

**ACHPR/Res. 484 (EXT.OS/XXXIII) 2021: Resolution on the Respect for the Principle of Non-Refoulement of Asylum Seekers and Refugees**

***The African Commission on Human and Peoples' Rights (the Commission), meeting at its 33<sup>rd</sup> Extraordinary Session, held virtually from 12 to 19 July 2021:***

**Recalling** its mandate to promote and protect human and peoples' rights in Africa under Article 45 of the African Charter on Human and Peoples' Rights (the African Charter);

**Considering** the AU Convention Governing the Specific Aspects of Refugee Problems in Africa, which in its Article 3 provides that "No person shall be subjected by a Member State to measures such as rejection at the frontier, return or expulsion, which would compel him to return to or remain in a territory where his life, physical integrity or liberty would be threatened for the reasons set out in Article I, paragraphs 1 and 2;

**Bearing in mind** Article 12 (3) of the African Charter which prohibits the collective expulsion of aliens;

**Considering** further the 1951 Geneva Convention and its 1967 Protocol, which enshrines the principle of non-refoulement in Article 33 as any measure attributable to a State which could have the effect of returning an asylum seeker or refugee to the frontiers of territories where his or her life or freedom would be threatened or where he or she would be exposed to persecution, including interception, refusal of admission at the border or indirect refoulement;

**Recalling** its Resolutions ACHPR/RES.43(XXVI) 99 on the 30th Anniversary of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, ACHPR/Res.210 (EXT.OS/XI) 2012 on Refugees and Internally Displaced Persons who have Fled the Conflict in Northern Mali and ACHPR/Res.371 (LX) 2017 on the Implementation of the New York Declaration on Refugees and Migrants\_;

**Recognizing** that the principle prohibiting the extradition, expulsion or return of a person to a country where he or she would be persecuted is the foundation of the Geneva Convention and the AU Refugee Convention, as well as the cornerstone of the protection of the human rights of asylum seekers and refugees ;

**Recalling** the obligation of States Parties to respect the provisions of these two Conventions by, inter alia, refraining from actions that run counter to the principles enshrined therein, particularly the principle of non-refoulement;

**Bearing in mind** that hospitality and mutual assistance are among the most sacred African values;

**Alarmed** by the increasingly recurrent reports of refoulement of asylum seekers and/or refugees by host States despite the proven risks run by the latter;

**The Commission:**

1. **Reminds** all States Parties that the main purpose of refugee status is to ensure that the rights of refugees are respected,
2. **Condemns** all expulsions of asylum-seekers and refugees by States Parties which expose them to the risk of violations in their countries of origin, including detention, enforced disappearances and violations of the right to life;
3. **Urges** all States Parties to respect the principle of non-refoulement without any restrictions.

**Done virtually on 19 July 2021**