

ACHPR/Res. 407 (LXIII) 2018: Resolution on the Drafting of a General Comment on Article 12 (1) of the African Charter on Human and Peoples' Rights

The African Commission on Human and Peoples' Rights (Commission), meeting at its 63rd Ordinary Session held from 24 October to 13 November 2018 in Banjul, Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (African Charter);

Recalling its Resolution ACHPR/Res. 379(LXI) 17 on the renewal of the mandate of Commissioner Maya Sahli Fadel as Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, adopted at its 61st Ordinary Session held in Banjul, The Gambia, from 1 to 15 November 2017;

Further recalling its Resolution ACHPR/Res. 72(XXXVI)04 on the mandate of the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa which recalls that the African Charter guarantees freedom of movement and freedom of residence of every individual within a State provided he abides by the law;

Conscious of the negative effects that restrictions to Article 12(1) can have on the realisation of other human rights;

Considering the need to draft a General Comment in order to make clear the content of Article 12(1) and clarify the obligations of State Parties to the African Charter under this Article;

The Commission:

1. decides to task the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa with drafting a General Comment on Article 12(1) of the African Charter on Human and Peoples' Rights;
2. calls on all stakeholders to provide the necessary support to draft this General Comment.

Done in Banjul, Republic of The Gambia, on 13 November 2018