

Resolution on the Renewal of the Mandate of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa - ACHPR/Res.525 (LXXIII) 2022

Dec 11, 2022

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 73rd Ordinary Session, held from 20 October to 9 November 2022 in Banjul, The Gambia:

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

Considering that the African Charter, while guaranteeing the freedom of movement and freedom of residence of every individual within a state subject to being law abiding, recognises that when persecuted, every individual shall have the right to seek and obtain asylum in other countries in accordance with the respective laws of the said countries, and international law;

Bearing in mind the adoption and coming into force of the 1951 Convention relating to the Status of Refugees, its 1967 Protocol and the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;

Further bearing in mind the adoption in 2009 and the coming into force in 2012 of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention);

Recalling its decision taken at its 35th Ordinary Session held from 21 May to 4 June 2004 in Banjul, The Gambia, to establish a Special Mechanism on Refugees, Asylum Seekers and Internally Displaced Persons in Africa;

Bearing in mind Resolution ACHPR/Res.72 (XXXVI) 04 adopted at its 36th Ordinary Session held from 23 November to 7 December 2004 in Dakar, Senegal, which defines the mandate and appoints the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa;

Recalling ACHPR Resolution ACHPR/Res.95 (XXXIX) 06, which extends the mandate of the Special Rapporteur to include migrants' issues; Mindful of its Resolutions ACHPR/Res.160 (XLVI) 09, ACHPR/Res.187 (XLIX) 11 and ACHPR/Res.203 (L) 11 appointing the different Special Rapporteurs on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa;

Recalling its Resolutions ACHPR/Res.246 (LIV) 13, ACHPR/Res.318 (LVII) 15, ACHPR/Res.379 (LXI) 2017, ACHPR/Res.425 (LXV) 2019, and ACHPR/Res. 450 (LXVI) 2020 on the renewal of the mandate of the Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa;

Bearing in mind its Resolutions ACHPR/Res.234 (LIII) 13 and ACHPR/Res.277 (LV) 14 respectively on the need to conduct a study on nationality and the elaboration of a Draft Protocol on Nationality and the Eradication of Statelessness in Africa;

Considering the importance of pursuing efforts with States Parties to the African Charter on Human and Peoples' Rights for the adoption of the Draft Protocol to the African Charter on Nationality and the Eradication of Statelessness in Africa;

Considering the deteriorating situation of refugees, asylum seekers, displaced persons and migrants;

Considering the need to pursue advocacy for the ratification of the Kampala Convention and its effective implementation on the Continent by States Parties;

Reiterating the importance of the mechanism of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa particularly in the context of the COVID-19 pandemic, climate change and environmental degradation;

Noting with satisfaction the work done by Commissioner Maya Sahli-Fadel and all former Special Rapporteurs on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa in the discharge of their mandate;

Considering the need for the Special Mechanism on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa to continue to discharge its mandate;

Noting the decisions taken during this 73rd Ordinary Session regarding the allocation of responsibilities among the Commissioners;

Decides to renew the mandate of Commissioner Maya Sahli-Fadel as the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa for a period of two years with effect from 9 November 2022.

Done in Banjul, The Gambia, 9 November 2022