express different points of view and analyses on the relationship between the commitment of African States and the protection of the populations' interests.

V.Meeting on the Tigray Commission of Inquiry (22 January 2022 virtual).

8. During this inter-session period I took part in the work of the Commission of Inquiry on Tigray, including the hearings of witnesses and victims who requested to be heard by the Commission of Inquiry.

VII.70th Ordinary Session (23 February to 9 March 2022), virtual, zoom

9.During this session, the Commission considered and adopted a number of documents. The details of this session are contained in the final communiqué adopted on 9 March 2022 to mark the end of the session's proceedings.

VIII.35th Extraordinary Session (4 April 2022), virtual, zoom

10.Au During this session, the Commission discussed the complementary relationship between the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights and the pending applications for Observer Status. It also considered various issues that were left pending during the 70th Ordinary Session of the Commission.

**ACTIVITIES CARRIED OUT AS COMMISSIONER, MEMBER OF THE COMMISSION'S WORKING GROUPS**

## **A.ACTIVITIES AS MEMBER OF THE WORKING GROUP ON THE DEATH PENALTY AND EXTRAJUDICIAL, SUMMARY OR ARBITRARY KILLINGS AND ENFORCED DISAPPEARANCES IN AFRICA QUE**

I.Virtual Meeting of the Working Group (17 February 2022, virtual)

11.During this meeting, members of the Working Group discussed the different axes of the Working Group's mandate and developed a work plan for 2022.

II.Meeting with Working Group partners (10 March 2022, virtual)

12.The purpose of this meeting was to determine the actions that the Working Group could take in collaboration with its partners

III.Second Workshop to Validate the Guidelines on the Protection of All Persons from Enforced Disappearance in Africa (6-7 April, Banjul, Gambia)

13.The Workshop was organized as part of the implementation of Resolution ACHPR/Res. 448 (LXVI) 2020, adopted by the Commission at its 66th Ordinary Session held virtually from 13 July to 7 August 2020, which mandated the Working Group to draft Guidelines on the Protection of All Persons from Enforced Disappearance in Africa (the Guidelines). During this workshop, the revised draft Guidelines were discussed by the Working Group for finalization by the experts before their presentation to the Commission for consideration and adoption.

14.Further details on the above activities can be found in the report of the Honourable Commissioner Idrissa Sow, Chair of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings and Enforced Disappearances in Africa.

IV.First Consultation Meeting with the Institute of Human Rights and Peace of the Cheikh Anta Diop University of Dakar ( 8 April 2022, Banjul, The Gambia)

15.The purpose of this meeting was to reflect on the approach to addressing the issue of extra-judicial summary and arbitrary killings in Africa in order to develop a study and guidelines.

## **B.ACTIVITIES AS A MEMBER OF THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AFRICA**

I.Meeting of the drafting committee for the Standard Operating Procedures (SOP) on torture (17 and 18 December 2021, Tunis, Tunisia)

16.This meeting was a follow-up to the Zanzibar meeting held in October 2021. It was attended by CPTA members as well as experts from OMCT, REDRESS, IRCT and FIACAT with a view to finalizing the drafting of standard operating procedures on the prevention and monitoring of torture in Africa.

II.First Annual CPTA Meeting ( 18 March 2022, virtual)

17.I participated in this meeting to determine this year's theme and the activities of the annual work plan that will be developed in 2022;

18.Further details on the above activities can be found in the Report of the Honorable Commissioner Hatem, Chairperson of the Committee for the Prevention of Torture in Africa.

III.Launch of the Redress Report and the Convention Against Torture (CAT) Initiative (1 April 2022, virtual)

19.The event was entitled "Towards the Prevention and Eradication of Torture in Africa (Common Law)", to launch a report on standards against torture in Africa, highlighting existing good practices and legislative and regulatory provisions to combat torture, taking as an example eight (08) African States of Common Law traditions.

20.At the invitation of the two partners, our participation consisted in intervening to deliver the concluding remarks of the event and to accompany them with some recommendations likely to foster the protection against torture and other ill-treatment.

## **PROTECTION ACTIVITIES**

I.Press releases, urgent appeals and congratulatory letters

21.Within the framework of the implementation of the protection mandate devolved to me as Country Rapporteur and Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, I undertook the following actions:

22.In my capacity as Commissioner in charge of the human rights situation in the Islamic Republic of Mauritania, I sent a Note Verbale seeking authorization to conduct a follow-up mission on the implementation of the recommendations made to the State in its periodic report and those of the December 2016 promotion mission.

23.In my capacity as Special Rapporteur I issued press releases :  
-Press release on the killings of internally displaced persons in the eastern region of the Democratic Republic of Congo,  
-Press release on the situation of asylum seekers and migrants in Tunisia.

24.I also sent letters of congratulations to the following States:  
-Kenya for the promulgation of the new Refugee Act.  
-Senegal for the adoption of the law on the status of refugees and stateless persons, and  
-Ethiopia for undertaking the repatriation of its nationals in precarious situation in Saudi Arabia.

## **ACTIVITIES CARRIED OUT AS SPECIAL RAPPORTEUR ON REFUGEES, ASYLUM SEEKERS, INTERNALLY DISPLACED PERSONS AND MIGRANTS IN AFRICA**

I.First Meeting of the Expert Consortium for the Study of African Responses to the Issue of Migrants and the Protection of Migrants in Africa and the Development of African Guidelines on the Human Rights of All Migrants. ( 27 November 2021, virtual)

25.This meeting was organized within the framework of the implementation of the study project on African responses to the issue of migrants and the protection of migrants in Africa; and the development of African guidelines on the human rights of all migrants in Africa.

26.During this meeting, the expected objectives, the development of a research and drafting plan for the study and guidelines were discussed, in order to finalize the project in time and also pursue the advocacy for the inclusion of the guidelines in African legislations. This activity is funded by the European Union (EU) under the EU/AGA 2021-2023 support project.

II.Second Meeting of the Expert Consortium for the Study of African Responses to the Issue of Migrants and the Protection of Migrants in Africa and the Development of African Guiding Principles on the Human Rights of All Migrants and Methodological Conference (14 February 2022, Virtual)

27.This second meeting of the consortium focused on the methodology to be used in order to move forward with the implementation of the project and in light of several interventions by the

expert members of the consortium, at the previous meeting a revised concept note was proposed, the drafting plan was also discussed and experts in charge of conducting this stage were identified. They were asked to propose a plan for the study for discussion at the subsequent meetings

28. With respect to the guidelines, it was proposed that they be based on those developed in the Latin American region by the Inter-American Commission, but taking into account the African context and specificities.

29. These two main meetings were followed by various meetings in small groups with those responsible for drafting the study.

III. Meeting with the UNHCR Representative of the MENA Region ( 27 February 2022, Algiers, Algeria)

30. At the invitation of the UNHCR representative (Algiers Office), we met with the UNHCR representative for the MENA region who was visiting Algeria. At this meeting we discussed the issue of refugees and IDPs in Africa and the MENA region as well as matters of common interest.

IV. Webinar on Missing Migrants organized by ICRC (Geneva, 9 March 2022, virtual)

31. We took part in a webinar organized by the ICRC (Geneva) on the theme: "Preventing and resolving cases of missing migrants, responding to the needs of their families through the Global Compact on Migration". This online dialogue on missing migrants was attended by actors who attempted to answer a number of questions on the phenomenon of missing migrants during their migratory journeys on land or at sea. While recalling Objective number 8 of the Global Compact on Migration (GPM), which enshrines the requirement to save lives and implement international action to find missing migrants.

32. We reviewed the situation in Africa and highlighted the adoption by the ACHPR of Resolution 486/21 on migrants and refugees in Africa and the impact on their families. This dialogue should strengthen the discussions to be held at the International Migration Review in New York in May 2022, and ensure that the upcoming UN General Assembly Resolution, once adopted, will prioritize the issue of missing migrants.

V. First Meeting of the Expert Group on the Protection of Internally Displaced Persons (14 March 2022, virtual)

33. This meeting was held at the initiative of the UN Special Rapporteur on Internally Displaced Persons, Ms. Cecilia Jimenez, and was attended by former Special Rapporteurs and experts.

34. We joined the advisory group of the Group of Experts on the Protection of Internally Displaced Persons, which was established jointly at the global level by the UNHCR and the Global Protection Cluster.

35. The group's objective is to provide country teams (UNCTs) and humanitarian country teams (HCTs) with high-level information on the protection of IDPs and advice on international responses and to support national policies for the management of internal displacement.

36. This meeting is intended to create a framework to reflect on the issue of forced internal displacement, which is increasingly taking precedence over traditional displacement (from one country to another) and which weighs heavily on the States concerned, particularly with climate change, which is causing an increase in internal displacement.



VI.Roundtable on "Migration and Human Rights in Africa", (31 March 2022), virtual

37.Organized in collaboration with the Danish Institute for Human Rights with my mandate and that of the Special Rapporteur on prisons, conditions of detention and policing in Africa, this roundtable follows the one organized in November 2021 in connection with the preparation of a study on migration and human rights in Africa.

38.This study is a follow-up to the pilot study conducted on Niger under ACHPR Resolution 404 (LXII) 2018 (Resolution 404) on the need to undertake a study on human rights violations against migrants. And which focused on the human rights violations of West African migrants who pass through Niger on their way to North Africa and even Europe. Adopted and officially launched by the Commission during the 65th Ordinary Session, held from 21 October to 10 November 2019. It has helped to identify avenues of reflection for the conduct of a more comprehensive study affecting the various regions of Africa. This first experience also provided practical guidance on how to effectively conduct a more comprehensive study.

39.With this in mind, roundtable discussions were held for the West and North African sub-regions and another for the Central, West and North African regions. The purpose of these roundtable discussions was to identify relevant themes to better guide the overall study.

40.However, a negative observation was made concerning the low participation of the States in the two round tables.

#### **STATUS OF RATIFICATION OF THE AFRICAN UNION CONVENTION ON THE PROTECTION AND ASSISTANCE TO DISPLACED PERSONS IN AFRICA**

41.The African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) has been ratified by two new countries: the Democratic Republic of Congo and the Federal Republic of Ethiopia. We congratulate these two countries for depositing their instruments of ratification with the African Union.

42.To date, only thirty-one (33) countries have ratified the Convention, namely the Republics of:

-Angola, Benin, Burkina Faso, Cameroon, Congo, Côte d'Ivoire, Djibouti, Eswatini, Ethiopia, Gabon, The Gambia, Guinea Bissau, Equatorial Guinea, Lesotho, Liberia, Mali, Malawi, Mauritania, Mozambique, Nigeria, Niger, Rwanda, Sahrawi Arab Democratic Republic, Central African Republic, Sierra Leone, South Sudan, Somalia, Chad, Togo, Uganda, Zambia and Zimbabwe.

43. Fifteen (11) countries have only signed it, namely: -Burundi, Comoros, Eritrea, Ghana, Guinea-Conakry, Madagascar, Namibia, Senegal, Sao Tome and Principe, Tanzania, and Tunisia.

44.Finally, eleven (11) countries have still not signed or ratified the Convention. These countries are :

-Algeria, Botswana, Cape Verde, Egypt, Kenya, Libya, Mauritius, South Africa, the Kingdom of Morocco and Seychelles and Sudan.

45.We would like to point out that to date only the Republic of Cameroon has submitted its initial report under Article 14 (4) of the Kampala Convention.

#### **ANALYSIS OF THE HUMAN RIGHTS SITUATION IN LIBYA, MAURITANIA, NIGER, SENEGAL AND TUNISIA.**

Libya

46. The situation in Libya remains unstable with political polarization, but there are some positive developments:  
-Positive developments in the dialogue between Libyans  
-A decrease in the number of internally displaced persons (IDPs) in Libya between the end of 2021 and 5 March 2022. [<https://news.un.org/fr/story/2022/03/1116502>]

47. The human rights situation is still a concern:  
-Incidents of election-related violence and attacks based on political affiliation,  
-Large numbers of migrants and refugees attempting to cross the Mediterranean Sea and returned to Libya continued to be detained in inhumane and degrading conditions with limited humanitarian assistance.  
-The disappearance of many people while others are placed in extremely vulnerable situations in remote areas of the Sahara Desert without adequate food, water, security, and medical care  
-The increase in hate speech, defamation and threats, as well as incitement to violence and acts of violence against activists, journalists, and political actors, including women.  
-Arbitrary detention of human rights activists by State and non-State actors.

48. The United Nations Secretary-General submitted his report on January 17, 2022, pursuant to Security Council resolutions [ 2510 (2020), 2542 (2020), 2570 (2021) and 2599 (2021)] on political, economic, and security developments in Libya. The report also provides an overview of the humanitarian and human rights situation in the country and the activities of the United Nations Support Mission in Libya (UNSMIL).

49. The UN Human Rights Council held its dialogue with the Independent Fact-Finding Mission on Libya on 30 March 2022, at which the Chairperson of the mission presented a report. Among other things, Mr. Auajjar reported that the Mission was able to make its first ever visit to Benghazi and hopes to visit southern Libya soon.

50. The Fact-Finding Mission's report indicates that credible and reliable evidence covering numerous human rights violations and abuses, violations of international humanitarian law and international crimes, committed in Libya since 2016, has been found. The Mission continued to focus its investigations on the most serious violations of international humanitarian and human rights law, and concentrated on violations that impede the transition to democracy and the rule of law in Libya

51. We encourage political dialogue for peace and stability, and we recommend that the Libyan authorities ensure that the rights guaranteed in the African Charter are respected for all persons on its territory without exception.

52. We recall that the African Commission is still awaiting the facilitation of a visit to the State of Libya.

53. We call on the African Union to redouble its assistance to Libya for the return of lasting peace and stability.

Mauritania

54. Some positive points to note:

-Mauritania's judiciary agreed on health grounds to release under judicial supervision former President Mohamed Ould Abdel Aziz, who had fallen into disgrace and had been incarcerated for several months in an alleged corruption case, the Ministry of Justice announced.  
-The organization in March 2022 of a workshop on slavery under the theme: "Making the fight against slavery a common and consensual fight" in the G5 Sahel. This workshop was organized at the initiative of NGOs from G5 Sahel member countries, which includes five states: Mauritania, Mali, Niger, Chad and Burkina Faso.  
-- The legalization of the Initiative for the Resurgence of the Anti-Slavery Struggle (IRA),



Mauritania's main anti-slavery NGO, in early January by Mauritanian authorities after years of banishment by successive regimes.

39 While the legal arsenal on the issue of slavery has been successfully completed, its effective application by the judiciary is still proving difficult.  
40 We reiterate our request for authorization to undertake a visit to follow up on the implementation of the recommendations of the last periodic report submitted by Mauritania in 2017 as well as those of the December 2016 promotion mission.  
41 We encourage the authorities to pursue the efforts undertaken to ensure synergy between the texts and the actual situation and to put an end to slavery and its aftermath in Mauritania.

#### Niger

43. The positive points are as follows:  
-The establishment of a dialogue between public authorities and civil society to find ways to consolidate social cohesion in the face of terrorism.  
-The establishment of a policy of refugee inclusion, through the provision of life-saving assistance to thousands of people evacuated from Libya through the emergency transit mechanism and the reception of stranded migrants waiting to return home.

44. The negative points are still linked to the security situation, which continues to give cause for concern, due to the incessant terrorist attacks that cause large-scale population displacements, and the lack of effective protection of the camps for displaced persons, all of which has a considerable impact on the humanitarian situation.

45. There are also various allegations relating to:  
-Enforced disappearances allegedly committed by agents of the Defense and Security Forces in the context of the conflict."  
-The detention of certain persons in police custody or in pre-trial detention in secret locations.

46. Nous We recommend that Niger ensure that measures taken to combat terrorism comply fully with the African Commission's Principles and Guidelines on Human and Peoples' Rights in the Fight against Terrorism in Africa and guarantee the right of all victims of enforced disappearance to justice, truth, and reparation.

47. We also call on the African Union to assist Niger with regard to the humanitarian situation, particularly with the threat of famine, and to provide support in managing the flow of migrants, for whom Niger is one of the main migration routes.

#### Senegal

48. The human rights situation in Senegal has been fairly stable during this intersession period, with one major positive point being the adoption of the bill on refugees and stateless persons, for which we sent a letter of congratulations, which will improve the situation of stateless persons.

49. However, there are still some negative points:  
-The Family Code still contains texts that violate the rights of women and girls despite Senegal's ratification of the Maputo Protocol without reservation. For example, the age of marriage for girls is set at 16 instead of 18 as recommended by the Protocol, only men are authorized to establish administrative documents for children, they also have the choice of not recognizing their children, and the search for paternity is forbidden. Moreover, there is no survivor's pension for the family of a retired woman after her death, neither for her husband nor for her minor children.  
-In addition, despite the existence of a 2005 law to combat forced begging and child trafficking

and a 2018 bill to modernize Koranic education, hundreds of thousands of Koranic school students continued to be forced to beg for their livelihood.

50. We encourage Senegal to pursue its efforts to protect refugees and stateless persons and to take the necessary steps for the rapid implementation of the new law, including by expediting the process of issuing identity documents to stateless persons.

51. We also encourage Senegal to take the necessary steps to ensure that the Family Code is in compliance with the Maputo Protocol.

52. Finally, we recommend that efforts be redoubled to protect children by ensuring strict supervision of Koranic schools.

Tunisia

53. Tunisia is experiencing institutional instability, which has a certain impact on the enjoyment of human rights, and the following negative points can be noted

- A gradual deterioration of the human rights situation with the arrest of two opponents, including MP Nouredine Bhiri.
- New restrictions on civil society organizations, including 13 Tunisian and international human rights organizations,
- The dissolution of the Tunisian Parliament by the President on 30 March 2022;
- The dissolution of the Superior Council of the Magistracy (CSM) and its replacement by another provisional CSM created by a decree-law.
- The situation of asylum seekers and migrants is becoming increasingly precarious.

54. We call on the Tunisian authorities to ensure that the rights guaranteed by the African Charter are protected and respected for all Tunisians and all people living and working on Tunisian territory.

#### **ANALYSIS OF THE SITUATION OF REFUGEES, ASYLUM SEEKERS, DISPLACED PERSONS AND MIGRANTS DURING THE INTERSESSION PERIOD**

55. The situation of refugees, asylum seekers, internally displaced persons and migrants still requires a lot of attention. Some progress has been made, including :

- The adoption of a law on refugees and stateless persons by Senegal,
- The repatriation by Ethiopia of its nationals living in degrading conditions in Saudi Arabia

56. Other measures adopted by certain States give rise to fears of a progressive deterioration of the rights of asylum seekers, namely:

- The agreement between the United Kingdom and Rwanda, which provides that migrants or asylum seekers who have arrived illegally in the United Kingdom will be sent to Rwanda.
- This agreement has inspired other countries, such as Denmark, where in June 2021 the Parliament adopted a bill allowing migrants seeking asylum to be sent to a country outside Europe and acting as a subcontractor. The text has not yet materialized into an agreement with a country to make this possibility a reality. But the idea is still on the table, and a meeting is scheduled to take place soon between the Social Democratic Minister of Integration and party leaders in Parliament. Discussions are also underway with Rwanda.

57. The consequences of the Covid-19 pandemic are still being felt by refugees, asylum seekers, migrants and stateless persons, who have to pay a high price for the budgetary restrictions due to the fight against the pandemic. In addition to this, the negative consequences of rising prices are having a disastrous impact on these vulnerable populations.

58. There is a growing stigma attached to displaced persons who are often considered or treated only as recipients of assistance, whereas they should be able to exercise their fundamental rights and be involved in decisions aimed at finding a solution to their situation, particularly peace processes in cases of displacement due to conflict or reconstruction projects and policies in cases of displacement due to the climate crisis.

#### Refugees

-The sharp increase in the cost of food and fuel, as well as the increase in displacement caused by conflicts and the climate crisis, especially the floods and droughts that are becoming more frequent, has severely impacted many countries. This is the case of Ethiopia, Kenya, Somalia, South Sudan and Sudan.

-On the recommendation of the United Nations High Commissioner for Refugees (UNHCR), the termination of refugee status for Ivorian nationals will take effect on 30 June 2022. UNHCR has recommended that States hosting Ivorian refugees lift their refugee status and facilitate their voluntary repatriation, reintegration, acquisition of permanent residence, or naturalization for those who wish to remain in host countries.

-The political will displayed by the governments of Côte d'Ivoire, Ghana, Guinea, Liberia, Mali, Mauritania and Togo to implement a comprehensive roadmap to find solutions for Ivorian refugees.

-The number of refugees in the central Sahel countries of Burkina Faso, Mali, and Niger now stands at 410,000. The majority of refugees in the region have fled violence in Mali, the scene of a conflict that broke out in January 2012, the UN agency said.

-The situation in the Tigray region of Ethiopia continued to push thousands of people to flee to neighboring states, particularly Sudan, thus increasing the number of refugees in this region.

-The situation of Eritrean refugees who were in the Tigray region and were forced to flee due to the ongoing fighting.

Internally displaced persons

-Internally displaced persons

-The number of internally displaced persons (IDPs) continued to increase, with new IDPs reported.

-In Niger, the number of IDPs in the regions of Tillabéri and Tahoua has increased by 53 percent in the past 12 months;

-In Burkina Faso, the total number of IDPs increased to over 1.5 million by the end of 2021.

-In Mali, more than 400,000 people are internally displaced,

-Attacks on IDP camps in the Democratic Republic of Congo continue to increase the number of IDPs.

-The situation of IDPs in Tigray.

#### Migrants

-The situation of migrants is still a major concern with the inhumane treatment they have received in South Africa with the Dudula movements. Indeed two movements have targeted foreigners in this country, the Alexandra Township movement in Johannesburg, one of the poorest areas of the country, and the Dudula operation based in Soweto Township in Johannesburg. "Dudula" is a word in the Zulu language that means "to push back" or "to turn back". Both movements rightly or wrongly believe that foreigners are the cause of many of their difficulties ;

-The uncertain situation of migrants and asylum seekers in Tunisia ;

-The increase in human trafficking and enforced disappearances linked to migration; migration issue continues to be a major concern for the African Commission.

## Statelessness

- As migration and internal displacement increase, so does the risk of new cases of statelessness. African states should urgently take strong measures to eradicate statelessness on the continent, in particular by adopting the draft protocol on this issue.
- The delay in the adoption of the Protocol on specific aspects of nationality in Africa and the eradication of statelessness.

## RECOMMENDATIONS

59. The mandate calls on States Parties and other stakeholders to redouble their efforts to provide protection and assistance to refugees, asylum seekers, internally displaced persons, migrants and stateless persons in order to restore their dignity.

60. In this regard, I would like to reiterate the recommendations made in my previous reports, the majority of which are still valid, with the addition of some new recommendations, namely:

a) To the States Parties to the African Charter:

- Ensure that refugees have access to health programs and are integrated into the national response plans to the Covid-19 instituted in these countries in order to protect them in the same way as the rest of the population;
- Respect the principles of the Geneva Conventions and the OAU, which advocate the principle of non-refoulement to protect asylum seekers who are prevented from entering certain territories because of a health crisis;
- Facilitate the adoption of the Protocol on Specific Aspects of Nationality in Africa and the Eradication of Statelessness in the coming year to coincide with the 35th anniversary of the African Commission on Human and Peoples' Rights
- Strengthen assistance to States receiving large numbers of asylum seekers or refugees.

To all Member States

- Ratify the Protocol to the Treaty Establishing the African Economic Community on the Free Movement of Persons, the Right of Residence and the Right of Establishment
- To those who have not yet done so, ratify the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- Implement the objectives enshrined in the Global Compact on Refugees;
- Become more involved in the prevention of forced displacement of populations inside and outside their countries, regardless of the origin of the displacement (armed conflicts, climate change, major development projects, natural disasters, etc.); and protect them when prevention has failed;
- For those who have not yet done so, accelerate the process of ratifying the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa; and for those who have ratified it, ensure its domestication by drawing on the Plan of Action of the April 2017 Harare Conference of States Parties and the Model Law adopted by the African Union at the 30th Summit in January 2018;
- Operationalize the provisions of the Kampala Convention through policies and programs for IDPs and report on them in their periodic reports, in accordance with Article 14 paragraph 4 of the Convention;
- Organize a continental conference to celebrate and evaluate the 10 years of the entry into force of the Kampala Convention ;
- Engage in the implementation of the Global Compact for Safe, Orderly and Regular Migration;
- Facilitate access to vaccines against Covid-19 for all migrants in accordance with the guidance note adopted by the UN, African and Inter-American mechanisms ;

-Work towards an effective response to the challenges posed by the impact of climate change on forced displacement in Africa ;  
-Take measures to ensure the protection of their nationals abroad, as in the case of Ethiopia, and pay for their repatriation to their country.

b)To the African Union, we recommend:  
-Take steps to facilitate and finalize the process of adopting the draft Protocol to the African Charter on Human and Peoples' Rights on the specific aspects of the right to nationality and the eradication of statelessness in Africa.  
-Implement the African Common Position (ACP) on Humanitarian Effectiveness adopted in January 2016, during the Summit of Heads of State and Government and, in particular, the establishment of the African Humanitarian Agency.  
-Be in line with the perspective of global and regional governance of migration, particularly through the implementation of the Migration Policy Framework for Africa and its Action Plan,  
-Take into account the working conditions of African migrants in Gulf countries by ensuring that their States of origin or the African Union provide them with the necessary consular protection to which they are entitled.

c) To the United Nations High Commissioner for Refugees and other UN agencies and international organizations, we recommend:  
-Work upstream with States to find solutions to the situation of refugees and asylum seekers as well as internally displaced persons, and in particular long-term refugees;  
-Continue to support the mechanism in the implementation of its mandate;  
-Strengthen collaboration with the African Commission on Human and Peoples' Rights on issues of common interest, in accordance with the memorandum of understanding signed between the two institutions;  
-Continue to support us in our advocacy for the eradication of statelessness in Africa.

d)A l'endroit des acteurs de la Société civile et autres partenaires, nous recommandons de:  
-To civil society actors and other partners, we recommend  
-Continue to advocate for the ratification of the Kampala Convention;  
-Continue and intensify advocacy for the adoption of the Draft Protocol on Nationality and the Eradication of Statelessness;  
-Continue their work in the field to keep us informed about the situation of refugees, asylum seekers, IDPs and migrants;  
-Provide support and assistance to the Special Rapporteur to enable her to properly carry out her mandate.

e)To the African Commission on Human and Peoples' Rights, we recommend to :  
-Pursue efforts in the promotion and protection of refugees, asylum seekers; internally displaced persons and migrants and get involved in the campaign to eradicate statelessness launched by the Office of the United Nations High Commissioner for Refugees (UNHCR) for the 2014-2024 decade.

61.In conclusion, we would like to express our deep appreciation to all our partners, particularly the African Union Commission, the ICRC, the UNHCR and the IOM, for their continued support to our mechanism.

I thank you