

## **ACHPR/Res. 470 (LXVII) 2020: Resolution on the Protection of Refugees, Asylum Seekers and Migrants in the fight against the Covid-19 pandemic in Africa**

*The African Commission on Human and Peoples' Rights (the African Commission), meeting at its 67<sup>th</sup> Ordinary Session held virtually, from 13 November to 03 December 2020:*

**Recalling** its mandate of promotion and protection of human and peoples' rights in Africa, pursuant to Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

**Recalling** the relevant provisions of the African Charter on Human and Peoples' Rights relating to respect for human dignity, protection of the right to life, the right to health, the right of access to information;

**Considering** its Resolution ACHPR / Res. 449 (LXVI) 2020 on Human and Peoples' Rights as a central pillar for a successful response to COVID-19 and for reversing its socio-political impacts;

**Recalling also** the Declaration of the African Commission of 24 March 2020 on an effective human rights-based response to the new COVID-19 virus by African States in which it noted the devastating consequences of the virus on the vulnerability of refugees, asylum seekers and migrants and the April 2020 Declaration of the African Union Labour Migration Advisory Committee (LMAC) which expressed its serious concern for the welfare of African migrant workers and refugees impacted by this global health crisis and who are victims of hardship, exploitation, extortion and difficulties of all sorts in their desperate efforts to return home;

**Deeply concerned** by reports received of massive violations of rights, including exclusion from social assistance and protection measures implemented by States, insufficient access to health care, education and other social services, of asylum seekers, refugees, migrants on the continent in the responses that African States are providing to the COVID-19 pandemic;

**Aware** that special measures must be adopted to prevent asylum seekers, refugees and migrants from contracting the virus and that States Parties to the African Charter must act to ensure that these vulnerable categories benefit from all preventive measures, including the provision of facilities for hand washing, disinfection and thorough cleaning of camps and shelters, the provision of temporary shelters for the homeless in cases of total lockdown, in accordance with the principles of non-discrimination and equality;

**Bearing in mind** the role of the Commission under Article 45, paragraph 1(b) of the African Charter on Human and Peoples' Rights, which requires it to "formulate and lay down, principles and rules aimed at solving legal problems relating to human and peoples' rights and fundamental freedoms upon which African Governments may base their legislations".

**The Commission:**

1. Reminds States of their treaty obligations and the commitments they have made by embracing the standards and policies of the African Union relating to the protection of asylum seekers, refugees and migrants on the continent, in particular the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa and the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);
2. Condemns all violations of rights to which asylum seekers, refugees and migrants have been directly or indirectly subjected in the context of the management of the COVID-19 pandemic in States Parties to the African Charter and its Protocols;
3. Decides to undertake an in-depth study on how African States have fulfilled their obligations towards asylum seekers, refugees and migrants during their management of the pandemic in order to identify the obstacles to the enjoyment of their fundamental human rights by the latter and highlight possible good practices to be shared with all actors committed to the effective protection of the rights of migrants, refugees and asylum seekers in Africa;
4. Requests the Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa to coordinate the said study and present the findings to the Commission.

**Done virtually, 03 December 2020**