

## Resolution on the inclusion of refugees, asylum seekers, internally displaced persons and stateless persons in socio-economic national systems, services and economic opportunities in Africa - ACHPR/Res.565 (LXXVI) 2023

Aug 04, 2023

*The African Commission on Human and Peoples' Rights (the Commission), meeting at its 76th Ordinary Session, held virtually from 19 July to 2 August 2023:*

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);

Recalling the obligation of States Parties to the African Charter to take all necessary measures for the implementation of the rights contained in the African Charter;

Recalling further the provisions of the 1969 Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa, which calls on Member States of the African Union to accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol and to apply the rights accorded to refugees under these instruments to refugees in Africa; including the widest possible exercise of their fundamental rights and freedoms;

Considering the 1954 Convention relating to the Status of Stateless Persons (1954 Convention) and the 1961 Convention on the Reduction of Statelessness (1961 Convention), which require States to protect and respect the personal status of a stateless person and the rights deriving therefrom;

Taking into account the provisions of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), which enshrines respect for and protection of the principles of humanity and human dignity and the human rights of internally displaced persons, including non-discrimination and equality, by promoting self-reliance and sustainable livelihoods among internally displaced persons;

Recalling the provisions of the African Charter on Human and Peoples' Rights, the Protocol to the African Charter on the Rights of Women in Africa (Maputo Protocol) and the African Charter on the Rights and Welfare of the Child;

Also recalling the provisions of the various international human rights instruments, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights, which promote the principles of non-discrimination and equality for all in all areas;

Considering its resolutions ACHPR/Res.114(XXXXII) 07 on migration and human rights, ACHPR/RES.333(EXT.OS/XIX) 2016 on the situation of migrants in Africa, ACHPR/Res.369(LX) 2017 on the situation of internally displaced persons in Africa; ACHPR/Res.470 (LXVII) 2020 on the protection of refugees, asylum seekers, displaced persons and migrants in the fight against the COVID-19 pandemic in Africa; ACHPR/Res. 484 (EXT.OS/XXXIII) 2021 on respect for the principle of non-refoulement of asylum seekers and refugees; and ACHPR/Res. 491 (LXIX) 2021: Resolution on climate change and forced displacement in Africa;

Also Considering that the provisions of the Global Compact for Safe, Orderly and Regular Migration and the Global Compact on Refugees aim to promote the protection and realisation of the social and economic rights of all migrants, forcibly displaced persons and stateless persons;

Reaffirming the Kampala Solemn Declaration on Refugees, Returnees and Internally Displaced Persons of 23 October 2009 on the Effective Protection of Victims of Forced Displacement (paragraph 10), which commits the African Union to creating an enabling environment for refugees and internally displaced persons;

Considering the disproportionate burden placed on African States to receive and care for refugees, asylum seekers, internally displaced persons and stateless persons;

Concerned by the situation of some 40 million refugees, asylum seekers, internally displaced persons and stateless persons across Africa, and by the growing number of new complex humanitarian emergencies and situations of protracted forced displacement;

Concerned, moreover, by the constant increase in humanitarian needs in the absence of adequate funding, which has a negative impact on the efforts and capacity of States to integrate displaced and stateless persons;

Recognising that the inclusion of refugees, asylum seekers, internally displaced persons and stateless persons in socio-economic national systems enables them to lead a decent life, to access public services, while contributing fully to the local economies of their host countries;

Encouraged by the positive actions initiated by several countries on the continent that have adopted legislative and administrative measures to incorporate international and regional refugee and human rights instruments, to give effect to the rights of refugees, asylum seekers, internally displaced persons and stateless persons;

Reaffirming the African Common Position (ACP) on Humanitarian Effectiveness, which calls for specific measures to be taken to integrate humanitarian needs and displacement issues into national and local development plans (paragraph 59), as well as the need to anchor humanitarian action in appropriate inclusive strategies and plans; and the implementation of targeted measures to strengthen an inclusive approach integrating humanitarian dimensions into local, national and regional development plans (paragraph 78);

Taking into account the need to identify mixed situations, in order to ensure early involvement and greater participation of governments and development actors in the reintegration of refugees;

Recognising the legendary hospitality and generosity of African States and peoples, particularly local host communities, in accordance with the principles of Pan-Africanism and the spirit of Ubuntu,

The Commission calls on the Member States to:

1. Ratify, integrate, disseminate and implement the various regional and international human rights instruments relating to refugees, internally displaced persons and stateless persons
2. Adopt legislative, administrative and other measures to enable forcibly displaced and stateless persons to enjoy socio-economic and other rights;
3. Collaborate with sub-regional, regional and international institutions that protect and assist forcibly displaced and stateless persons, in particular the Office of the United Nations High Commissioner for Refugees (UNHCR); with a view to facilitating the assimilation and integration

of stateless persons and refugees as a long-lasting solution for long-term refugees;

4. Support, integrate and implement at national and local levels the resolutions, declarations and strategies adopted by the African Union, the African Commission on Human and Peoples' Rights, the Regional Economic Communities and regional mechanisms concerning the inclusion of forcibly displaced and stateless persons;
5. Design, disseminate and implement action plans for the protection, promotion and respect of the rights of forcibly displaced and stateless persons, as well as accountability frameworks to monitor progress, through mapping of systems and policies, with a view to identifying gaps that limit the social and economic inclusion of displaced and stateless persons;
6. Work towards the eradication of discrimination, exploitation and abuse, marginalisation, xenophobic attacks/attitudes, violence and stigmatisation and racism targeting forcibly displaced, stateless persons and refugees, with a view to creating an environment conducive to the integration of all, including people with disabilities.
7. Remove restrictions that prevent the social and economic inclusion of forcibly displaced and stateless persons in urban and rural areas by promoting efforts to mitigate the legal, social, economic and environmental impacts of protracted displacement through multidimensional interventions, including:
  - a. Facilitating access to and recognition of refugee documents, raising awareness among immigration, health, education, law enforcement, civil registry and other officials, as well as members of the judiciary, of respect for and equal treatment of forcibly displaced and stateless persons;
  - b. Combating the separation of families and the resulting trauma by guaranteeing effective access to public services and economic opportunities, freedom of movement and choice of residence in the country;
  - c. Raising awareness among public and private institutions of the issues of forced displacement and statelessness, particularly regarding the duties and rights of refugees, asylum seekers, forcibly displaced persons and stateless persons, by strengthening the participation of forcibly displaced persons and stateless persons in programmes and decisions that have an impact on their lives.
8. Include refugees and stateless persons in national efforts to achieve sustainable development goals, including in economic recovery and local development plans, national plans for sustainable food systems and national adaptation plans (NAPs), and extend the presence of government technical services, including agricultural extension services, in refugee hosting areas.

**Done virtually on 2 August 2023**