

**ACHPR/Res.131(XXXIII)08: RESOLUTION ON THE SITUATION OF MIGRANTS IN SOUTH AFRICA**

*The African Commission on Human and Peoples' Rights 43<sup>rd</sup> Ordinary Session held in Ezulwini, Kingdom of Swaziland, on 7-22 May 2008.*

**Aware** of its mandate under the African Charter on Human and Peoples' Rights to promote and protect human and peoples' rights in Africa,

**Recalling** its **Resolutions ACHPR/Res.95 (XXXIX)06** and **ACHPR/Res.116 (XLII)07**, which extended the mandate of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons in Africa to be responsible for migration issues,

**Recognizing** that the human rights of migrants are covered under general regional and international human rights instruments, unless they qualify for protection under national, regional and international refugee laws and instruments.

**Being further** concerned that the vast number of migrants in Africa originate from African states which are experiencing political instability and armed conflicts, which have in turn, undermined peace and economic conditions in those states.

**Alarmed**, by the attacks and violence against migrants from African countries in a number of townships in South Africa, which negate the principles of African Solidarity, The African Renaissance and African Charter on Human and Peoples' Rights.

1. **Condemns** the attacks and violence perpetrated against migrants in various townships in South Africa.
2. **Calls** on the South African government to investigate and prosecute those responsible for the attacks, and to institute further measures to ensure the protection of foreign migrants in South Africa, and their property.
3. **Urges** the South African government to which the African Commission had sought authorization for the Special Rapporteur to conduct a fact finding mission on the situation of migrants in that country, to grant the said authorization.