

Resolution on the Protection of Internally Displaced Person Camps and Sites from attacks - ACHPR/Rés.513(LXX)

Mar 25, 2022

The African Commission on Human and Peoples' Rights (the Commission), meeting at its 70th Ordinary Session held virtually from 23 February to 9 March 2022;

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);

Considering Article 3(f) of the Constitutive Act and Article 3(f) of the Protocol Relating to the Establishment of the Peace and Security Council of the African Union, which recommend the promotion of peace, security and stability as well as the encouragement of democratic practices, good governance and the rule of law, the protection of human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts;

Also considering Article 23 of the African Charter which guarantees peace and security for all Africans;

Emphasising its Resolutions ACHPR/RES. 332 (EXT.OS/XIX) 2016 on human rights in conflict situations, 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, internally displaced persons and migrants in the fight against the COVID-19 pandemic in Africa, ACHPR/Res.484 (EXT.OS/XXXIII) 2021 on the respect for the principle of *non-refoulement* of asylum seekers and refugees, and UN Security Council Resolution 1674 (2006) which reaffirms the need to maintain the security and civilian character of camps and stresses the primary responsibility of States in this regard;

Bearing in mind its Press Release of 5 December 2021 on the killings of internally displaced persons in the eastern region of the Democratic Republic of Congo;

Recalling the implementation commitments from the 1st Meeting of the Conference of States Parties to the 2009 African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) held in Harare, Zimbabwe, in April 2017;

Further recalling the provisions of the UN Guiding Principles on Internal Displacement;

Considering the commitment of States Parties in the preamble of the Kampala Convention to provide durable solutions to situations of internally displaced persons by establishing an appropriate legal framework for their protection and assistance, and to adopt measures aimed at preventing and putting an end to internal displacements by eradicating the root causes, especially those caused by natural disasters;

Deeply concerned about the sharp increase in violence in sub-Saharan Africa, the continuation of fighting in the eastern part of the Democratic Republic of Congo and the Tigray region in the Federal Democratic Republic of Ethiopia, resulting in increased vulnerability of internally displaced persons (IDPs), loss of life, as well as the double displacement imposed on IDPs seeking safety due to unacceptable attacks on camps in various countries including the Democratic Republic of Congo, Burkina Faso, Niger, Mali and the Federal Democratic Republic of Ethiopia;

Deploring the lack of protection by States at IDP camps and sites;

Recalling the need to meet the requirements of internally displaced persons who generally lack the resources to survive the multiple displacements they have to endure;

Bearing in mind the role of the Commission under Article 45, paragraph 1(a) of the African Charter, which authorises it to "(...) give its views or make recommendations to Governments";

The Commission:

1. Condemns the multiples attacks on IDP camps and sites;
2. Calls on the various actors to respect the civilian and humanitarian character of IDP camps and sites;
3. Calls on States to effectively conduct investigations in order to prosecute and convict the perpetrators and thereby contribute to strengthening the system for combating impunity and ensuring equal justice for all;
4. 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 Kampala Convention;
5. Calls on States that have ratified the Kampala Convention to establish or strengthen early warning mechanisms to support risk prevention and protection, including those relating to attacks on civilians at IDP sites;
6. Urges the African Union to engage in the resolution of the various conflicts which exacerbate forced internal displacement, in particular by restoring the security and presence of the State on sites where displaced persons are hosted, and to protect their rights against all kinds of violations;
7. Calls on States to:
 - i. ensure that sites for displaced persons are located away from conflict zones and to give priority to stable and secure areas;
 - ii. to empower national camp coordination and management mechanisms so as to effectively ensure the security of displaced persons;

8. Calls on humanitarian agencies to increase their involvement in the coordination with national actors in the management and protection of sites hosting IDPs in order to secure the sites and provide stability to the displaced populations.

Done on 9 March 2022