

Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa - 73OS

Oct 28, 2022

INTRODUCTION

This Report, under Rule 64 of the Rules of Procedure of the African Commission on Human and Peoples' Rights (the Commission), gives an account of the human rights promotion and protection activities carried out during the intersession period with effect from the 71st Ordinary Session of the Commission held virtually from 21 April to 13 May 2022.

The report covers activities carried out in my capacity as Vice-Chairperson of the Commission, Commissioner, member of the Commission; member of the Working Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Executions and Enforced Disappearances in Africa; and member of the Committee on the Prevention of Torture in Africa.

I will then present the activities carried out under the mandate entrusted to me as Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa. This Mechanism was entrusted to me by Resolution ACHPR/Res.203 (L) 11 of the African Commission and subsequently by Resolutions ACHPR/Res.246 (LIV) 2013, ACHPR/Res.318(LVII) 2015, ACHPR/Res.379(LXI) 2017 and ACHPR/Res.450 (LXVI) 2020.

The report also includes 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 Resolution ACHPR/ Res. 482 (EXT.OS/ XXXII) 2021 of 7 May 2021.

The report also covers the status of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons, an analysis of the human rights situation in the countries under my responsibility, that is, the situation of refugees, asylum-seekers, internally displaced persons and migrants in Africa.

The conclusion takes the form of recommendations to the various stakeholders.

ACTIVITIES CARRIED OUT AS VICE-CHAIRPERSON OF THE COMMISSION

1. ***Participation in the meetings of the policy-making organs of the African Union, (20 June to 17 July 2022, Lusaka, Zambia)***
1. I took part in the various meetings of the policy-making organs of the African Union (AU), which were held both physically and virtually as follows:
 - 44th Ordinary Session of the Permanent Representatives Committee (PRC) (**20 June to 8 July 2022**) which was marked by the review of the Draft Agenda of the 41st Ordinary Session of the Executive Council and the preparations for the 4th Bi-annual Coordination Meeting (BCM) between Member States, the AU, the Regional Economic Communities and Regional Mechanisms scheduled to take place from 9 to 10 July 2022, as well as the consideration of the report of the 44th Ordinary Session of the PRC held on 11 July 2022 ;
 - 41st Ordinary Session of the Executive Council (**14-15 July 2022**) in Lusaka, Zambia;
 - 4th Bi-annual Coordination Meeting between Member States, the AU and the BCM (**17 July 2022**) in Lusaka, Zambia.

2. ***Signing Ceremony of the Framework for the Exchange of Personnel between the Commission, the African Committee of Experts on the Rights and Welfare of the Child (the Committee) and the African Court (16 July 2022, Lusaka, Zambia)***
2. In order to update the Framework for Staff Exchange, the African Court held a ***signing ceremony of*** the Framework Document on 16 July 2022, on the margins of the AU Mid-Year Summit in Lusaka, Zambia, which sealed the collaboration. The ceremony was attended by the political and technical heads of the three organs, as well as the staff of the Secretariat of the Commission and the Registry of the African Court.
3. Details of these meetings are contained in the report of the Chairperson of the Commission, **the Honourable Remy Ngoy Lumbu**.
3. ***Meetings of the Bureau, (Virtual)***
4. Following the institutionalisation of monthly Bureau meetings with the Executive Secretary, I participated in various meetings of the Bureau of the Commission to discuss the activities of the Commission as well as other matters requiring the guidance of the Bureau.

ACTIVITIES CARRIED OUT AS A COMMISSIONER, MEMBER OF THE COMMISSION

1. ***28th Session of the Annual Meeting of Special Rapporteurs of the Office of the United Nations High Commissioner for Human Rights (8 June 2022, virtual)***
5. I attended the meeting in my dual capacity as Vice Chairperson and Focal Point on the Addis Ababa Roadmap, to present and discuss the Addis Ababa Roadmap and the relationship between the ACHPR and the Office of the United Nations High Commissioner for Human Rights. This meeting served to inform the new mandate holders of the Mechanisms of the African Commission on Human and Peoples' Rights as part of the Tenth (10th) anniversary celebration of the Roadmap
2. ***31st Christof Heyns African Human Rights Moot Court Competition, British University in Egypt, 25 - 30 July 2022 (Cairo, Egypt)***
6. I took part in the 31st African Human Rights Moot Court Competition, organised by the Human Rights Centre at the University of Pretoria, as a Judge. The final of this Moot Court Competition was held at the British University -Faculty of Law. The hypothetical case dealt with issues of Internet intermediary liability in addition to climate change and human trafficking.
3. ***72nd Ordinary Session (19 July to 2 August 2022), virtual, zoom meeting***
7. During this session, the Commission proceeded to the consideration and adoption of a number of documents, the details of which are contained in the Final Communiqué adopted on 2 August 2022 heralding the end of aforementioned session.
4. ***Working Meeting with our Counterparts of the Office of the United Nations High Commissioner for Human Rights to prepare the Joint Panels to be held during the 73rd Ordinary Session of the Commission (6 September 2022, virtual)***
8. During this meeting, which was held with Ms. Federica Donati, Head of the Sustainable Human Development Section of the Directorate of Special Procedures, and Mr. Clément Voulé, Special Rapporteur on Freedom of Association, we discussed the two items on the Panel dedicated to the next decade of the Addis Ababa Roadmap as well as the possibility of organizing a private session between the Commissioners and the UN

Special Rapporteurs who will attend the session. It should be noted that such a session has been organized several times in the past.

9. This meeting enabled the Commissioners responsible for the Special Mechanisms of the Commission to share viewpoints with their various UN counterparts on possible collaborations or to follow up on ongoing joint activities.
10. This meeting was the moment for discussions on various items, particularly, on the momentum and challenges of implementing the Addis Ababa Roadmap and a projection for the coming years. Our attention was attracted by a lot of issues and they showed the interest that the mandate holders have in further deepening the relations between the ACHPR and the Office of the High Commissioner for Human Rights.
11. An urgent meeting to consider the situation of African migrants in Melilla, in the aftermath of the events that occurred in the Spanish enclave on 29th June, 2022.
12. Implementation of the Committee responsible for organising the festivities relating to the commemoration of the 35th Anniversary of the establishment of the ACHPR.
5. ***Conference at the Ecole Nationale d'Administration, on 9 June, 2022- Algiers (Algeria)***
13. As part of the cycle of annual conferences organised by the ENA for students, I had the honour to be invited high-ranking to deliver a lecture on the African Human Rights System with a specific focus on the ACHPR, its achievements and the challenges confronting it.
14. The audience was made up of top civil servants, high-ranking public personalities (from all sectors) were enlightened about the existence of African Mechanisms for the Promotion and Protection of Human Rights in Africa. This Conference formed part of the commemoration of the 35th Anniversary of the ACHPR.

ACTIVITIES CARRIED OUT IN MY CAPACITY AS COMMISSIONER, MEMBER OF THE COMMISSION'S WORKING GROUPS

1. **ACTIVITIES AS A MEMBER OF THE COMMITTEE FOR THE PREVENTION OF TORTURE IN AFRICA**
 1. ***Regional workshop to validate the Standard Operating Procedures (SOPs) of the Alert and Reporting Mechanism to the ACHPR on the situation of torture and related acts of the CPTA. (27 to 29 May, Abidjan, Côte d'Ivoire)***

15. I took part in this regional workshop whose main objective was to validate the rules referred to as the "Abidjan Rules" on the standard operating procedures of the alert and reporting mechanism to the ACHPR on the situation of torture and related acts of the CPTA.

16. The meeting was also attended by various invited Experts who are members of the Working Group as well as the staff of the Secretariat. The details of the workshop can be found in the report of the Honourable Commissioner Hatem Essaiem.
2. **ACTIVITIES AS A MEMBER OF THE WORKING GROUP ON THE DEATH PENALTY AND EXTRAJUDICIAL, SUMMARY OR ARBITRARY EXECUTIONS AND ENFORCED DISAPPEARANCES IN AFRICA**

II. Dialogue with the European Parliamentary Sub-Committee on Human Rights (16 May 2022, Virtual)

17. In my capacity as the Vice-Chairperson of the Working Group on the Death Penalty, Extrajudicial, Summary or Arbitrary Executions or Enforced Disappearances, I took part in a discussion on the Death Penalty in Africa with the European Parliamentary Sub-Committee on Human Rights. During the aforementioned discussion, I drew up a table on the current situation of the death penalty by highlighting the abolitionist States, on the one hand and those applying the moratorium, on the other hand. I also indicated that a lot of progress had been achieved in this thematic area.

PROTECTION ACTIVITIES

1. ***Press releases, urgent appeals and congratulatory letters***
18. 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 have carried out the following actions.
19. In my capacity as Special Rapporteur I have taken the following actions:
 - ***Urgent call***
 - Urgent appeal to the following countries regarding cases of refugee rights' violations: Senegal, Niger and Libya
 - ***Statement and press release***
 - Joint statement with various Special Rapporteurs and Independent Experts of the United Nations and regional human rights institutions on the occasion of World Day Against Trafficking in Persons
 - Press Release by the African Commission on the situation of migrants in Melilla, Morocco
 - ***Letter of Congratulations***
 - To Senegal for the progress made in the area of parity in Senegal following the last legislative elections, in conjunction with the Special Rapporteur on the Rights of Women in Africa, Commissioner Janet Ramatoulie Sallah-Njie,
 - To Ethiopia for its efforts in the peace process, together with Commissioners Mudford Mwandenga, Rapporteur on Ethiopia, and Idrissa Sow, Chair of the Working Group on the Death Penalty, Extrajudicial Executions and Enforced Disappearances in Africa

ACTIVITIES CARRIED OUT AS

SPECIAL RAPPORTEUR ON REFUGEES, ASYLUM SEEKERS, INTERNALLY DISPLACED PERSONS AND MIGRANTS IN AFRICA

1. ***Colloquium at the Catholic University of Leuven (9-10 May 2022, Belgium)***
20. The theme of the deliberations at this Colloquium was: "The Time of Territories", focused on the issue of migration vis-à-vis the Law and territories, with a search for a balance between the resurgence of sovereignty to the detriment of persons and to the limitation of their rights.
21. The Colloquium brought together many Legal Experts on Immigration, reflecting a crossed analysis of several regional spaces on immigration. My contribution centred on the overall theme of migration and the related challenges, the example of the African Union.

2. ***Regional Meeting of the HCR (Algiers Office) and MENA Region: Issue of Statelessness (17-18 May, 2022, Algiers, Algeria)***

22. The meeting was organised by the Regional Office of the UNHCR (MENA), and it focused on the issue of Statelessness in North Africa and the Middle East. The purpose of the meeting was to discuss the issue of statelessness in relation to recent progress made and the challenges encountered through various country and sub-regional experiences.
23. The discussions focused on the management of cases of statelessness vis-à-vis the legal provisions governing nationality in several countries of the region.
24. By identifying the priority issues in the MENA region, we talked about: the prevention of statelessness, the ratification of two Conventions on Statelessness, birth registration and issuance of identity documents and suggestions were made regarding the subsequent stages by drawing inspiration from practices and positions on the African continent. We also recalled the dynamic of the HCR 2020-2024 Plan on: Ending Statelessness.

3. ***North and West Africa Inter-State Meeting to develop a joint approach on missing migrants along migration routes (24-26 May, Tunis, Tunisia)***

25. At the invitation of the ICRC, I co-chaired this meeting, which had as one of its objectives to bring together States and various stakeholders in the region to discuss and identify steps towards greater and more effective collaboration on the issue of missing migrants. It also provided an opportunity to raise awareness among stakeholders on the issue of missing migrants and its various dimensions, including the effects on families.
26. The meeting also identified mechanisms or procedures already in place at the national level that can be considered as good practices in the prevention, tracing of missing migrants and supporting their families.
27. The mapping of the mandates and roles of the various regional and national agencies was carried out with a view to coordinating and optimising strengths, as well as developing an agenda of concrete actions to be undertaken by the participating stakeholders.
28. It was attended by senior technical representatives of West and North African countries, African regional organisations such as the ACHPR, ECOWAS, AFRIPOL, the African Migration Observatory, the African Centre for Migration Studies and Research and the Arab League, as well as international organisations and experts from the IOM, UNHCR, the Mixed Migration Secretariat and the Regional Conference on Migration (America)

4. ***Intervention during the Global Class Room, Human Rights Centre, University of Pretoria (30 May 2022)***

29. I recorded a video as part of the Master's Programme on Human Rights and Democratization in Africa, which is an integral part of the Global Campus for Human Rights programmes for selected students from all Master's programmes around the world.
30. The presentation consisted in giving a general overview of the problem of IDPs in Africa. It provided an opportunity to discuss the Kampala Convention, the progress achieved in its implementation by the 33 States Parties; and the issue of challenges faced and problems encountered vis-à-vis the humanitarian situation of IDPs and the search for long-lasting solutions.

5. ***Meeting with the Danish Institute on the status of the migration study (17 June 2022, Virtual)***

31. The purpose of the meeting was to review the timetable for the regional study on migration that we are conducting with the Danish Institute and AFCOF, in view of the implementation of the mandate given to us by Resolution ACHPR/RES.404 (LXII) 18, to prepare a study on violations of the human rights of migrants. The purpose of the meeting was to revise the timetable with the inclusion of a new objective, which is the impact of law enforcement on the human rights of asylum seekers, refugees and migrants in Africa. This is to enable the project to be finalised by the second half of 2023.

6. ***Regional Workshop on Climate Change and Migration in the Sahel (28 June 2022, Dakar, Senegal)***

32. This workshop, whose main theme was: Link between Migration, Human Rights and Climate Change in the Sahel region was organized by the West Africa Regional Office of the United Nations High Commissioner for Human Rights, as part of the brainstorming on climate change and migration issues in the Sahel region, particularly, by implementing a project in the Sahel region, focusing on Mauritania, Nigeria and Niger. The project aims, among others, to identify the protection gaps faced by communities affected by climate change and migration and to strengthen the capacity of local, national and regional stakeholders to identify measures to ensure that their rights are respected.

33. The objectives of the workshop included raising awareness and broadening understanding of the link between climate change, migration and human rights in the Sahel. To highlight the impacts of climate change on the human rights of Sahelian populations and communities and to specifically examine the interactions with the migration phenomenon in the region. Specific case studies will be drawn from the CLIMIS pilot countries (Mauritania, Niger and Nigeria).

34. It also provided an opportunity to explore the applicable international and regional human rights legal framework, which establishes the obligation of States to respect, protect, promote and fulfil the rights of individuals and communities in this specific context, and to identify the existing international framework that addresses the link between climate change and migration.

35. This workshop provided a platform for discussion on the importance of local, inclusive and people-centred solutions and a human rights-based approach to climate action and responses to the challenges of climate change-induced migration.

7. ***AUC-ICRC High Level Dialogue on Separated and Deceased Missing Migrants (30 August 2022, Virtual)***

36. Organized jointly for the first time by the AUC and the ICRC, this high-level dialogue was attended by Her Excellency Minata Samaté Cessouma, Commissioner for Health, Humanitarian Affairs and Social Development.

37. Our intervention focused on Resolution 486 adopted by the Commission which, for the first time, addressed the issue of missing migrants and the consequences for their families. The analysis of the latter issues calls into question its implementation and its reappropriation by the States concerned by this subject, for even in the absence of any binding African or national policy on missing migrants, it is important, in view of the tragedy faced by migrants who disappear at sea or during their migratory journeys, to

reconsider a human rights-based approach, in order to address the issue of missing migrants.

38. We encouraged the States of origin, transit or destination to adopt adequate measures to dismantle the networks of smugglers who are the source of these tragedies and above all to be able to put in place communication and awareness-raising strategies for the populations, to promote inter-State and sub-regional cooperation and to propose to the African Union to adopt a common African position on missing migrants.
39. The meeting was a hybrid one, and since I was unable to travel to Addis Ababa where it was being held, I made all my interventions virtually.
8. ***Meeting of the Expert Consortium for the Study of African Responses to the Issue of Migrants and Protection of Migrants in Africa and the Development of African Guidelines on the Human Rights of all Migrants and Methodological Conference (14-15 October 2022, Banjul, The Gambia)***
40. This meeting which follows the previous meetings organized on 27 November 2021 and 14 February 2022 respectively, within the framework of the project, was an opportunity for the members of the consortium of experts to work on the first draft of the two documents produced by the consultants namely, the study on the assessment of African responses to migration based on a human rights approach and the drafting of the Guiding Principles on the rights of migrants in Africa.
41. During the meeting, the Experts made additions and corrections and adjusted the working schedule with a view to finalizing the drafts as soon as possible. It should be noted that these two documents will not only provide a solid foundation for the future work of the Commission in protecting migrants on our continent, but it will also help States in future discussions on strengthening the existing legal framework on the issue of migration in Africa.

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

42. During this intersession period, no new ratifications were registered concerning the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).
43. To date, thirty-one (31) countries have ratified it, namely the Republics of:
 - ***Angola, Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Gambia, Guinea Bissau, Lesotho, Liberia, Mali, Malawi, Mauritania, Mozambique, Nigeria, Niger, Rwanda, Sierra Leone, South Sudan, Somalia, Togo, Uganda, Zambia and Zimbabwe.***
44. Eleven (11) countries that have only signed it, namely:
 - ***Burundi, Comoros, Eritrea, Ghana, Guinea-Conakry, Madagascar, Namibia, Senegal, Sao Tome and Principe, Tanzania, and Tunisia.***
45. Eleven (11) countries have still not signed or ratified it. They include:
 - ***Algeria, Botswana, Cape Verde, Egypt, Kenya, Libya, Mauritius, South Africa, Kingdom of Morocco and Seychelles and Sudan.***

46. We wish 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 COUNTRIES MONITORED AS COUNTRY RAPPORTEUR

LIBYA, MAURITANIA, NIGER, SENEGAL AND TUNISIA.

Libya

47. The situation in Libya remains worrying and uncertain with the political polarization. However, some positive elements can be highlighted and they include:
- The broad consensus reached by the parties on most of the contentious Articles of the 2017 Draft Constitution;
 - The launch on 23 June of the strategic vision of the Presidential Council's National Reconciliation Project,
 - The resumption of the activities of the 5+5 Joint Military Commission on Libya.
48. The political situation, and hence the human rights situation, remains a matter of concern:
- The impasse in the political process, now coupled with an energy and food crisis, is causing a lot of frustration among the population.
 - The persistence of the clashes, which occur against a backdrop of chronic insecurity marked by recurrent fighting between armed groups at a time when the country is going through a serious political crisis, and which have resulted in several deaths and injuries (about 35 injured and more than 160 dead) between July and October 2022.
49. We hope that the appointment of Mr. Abdoulaye Bathily as the new UN envoy in Libya will allow the deadlock to be broken as soon as possible to enable the population to regain the peace and stability to which they rightfully aspire.
50. We recall that the African Commission is still waiting for the facilitation of a visit to the State of Libya.
51. We call on the African Union to redouble its assistance to Libya for the return of lasting peace and stability.

Mauritania

52. Despite a legal arsenal developed on the subject of slavery, the courts are still struggling to ensure effective enforcement of related laws aimed at completely eradicating this practice.
53. We reiterate our request for authorisation to carry out 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 promotion mission carried out in December 2016.

Niger

54. We encourage the authorities to continue with the efforts made to ensure synergy between the legal instruments and the realities on the ground and to put an end to slavery and its aftereffects in Mauritania.

55. On 15 June 2022, the National Assembly of Niger adopted the law establishing the rights and duties of human rights defenders in Niger, making it the fourth African State to adopt such a law.
56. Activities in favour of civil status (birth registration) began in July 2022 with a census of children of school-going age without birth certificates, and in September 2022 a new plan for improving civil status was designed. This is part of the fight against statelessness.
57. In Niger, rains have caused the Niger River to overflow its banks and flooding has killed 159 people and affected more than 225,000, according to official figures. This is one of the most devastating rainy seasons in Niger's history.
58. Indeed, rainfall are becoming more intense and extreme rainfall patterns are becoming more common and demonstrate the impact of climate change. The latest rains have totally destroyed or damaged more than 25,900 houses; they have also affected farms and livestock.
59. We encourage the authorities to invest in sanitation programmes to prevent further flooding while ensuring that people living in flood-prone areas are relocated.
60. Niger is also facing food insecurity, particularly in the Tillabéri area, where it has increased considerably since the beginning of this year as a result of the ongoing violence in the region. Many Nigeriens have had to leave their villages to escape the terrorists, and those who remain are trying to survive as best as they can.
61. We recommend that Niger ensure that measures taken to combat terrorism are in full compliance 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.
62. Another concern is the abduction of individuals and groups of people by armed groups, including attacks on villages. As a result of this insecurity, nearly 300,000 people have been forcibly displaced.
63. We also request the African Union to assist Niger regarding the humanitarian situation, particularly with the threat of famine, and to provide support in managing the flow of migrants, of which Niger is one of the main migration routes

Senegal

64. In the last parliamentary elections in July 2022, women won 73 out of a total of 165 parliamentary seats, the highest proportion of women parliamentarians in West Africa.
65. We congratulate Senegal for the place it gives to women in decision-making bodies and encourage it to continue in this direction by ensuring that senior positions are also held by women.
66. Indeed, despite this notable effort, the representation of women in the government is still low, with only 8 women out of the 38 members.
67. The consequences of flooding are also deplorable due to lack of adequate sanitation and every year during the rainy season, these effects are felt by victims.
68. We also encourage Senegal to take the necessary steps to ensure that appropriate measures are taken to accelerate sanitation in Dakar and to ensure that areas where buildings cannot be sited are made known in order to protect the population from the

tragedy of flooding caused by heavy rains; which action is particularly urgent against the background of climate change, which seriously affects the environment.

Tunisia

69. The human rights situation in Tunisia remains worrying with the vote by referendum of the new Constitution in July 2022. Indeed, the new Constitution grants wide-ranging powers to the Head of State, breaking with the parliamentary system in place since 2014. The latter cannot be removed from office.
70. Furthermore, he may submit to Parliament legislation which he considers to be a priority. A second chamber will represent the regions (National Assembly of Regions), as a counter balance of the current Assembly of Representatives (parliamentarians).
71. The lack of real checks and balances in this text raises fears for the future of Tunisian democracy, despite the spaces of freedom that seem more or less guaranteed.
72. The Commission encourages the Tunisian authorities to ensure that the rights guaranteed by the African Charter are always respected and to protect, in particular, the freedom to participate in the conduct of public affairs for all, as provided for in Article 13 of the Charter, and to establish all constitutional institutions, including the Constitutional Court.

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

73. Unfortunately, the situation of refugees, asylum-seekers, internally displaced persons and migrants has hardly improved during this intersession period. Indeed, the number of refugees, internally-displaced persons and migrants continues to increase and the financial needs of the organisations responsible for these different categories of people are no longer able to keep up with this rapid development, in view of climate change, the multiplication of conflicts and the economic crises which continue to worsen the situation.
74. . In East Africa, thousands of refugees and internally displaced persons are threatened by hunger.
75. Nevertheless, we note certain positive aspects, such as:
 - The suspension of the agreement between the UK and Rwanda that migrants or asylum seekers who arrived illegally in the UK should be sent to Rwanda, by the European Court of Human Rights,
 - Ethiopia's efforts to establish a peace process, which if successful, will have a definite impact on the protection of the many internally displaced persons (IDPs) in the country since the beginning of the Tigray crisis.

Refugees

- Continued inflation is having a major impact on the assistance that host countries provide to refugees and asylum-seekers, and many countries are finding it increasingly difficult to cope as assistance to refugees is often combined with care for internally displaced persons. This is the case in Ethiopia, the Democratic Republic of Congo, Kenya, Somalia, South Sudan and Sudan.
- The Sahrawi refugee camps in Tindouf are suffering from the reduction of the budget allocated to the UNHCR.

Internally displaced persons

- The number of internally displaced persons is constantly increasing, and new IDPs have been noted, particularly with the political instability in certain countries such as Burkina Faso, which has just experienced a new coup d'état.
- In the Democratic Republic of the Congo, more than 1 million people find themselves in a situation of internal displacement since the beginning of 2022. The Democratic Republic of the Congo is among the countries with the highest number of internally displaced persons with nearly 5.53 million. Fifty-one percent (51%) of these IDPs are women. More than 80% of these displacements are due to armed attacks and clashes. North Kivu and Ituri are the provinces that have received the largest number of returnees in the last 3 months .
- In Nigeria, the number of displaced persons as of 31 August 2022 was 3,167,581
- In Niger, the number of displaced persons at the end of August was 294, 000; the vast majority coming from Tillabéri and Tahoua;
- In Burkina Faso, the number of new IDPs was 398,471 as of 31 July 2022, in addition to the 1.5 million recorded last year by the end of 2021.

Migrants

- The loss of migrant lives in the deserts and the Mediterranean Sea continues despite the preventive efforts.
- The persistence of xenophobic acts against foreign nationals in South Africa, racism and hate speech that affect migrants, refugees, asylum seekers and even citizens perceived as foreigners throughout the country. This is exacerbated by the global economic crisis and inflation, particularly in the post-Covid era where most economies have been put under severe strain.
- The deaths of several migrants in the enclave of Melilla between Morocco and Spain in dramatic circumstances that still call on the need for the African Union to address the root causes of migration, with concrete proposals to preserve the lives of young Africans who constitute its greatest wealth and future.
- The issue of human trafficking and enforced disappearances linked to migration must also be addressed by African Union countries

Statelessness

- The issue of statelessness is still topical, despite the significant efforts made by some countries, the situation of many stateless persons remains worrying and requires concrete and forthcoming action on the part of the African authorities, in order to ensure that these persons are given back their dignity. In this regard, the delay in the adoption of the Protocol on the Specific Aspects of Nationality in Africa and the Eradication of Statelessness remains a concern for the Commission.

RECOMMENDATIONS

1. Now more than ever, as climate change brings new challenges for the protection of refugees, asylum seekers, internally displaced persons, migrants and stateless people, it is important that strong and accountable decisions are taken to not only prevent the causes of internal displacement, but also those related to climate change.

2. To this end, it is necessary to engage in the implementation of effective solutions for long-term refugees such as local integration and to implement concrete projects to curb the migration crisis such as the effective implementation of free movement through the full ratification of 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, as soon as possible.
3. To this end, 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, in particular:
 1. **To the States Parties to the African Charter:**
 - Ensure that refugees have access to health programmes and are included in the national response plans for Covid-19 in order to protect them in the same way as the rest of the population;
 - Respect the principles of the Geneva and the OAU Conventions, which advocate the principle of non-refoulement in order 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 the assistance given 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,
- Those who have not yet done so, to 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 people inside and outside their countries, regardless of the origin of the displacement (armed conflict, climate change, major development projects, natural disasters, etc.); and protect them when prevention has failed;
- For those who have not yet done so, to accelerate the process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa; and for those who have ratified it, to ensure its domestication by drawing inspiration from the Plan of Action of the Harare Conference of State Parties of April 2017 and the Model Law adopted by the African Union at the 30th Summit in January 2018;
- Operationalise the provisions of the Kampala Convention through policies and programmes for IDPs and report on them in their Periodic Reports in accordance with Article 14 (4) of the Convention;
- Engage in the implementation of the Global Compact for Safe, Orderly and Regular and Migration;

- Work towards effective responses to the challenges posed by the impact of climate change on forced displacement and migration in Africa.
- Take measures to ensure the protection of their nationals abroad, as in the case of Ethiopia, and take charge of their repatriation on national soil.
- Take measures to ensure that xenophobic crimes are actually punished.

2. To the African Union, we recommend to:

- Take steps to facilitate and finalize the process of adoption of 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, at the Summit of Heads of State and Government and in particular the establishment of the African Humanitarian Agency.
- Be part of 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 the Gulf States by ensuring that their States of origin or the African Union provide them with the necessary consular protection they are entitled to.

3. To the Office of the United Nations High Commissioner for Refugees and other UN agencies and international organisations, we recommend the following:

- Work upstream with States to find solutions for the situation of refugees and asylum seekers as well as internally displaced persons, 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 advocating for the eradication of statelessness in Africa.

4. To Civil Society actors and other partners, we recommend to:

- 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 on the ground to keep us informed about the situation of refugees, asylum seekers, internally displaced persons and migrants;
- Provide support and assistance to the Special Rapporteur in order to ensure proper discharge of her mandate.

5. To the African Commission on Human and Peoples' Rights, we recommend to:

- Continue efforts in the promotion and protection of refugees, asylum seekers, internally displaced persons and migrants and engage in the campaign to eradicate statelessness launched by the United Nations High Commissioner for Refugees (UNHCR) for the 2014-2024 Decade;

4. In conclusion, I would like to express my deep appreciation to all our partners, especially the African Union Commission, ICRC, UNHCR and IOM for their continued support for our Mechanism.

Thank you