

Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa - 75OS

May 20, 2023

INTRODUCTION

This Report, under Rule 64 of the Rules of Procedure of the African Commission on Human and Peoples' Rights (the Commission), gives an account of the human rights promotion and protection activities carried out during the intersession period with effect from the 73rd Ordinary Session of the Commission held physically from 20th October to 9th November 2022. The report covers activities carried out in my capacity as Vice-Chairperson of the Commission and Commissioner, member of the Commission.

I will then present the activities carried out under the mandate entrusted to me as Special Rapporteur on Refugees, Asylum Seekers, Displaced Persons and Migrants in Africa. This Mechanism was entrusted to me by Resolution ACHPR/Res.203 (L) 11 of the African Commission whose mandate was renewed by Resolutions ACHPR/Res.246 (LIV) 2013, ACHPR/Res.318(LVII) 2015, ACHPR/Res.379(LXI) 2017, ACHPR/Res.450 (LXVI) 2020 and ACHPR/Res.525 (LXXIII) 2022. The report also covers the status of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons, an analysis of the human rights situation in the countries under my responsibility, that is, the situation of refugees, asylum-seekers, internally displaced persons and migrants in Africa.

The conclusion takes the form of recommendations to the various stakeholders.

ACTIVITIES AS VICE-PRESIDENT AND COMMISSIONER, MEMBER OF THE COMMISSION

I.Participation in the meetings of the legislative organs of the African Union, (16 January to 19 February 2023, Addis Ababa, Ethiopia)

1.I took part in the various meetings of the political organs of the African Union (AU), which were held in person and in virtual mode as follows

-The 45th Ordinary Session of the Permanent Representatives Committee (PRC) held virtually from 16 to 27 January 2023;

-The 42nd Ordinary Session of the Executive Council (EC) held from 15 to 16 February 2023 in Addis Ababa, Ethiopia;

-The 36th Ordinary Session of the Assembly of Heads of State and Government (the Assembly) held from 18 to 19 February 2023 in Addis Ababa, Ethiopia.

2.On the margins of the Summit we also took part in a press conference with the other members of the Delegation which focused on the general human rights situation in Africa, followed by individual interviews with members of the Delegation

II.Bureau Meeting, (3 April 2023 virtual)

3.Following the institutionalisation of monthly Bureau meetings with the Executive Secretary, I attended the Bureau meeting of the Commission to discuss the activities of the Commission as well as other issues requiring the guidance of the Bureau.

III.74th Ordinary Session (21 February to 7 March 2023), virtual, zoom

4. During this session, the Commission considered and adopted a number of documents, the details of which are contained in the final communiqué adopted on 7 March 2023 at the end of the session.

IV. Meeting with Deloitte on the Reform of the African Union (4 April 2023, virtual)

5. This was a briefing on the state of progress of the human rights reform, details are in the Chairperson's report.

V. Inter-Mechanism Dialogue between the ACHPR and the Inter-American Commission on Human Rights (12 to 14 April 2023; Pretoria, South Africa)

6. The Human Rights Centre of the University of Pretoria hosted this dialogue which was attended by three ACHPR Commissioners and representatives of the Secretariat and also four Commissioners of the Inter-American Commission on Human Rights and their Secretariat. This activity was funded and organised by the Robert F. Kennedy Human Rights.

7. During this meeting, several issues were discussed, including the possibilities for the two regional human rights mechanisms to address the challenges of civic space in Africa and Latin America, and to improve the transparency and publicity of their work in relation to the exchange of good practices, including the decisions of their reciprocal mechanisms. An important point of attention was the implementation and respect of recommendations and decisions by States in response to situations and in the context of individual cases. The final session focused on the need to develop a roadmap for future collaboration between the two mechanisms.

8. In the margins of this dialogue the Pretoria Centre organised an exchange with students of the Centre and members of the Commission who took turns to present the mandate and challenges facing the Commission.

PROTECTION ACTIVITIES

I. Press releases, urgent appeals and congratulatory letters

9. In the framework of the implementation of my protection mandate as Country Rapporteur and Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, I have carried out the following actions.

10. In my capacity as, Special Rapporteur I have taken the following actions:

- Urgent appeal

- Urgent appeal to the Republic of Zambia regarding the forced eviction of the Kasima community in Mongu District, Zambia.

- Statement and press release

- Press release on the discovery of the bodies of Ethiopian migrants in Zambia;

- Press release on the death of Mauritanian human rights defender Mr Souvi Ould Jibril Ould Cheine;

- Press release on the Declaration of the Tunisian President on the situation of sub-Saharan migrants in Tunisia

- Press release on the situation of human rights in Senegal and;

- Statement by the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa on the Kampala Convention, ten years after its entry into force (6 December 2012- 6 December 2022)

ACTIVITIES CARRIED OUT AS SPECIAL RAPPORTEUR ON REFUGEES, ASYLUM SEEKERS, INTERNALLY DISPLACED PERSONS AND MIGRANTS IN AFRICA

I.Launch workshop and expert consultations in relation to the study on the impact of climate change on human and peoples' rights (18-19 November 2022; Dakar, Senegal)

11.Jointly undertaken by the Working Groups on Extractive Industries and Human Rights Violations and the Working Group on Social, Economic and Cultural Rights, under the chairmanship of Hon. Commissioner Dersso, the workshop saw the participation of three special mechanisms, in the person of the Special Rapporteur on the Rights of Women, the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa and the Chairperson of the Working Group on Indigenous Populations and Minorities, dealing with thematic issues related to climate change.

12.The discussions were very richly complementary, revealing the pragmatism that dominates the negative effects of climate change impacting on the enjoyment of human rights in Africa, including the right to health, water, sanitation, housing and development etc., which may interact with other factors to push people to migrate.

13.In our presentation we have assessed recent events related to climate change which are causing population movements and which are profoundly changing the relationship between migration trajectories (forced displacement and enjoyment of human rights).

14.In this context and in view of the exchange of information and experience during this workshop, we can only welcome this initiative undertaken by the two working groups.

II.2nd meeting to validate the Training Guidelines on the Use of Force by Law Enforcement and Correctional Officers in Africa (24-25 November, Lusaka, Zambia)

15.As a follow up to the meeting for the approval of the study and discussion of the use of force training guidelines which took place in Pretoria, South Africa on 21-22 June 2022, the purpose of which was to examine the need to establish a comprehensive training programme on the use of force through a manual aimed at sensitising law enforcement officers on the requirements of the use of force The second validation meeting focused exclusively on the analysis and discussion by the technical group of The first version of the training guidelines.

16.The meeting was chaired by the Honourable Commissioner Maria Teresa Manuela, Special Rapporteur on Prisons and Conditions of Detention and Policing in Africa and was attended by the Honourable Commissioners Hatem Essaiem, Chairperson of the Committee for the Prevention of Torture in Africa and Mudford Mwandenga, Resident Commissioner and Chairperson of the Working Group on Social and Economic Rights.

17.The outcome of the debates considered that given the importance and scope of the training tool (manual) it was necessary to deepen a number of points (relating to methodology, analysis of key principles in support of practical cases) and to postpone the validation of this important document.

III.The Maghreb Protects 2022 (4th edition) (28 to 30 November 2022, Tunis, Tunisia)

18.Organised jointly by the Hungarian Helsinki Committee with the UNHCR, the Arab Institute for Human Rights and the Faculty of Political and Social Legal Sciences of Tunis (Legal Clinic on Migration and Asylum), the Maghreb academic seminar in its fourth edition on the teaching of international protection, saw the participation of humanitarian experts, university professors, students and civil society representatives.

19. The course is part of the "RELATE Initiative" (Refugee Law Teaching Support Initiative), a multi-regional project aiming at the development of asylum law teaching capacities in several regions of the world including the Maghreb (since 2013) with the aim of preparing a new generation of experts in the field. As a continuation of the training courses (Maghreb Protected) that took place between 2016 and 2018 (Rabat, Algiers and Tunis), these seminars are part of an academic exchange on the current situation of international protection, immigration and statelessness in the Maghreb and the need to plan for the development of a roadmap to establish a sustainable academic exchange mechanism/network within the Maghreb and with Europe.

20. Our intervention as a teacher and Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa, focused on two aspects: recent developments in international protection in the African context and more specifically in the Maghreb and good practices and challenges of the whole asylum system in the Maghreb, without forgetting our contributions on statelessness in the migratory context

IV. Dialogue on the Draft Protocol to the African Charter on Human and Peoples' Rights on Specific Aspects of the Right to Nationality and the Eradication of Statelessness in Africa (29-30 November 2022, virtual)

21. This dialogue, organised jointly with UNHCR, aimed to mobilise states and civil society to support the adoption of the Draft Protocol, which is expected to be considered by the AU's Specialised Technical Committee on Justice and Legal Affairs (STC).

22. During the dialogue, the genesis and brief history of the draft Protocol was recalled as well as the different stages of development of the text within the Specialised Technical Committee on Migration.

23. The dialogue was conducted in two phases: the first day was devoted to the States in order to obtain their support for the adoption of the draft Protocol. The second day consisted of a briefing of civil society organisations to encourage them to advocate with their respective states to support the adoption of the draft Protocol.

V. 8th Ordinary Session of the Specialised Technical Committee on Justice and Legal Affairs AU (STC) (5-11 December 2022, Addis Ababa)

24. I attended this session with the two experts involved in the drafting of the Protocol to the African Charter on Human and Peoples' Rights on Specific Aspects of the Right to Nationality and the Eradication of Statelessness in Africa for consideration by the AU Specialised Technical Committee on Justice and Legal Affairs (STC).

25. As a reminder, since 2013, the elaboration of this protocol has been entrusted to our mandate in collaboration with the AU Department of Political and Humanitarian Affairs, UNHCR and the Open Society Initiative and was adopted by the ACHPR in 2015 at its 18th extraordinary session in Nairobi, Kenya.

26. The Draft was subsequently discussed by Member State experts at four meetings of the African Union's STC on Migration, Refugees and IDPs.

27. During this session the draft Protocol was discussed on a few articles which were not unanimously agreed upon by some States. As a result of this lack of consensus, the draft was referred to the Ministerial Conference that followed the Experts' meeting, which concluded that the text still needed to be further developed and requested that it be reworked in order to be resubmitted to the CTS for consideration at a special session in the year 2023.

28. I have therefore resumed advocacy with UNHCR and other partners with States to ensure that this draft Protocol is finally adopted.

VI. African Leaders' Summit (13-15 December 2022, virtual)

29. At the invitation of Human Rights Watch, Amnesty International, Humanity United and the Maghreb Democracy Project (POMED), I took part in a panel of human rights leaders in Africa, organised during the 2nd United States-Africa Leaders' Summit.

30. The Summit integrated the views of civil society leaders and members of the African diaspora. Several themes were presented and it is around the topic "civil society as guarantor of democracy" that we intervened by insisting on the relationship between NGOs and the States parties to the African Charter on Human and Peoples' Rights in the protection of the rights of refugees, migrants and asylum seekers.

VII. Official Launch of the Migrants' Rights Database (7-8 March 2023, Geneva, Switzerland)

31. The University Institute of Geneva hosted the official launch event of the Migrants' Rights Database, developed by the Migrants' Rights Initiative (Cornell University, USA). It is the first global data source to assess the status of international obligations, including the protection and implementation of the human rights of all migrants in national laws.

32. The Migrant Rights database (MRD) covers 36 country cases representing almost 70% of the current number of migrants in the world. At the expert roundtable to which we were invited, we provided input and comments on the usefulness and effectiveness of the data in the implementation of global governance on migration.

VIII. Conference - Network of Legal Experts on Migration in West and Central Africa (14-15 March 2023 La Somone, Senegal)

33. This second meeting of Legal Experts on migration was aimed at building on the findings and decisions taken at the first meeting and on the regular discussions between network members. The focus was on presenting technical content and encouraging discussions to facilitate legal research and publications on migration matters. One of the main topics of discussion had been the legal concept of detention.

34. The conference was attended by representatives of different institutions, such as ECOWAS, ECCAS and the United Nations Network on Migration (UNNM) Working Group on Detention. The conference was also an opportunity for the network team to strengthen its cohesion by bringing all its members together physically in order to plan the future Network's future phases.

IX. Meeting to validate the study on African responses to the issue of migrants and the protection of migrants in Africa and the African Guiding Principles on the Human Rights of all Migrants and Methodological Conference (18 March 2023, Virtual)

35. This meeting, which follows on from the previous meetings held on 27 November 2021 and 14 February 2022 respectively within the framework of the project, provided an opportunity for the members of the Consortium of Experts to work on the first draft of the two documents produced by the consultants, namely the study on the assessment of African responses to migration based on a human rights perspective and the drafting of the Guiding Principles on the Rights of Migrants in Africa.

36. During the meeting, the Experts made additions and corrections and the timetable was adjusted in order to finalise the draft as soon as possible. It should be noted that these two documents will not only provide a solid basis for the future work of the Commission in relation

to the protection of migrants on our continent, but will also assist States in future discussions on strengthening the existing legal framework on migration in Africa.

X.Virtual meeting with the International Refugees Rights Initiative (IRRI) (22 March 2023)

37.The Panel discussed several issues related to the vulnerable situation of refugees in host countries.

38.Emphasis was placed on the enjoyment of freedom of association by refugees in both urban and camp settings.

39.The question of whether, through the existing legal frameworks for the protection of refugees, freedom of association constitutes a right for them, through the debates and the analysis of international regional texts, does not prohibit refugees from forming associations and exercising this freedom within the framework of respect for public order and the security of the host country.

40.Several speakers expressed concern about the limits placed by States on this freedom of association. Some even invoked the absolute prohibition for refugees to form associations.

41.In conclusion, all the organisations that took part in the debates recommended that States should not distinguish between citizens and non-citizens or residents in the exercise of certain freedoms such as freedom of association, which enables refugees to take charge of the concerns, grievances and challenges they face.

XI.Validation Meeting of the Zero-Draft Study on "the impact of law enforcement on the human rights of asylum seekers, refugees and migrants in Africa" (19 April 2023, Virtual)

42.The objective of this meeting was to enrich and improve the first part of the Zero Draft Study and to collect relevant guidelines for the drafting of the entire report.

43.I chaired this meeting together with Commissioner Maria Teresa Manuela, with whom we are working on this Draft Study.

XII.12th Online Course on International Migration Law (25 April -19 May 2023, International Institute of Humanitarian Law San Remo, Italy)

44.In partnership with the IOM, this course is the 12th in a series of training courses aimed at strengthening the knowledge and skills of key actors involved in the field of migration (government authorities, NGOs, academics and UN staff and agents).

45.As such, I was invited to give the keynote address at the 12th course. In my presentation, I touched on the different aspects of the migration phenomenon and addressed the following points that were part of the planned programme. I went back to the causes and risks of migration, the different categories of people who are part of a migration trajectory, the international and regional legal framework of migration, the rights and obligations of migrants and migrant workers, the protection of migrants at sea and the more problematic protection of missing migrants, the alternatives to detention, trafficking and smuggling of migrants and finally the relationship between migration and development as enshrined in the African Union's Migration Policy Framework and the Global Compact on Migration.

46.Following my inaugural speech, several questions from the audience challenged me, particularly on the handling of the migration issue in the African context.

STATUS OF RATIFICATION OF THE AFRICAN UNION CONVENTION ON THE PROTECTION AND ASSISTANCE TO DISPLACED PERSONS IN AFRICA

47. During this intersession period, no new ratifications were registered concerning the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention).

48. To date, thirty-one (31) countries have ratified it, namely the Republics of:

-Angola, Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Democratic Republic of the Congo, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Gambia, Guinea Bissau, Lesotho, Liberia, Mali, Malawi, Mauritania, Mozambique, Nigeria, Niger, Rwanda, Sierra Leone, South Sudan, Somalia, Togo, Uganda, Zambia and Zimbabwe.

49. Eleven (11) countries that have only signed it, namely:

-Burundi, Comoros, Eritrea, Ghana, Guinea-Conakry, Madagascar, Namibia, Senegal, Sao Tome and Principe, Tanzania, and Tunisia.

50. Eleven (11) countries have still not signed or ratified it. They include:

-Algeria, Botswana, Cape Verde, Egypt, Kenya, Libya, Mauritius, South Africa, Kingdom of Morocco and Seychelles and Sudan.

51. We wish to point out that to date only the Republic of Cameroon has submitted its initial report under Article 14 (4) of the Kampala Convention.

ANALYSE DE LA SITUATION DES DROITS DE L'HOMME DES PAYS SUPERVISE EN QUALITE DE RAPPORTEUR PAYS LIBYE, MAURITANIE, NIGER, SENEGAL ET TUNISIE.

Libya

52. The situation in Libya remains worrying with continued violence by armed groups, the persistent political stalemate, restrictions on civic space and the further deterioration of the human rights situation. Women continue to suffer from sexual and gender-based violence, with no possibility of filing a complaint as they face prosecution for having sex outside marriage, which is considered a criminal offence in Libya, as well as retaliation from perpetrators.

53. Discrimination against ethnic minorities has also been reported, particularly against certain Toubous and Touaregs Tribes in southern Libya who, due to discriminatory nationality laws and regulations, do not have identity cards and face discrimination when trying to access essential services, including education and health. A number of these people are stateless, as the authorities refuse to recognise their Libyan nationality.

54. The Government of national unity issued Decree No. 902/2022 in October, which granted children born to a Libyan mother and a non-Libyan father access to public education and health care. However, the text did not guarantee the right to nationality to these children in the same way as those born to a Libyan father and a non-Libyan mother.

55. The situation of migrants has not improved and remains a concern.

56. The political situation is still deadlocked and the date for the elections has still not been set.

57. We call on the African Union to intensify its assistance to Libya for the return of lasting peace and stability.

Mauritania

58. The unprecedented surge in food prices has had a significant impact on food security and nutrition in urban areas. Some families are only able to get by with the help of the WFP, which

has initiated a programme to assist the most deprived people. We encourage the authorities to fight inflation by supporting the most vulnerable people.

59. Despite legislation that criminalises and punishes female genital mutilation practised on a child under the age of 18 and the establishment of the National Observatory for Women's and Girls' Rights, the practice of excision unfortunately persists. We encourage the authorities to redouble their efforts in the fight against female genital mutilation.

60. We welcome the establishment and commencement of activities of the National Task Force to Combat Trafficking in Persons and Smuggling of Migrants in February 2023, under the Office of the Commissioner for Human Rights and Humanitarian Action and Relations with Society following the adoption of the Trafficking in Persons Act.

61. Unfortunately, Mauritania remains a country of origin, transit and destination for men, women and children subjected to forced labour and trafficking for sexual exploitation. We encourage the National Forum to adopt a national strategy to combat this phenomenon.

62. We also welcome the authorisation of a promotion and monitoring visit by the Mauritanian authorities during this year.

Niger

63. Faced with the immense challenge of civil status, the country has begun mobile court hearings, awareness-raising campaigns, and the computerisation of the civil status system with a view to registering the country's entire population by 2030. We congratulate Niger on this initiative to address statelessness.

64. Numerous reports indicate that descent-based slavery is still prevalent in Niger, although it has been prohibited since 2002 under the Penal Code. The phenomenon is said to persist among certain populations in Niger, particularly the Arabs, Fulani, Toubous and Tuaregs, who continue to have their slaves, their labour, their children and their property at their disposal. Despite court decisions and awareness-raising campaigns, the descendants of slaves who are no longer under the direct control of their "master" are still considered "slaves" by society and are subject to stigmatisation and discrimination of all kinds. We encourage Niger to pursue its actions towards the complete eradication of slavery, in particular through a programme of rehabilitation and inclusion of victims of slavery.

65. Forced and early marriage remains a source of concern in Niger. On 10 March 2023, Nazira, a young girl of about 16 years of age from the village of Daré, in the Zinder Region (800 km east of Niamey), was found hanging by her neck from a tree, preferring to commit suicide rather than accept a forced marriage she did not want. We urge the authorities to strengthen their action to put an end to the phenomenon of forced and early marriage by implementing protection programmes for young girls.

66. The security situation is still worrying with the exacerbation of terrorist attacks persisting in several regions, including those of the 10 soldiers from the Operation ALMAHAOU detachment killed in a terrorist attack on the Mali border on 10 February 2023, following an ambush in the vicinity of the INTAGAMEY locality on the Niger-Malian border. This greatly impacts the enjoyment of social and economic rights of the population, particularly the right to education and the worsening of food insecurity in many areas. We deplore the loss of life and encourage the efforts of Niger, Mali and Burkina Faso in the fight against terrorism.

Senegal

67. We welcome the appointment of Madame Fatou Fall, a Doctor and colonel, to the rank of General of the Armed Forces, thus becoming the first woman to reach this rank in the Senegalese army.

68. Political tensions are rising in Senegal, and on 16 April 2023, more than 100 political and civil society organisations launched a coalition in Dakar to block a possible third term for President Macky Sall in the presidential election scheduled for February 2024.

69. Moreover, a clear decline in freedoms was noted with the increase in arrests, the ban on demonstrations, coercive measures against the media and a certain manipulation of the justice system.

70. In recent months, several demonstrations organised by the political opposition have been banned on the pretext that they risked "disturbing public order", leading to clashes between the police and demonstrators, as was the case on 10 February in Mbacké, following the banning of a African Patriots of Senegal for Work, Ethics and Fraternity (Pastef) meeting. Sixty-nine (69) people were arrested, fifty-four (54) of whom remained in detention at the beginning of March, particularly for "participating in an unauthorized gathering" and "damaging property".

71. The private television channel Walf TV was banned from the air for seven days by the National Audiovisual Regulatory Council (CNRA), because it was accused of having provided "irresponsible" coverage of the violent demonstrations.

72. Furthermore, almost two years after the brutal crackdown on protests that turned violent in some places in March 2021, there has been no investigation into the deaths of 14 people - including three children - during the protests. Of those who died, twelve (12) were killed by gunfire from the security forces. In February 2023, two protesters were also seriously injured by security forces during demonstrations in Bignona.

73. Since 15 March, Ousmane Sonko, leader of the opposition party, African Patriots of Senegal for Work, Ethics and Fraternity (Pastef), was blocked at his home by a large police deployment, which has also prevented other opposition figures from visiting him. Opposition MP Guy Marius Sagna was tear-gassed by police as he tried to visit Sonko's home. On 16 March, Ousmane Sonko, who appeared before a Dakar court on defamation charges following a civil complaint against him by the Minister of Tourism, Mame Mbaye Niang, was tear-gassed by police while travelling from his home following a dispute over his route, whereupon he was forcibly removed from his vehicle and driven to court by police.

74. Numerous arrests of opposition political actors were also noted, including the arrest of activist Mohamed Samba Djim, member of the Popular and Pan-African Anti-Imperialist Revolution Front (FRAPP), arrested on 6 February; for allegedly financing activities likely to undermine public security or incite political unrest, he was placed in pre-trial detention. Mr. Samba Djim participated in several online fundraising campaigns to support members of Pastef and civil servants expelled from the current administration.

75. Fadilou Keita, a member of Ousmane Sonko's cabinet, was arrested on 7 December 2022 for "spreading false information" and "insulting State institutions". His arrest followed a Facebook post in which he said he suspected foul play in the case of the enforced disappearance of Chief Warrant Officer Didier Badji and Sergeant Fulbert Sambou, a military intelligence officer, in November. Fulbert Sambou's body was found at sea on 23 November 2022. Fadilou Keita remains in detention and went on hunger strike on 16 March 2023.

76. We regret and condemn the violence and recent events in Senegal, which has always been a model of stability and democracy in the sub-region. We encourage the various parties to

promote dialogue and the authorities to do everything possible to preserve political stability, peace and respect for human rights
Tunisia

77. We welcome the holding of the legislative elections on 17 December 2022 which enabled the establishment of the legislative body.

78. However, the situation of migrants has become precarious following the words of President Kaïs Saïed on 21 February 2023, with his statement that the presence in Tunisia of "hordes" of illegal immigrants from sub-Saharan Africa was a source of violence and crime and was part of a "criminal enterprise" aimed at "changing the demographic composition" of the country. This led to multiple attacks on migrants, many of whom asked to be repatriated by their countries of origin.

79. We recall that the xenophobic, outrageous and humiliating discourse towards the sub-Saharan migrant community is inappropriate on the part of the highest authorities and that, on the contrary, it serves as a detonator for the resurgence of tensions among the population with often disastrous consequences. We therefore ask the authorities to take the necessary measures to ensure that all the rights of migrants are respected, whatever their status, as it is their worth as human beings and not their status as migrants.

80. Tunisia is experiencing a major political crisis with an increasingly oppressed opposition, a lack of dialogue between the different stakeholders, soaring inflation and high unemployment are aggravating the crisis in the country. We encourage all political actors and civil society to work together to maintain the political and economic stability of the country.

ANALYSIS OF THE SITUATION OF REFUGEES, ASYLUM SEEKERS, DISPLACED PERSONS AND MIGRANTS DURING THE INTERSESSION PERIOD

81. Nearly 10.1 million people have been displaced in the Southern African region due to climate-related disasters, drought, economic pressures and insecurity.

82. In Central and West Africa, extremist violence, political instability, inter-communal clashes over scarce resources and climate change have displaced 12.7 million people.

83. Unfortunately, the situation of refugees and asylum seekers has hardly improved during this intersession period. Indeed, the number of refugees continues to increase and the financial needs of the organisations in charge of these different categories of people are no longer able to keep up with this meteoric development, in the face of climate change, the multiplication of conflicts including economic crises that continue to worsen.

Internally Displaced Persons

84. The long-running conflict in the Democratic Republic of Congo (DRC) has left five million people internally displaced and one million refugees, and far from abating, the long-running humanitarian crisis has intensified with an increase in attacks on civilians by non-State armed groups, particularly in the east of the country. A recent offensive by the armed group M23 forced almost 521,000 people to flee their homes in North Kivu province, adding to the estimated 5.65 million Congolese already displaced within their country.

85. In East Africa, particularly in the Horn of Africa, Somalia, Kenya and Ethiopia are countries where displacement is reaching alarming proportions. In Somalia, many families are facing insecurity due to armed conflict. Furthermore, drought and ongoing armed conflict have resulted in the forced displacement of more than 1.7 million people within the country since

January, while thousands more have gone to northern Kenya to seek help in the Dadaab refugee camps considerably increasing the population of this already overcrowded camp, and in Ethiopia. Ethiopia is also facing the displacement of hundreds of thousands of people due to drought and insecurity in some regions, particularly in the south and in the Somali and Oromia regions.

86. The conflict in Sudan has brought its share of refugees and IDPs and the situation remains critical and requires urgent humanitarian intervention to care for all IDPs. We would like to thank the countries that have hosted Sudanese refugees, notably Egypt, CAR, Ethiopia, Libya, South Sudan and Chad.

87. In West Africa, it is Mali, Niger and Burkina Faso that are at the top of the table with attacks by extremist groups against civilians and security forces in the three-border area, having disastrous consequences not only on the security situation but also on the food situation due to chronic food shortages, coupled with environmental degradation as a result of numerous climatic shifts. While much of the forced displacement in the region has so far taken place within the borders of these countries, an increasing number of people are fleeing across the borders in search of safety further south, to Benin, Côte d'Ivoire, Togo or Ghana.

88. Meanwhile, in Burkina Faso, the IDP crisis is worsening. Floods have displaced 1.3 million people and affected IDP camps in Nigeria. Floods have also affected parts of Chad, Niger, Burkina Faso, Mali and Cameroon. [<https://www.equaltimes.org/l-avenir-s-assombrit-pour-un?lang=en#.ZD5pCX...>]

89. Malawi is experiencing severe food shortages due to poverty and extreme weather conditions. In Mozambique, nearly one million people have been internally displaced due to the ongoing insurgency and climate change-related disasters.

Climate Change and Travel

90. According to the UNHCR, climate change is exacerbating humanitarian crises and forced displacement around the world. More than 70% of the world's refugees and internally displaced people come from countries most vulnerable to climate change. The displacement of populations in the various African countries mentioned above rightly illustrates this state of affairs.

Migrants

91. Migration remains one of the themes of the African Union, migrants especially African migrants have often been stigmatised in recent years, especially African migrants going outside Africa, whereas most African migration occurs within the continent as migrants seek jobs in neighbouring economic centres. Indeed, 80% of African migrants do not want to leave the continent. Africa accounts for only 14% of the world's migrants, compared to 41% from Asia and 24% from Europe. [<https://africacenter.org/fr/spotlight/tendances-migratoires-a-surveillance...>]

92. Furthermore, about 85% of African migration is border crossings for trade and travel. This makes a tangible contribution to economic stability, filling labour shortages and the socio-economic well-being of destination countries. [id]

93. The African Union's theme for 2023 is "Accelerating the Implementation of the African Continental Free Trade Agreement (AfCFTA)". We hope that the implementation of the AfCFTA will highlight the economic benefits of migration for both receiving and sending countries and thus restore the dignity of migrants who contribute enormously to the development of the continent as a whole. We therefore encourage countries to ratify the Protocol on the Free

Movement of Persons and for it to enter into force as soon as possible in order to allow for fair and orderly migration.

Statelessness

94. We congratulate Niger and Congo Brazzaville for their initiatives to reduce statelessness; Niger has begun organising mobile court hearings to register all persons without civil status since November 2022. In Congo Brazzaville, forty-eight (48) unregistered children, candidates for the elementary primary school certificate (CEPE) in the Bacongo school district, officially received birth certificates on 26 January. [<https://www.adiac-congo.com/content/lutte-contre-lapatridie-la-mairie-d...>] This action is part of the Operation "Zero children aged 0 to 12 without a birth certificate in Bacongo", launched on 26 September 2022 by the town hall of the second district of Brazzaville.

95. In 2014-2015, with the Abidjan Declaration, West African States set themselves the goal of eradicating statelessness in the region by 2024. The Abidjan Declaration was followed by the Banjul Plan of Action as well as the mid-term evaluation meeting of the I Belong campaign with UNHCR in October 2019, on processes to eradicate statelessness. However, to date only Senegal, Côte d'Ivoire, Burkina Faso, Benin and Mali have updated their laws to end statelessness. We encourage other countries to take similar.

[<https://www.sudquotidien.sn/afrique-de-louest-regularisation-de-tous-le...>

RECOMMENDATIONS

96. States must commit to implementing effective solutions for long-term refugees such as local integration and implement concrete projects to curb the migration crisis such as the effective implementation of free movement through the full ratification of the Protocol to the Treaty Establishing the African Economic Community on the Free Movement of Persons, the Right of Residence and the Right of Establishment, as soon as possible. They should also take measures to address climate change-induced displacement.

97. We also want to urge States to commit to ending statelessness because no one should be deprived of their human dignity simply because they lack the documentation to prove their legal existence.

98. To this end, I would like to reiterate the recommendations made in my previous reports, the majority of which are still valid, with the addition of some new recommendations, notably:

a) To the States Parties to the African Charter:

- Ensure that refugees can enjoy economic and social rights and certain freedoms under national laws;
- Respect the principles of the Geneva Conventions and the OAU which advocate the principle of non-refoulement;
- Facilitate the adoption of the Protocol on Specific Aspects of Nationality in Africa and the Eradication of Statelessness at the next session of the Technical Specialised Committee on Justice and Legal Affairs of the African Union
- Strengthen the assistance given to States receiving large numbers of asylum seekers or refugees.
- End the detention of migrants on the basis of their migration status.

To all Member States

- Ratify the Protocol to the Treaty Establishing the African Economic Community on the Free Movement of Persons, the Right of Residence and the Right of Establishment,

- Those who have not yet done so, to ratify the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa;
- Implement the objectives enshrined in the Global Compact on Refugees;
- Become more involved in the prevention of forced displacement of people inside and outside their countries, regardless of the origin of the displacement (armed conflict, climate change, major development projects, natural disasters, etc.); and protect them when prevention has failed;
- For those who have not yet done so, to accelerate the process of ratification of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa; and for those who have ratified it,
- Operationalise the provisions of the Kampala Convention through policies and programmes for IDPs and report on them in their periodic reports in accordance with Article 14 paragraph 4 of the Convention;
- Engage in the implementation of the Global Compact for Safe, Orderly and Regular Migration;
- Work towards an effective response to the challenges posed by the impact of climate change on forced displacement and migration in Africa.
- Take steps to ensure that xenophobic crimes are actually punished.

b)To the African Union, we recommend to:

- Take steps to facilitate and finalise the process of adopting the Draft Protocol to the African Charter on Human and Peoples' Rights on the Specific Aspects of the Right to Nationality and the Eradication of Statelessness in Africa.
- Implement the African Humanitarian Agency by providing it with a substantial fund so that it can effectively deal with the various humanitarian situations in Africa
- Adopt a common African position on the issue of missing migrants.Be part of the perspective of global and regional governance of migration, particularly through the implementation of the Migration Policy Framework for Africa and its Action Plan,

c)To the Office of the United Nations High Commissioner for Refugees and other UN agencies and international organisations, we recommend to:

- Work upstream with States to find solutions for the situation of refugees and asylum seekers as well as internally displaced persons, and in particular long-term refugees;
- Continue to support the Mechanism in the implementation of its mandate;
- Strengthen collaboration with the African Commission on Human and Peoples' Rights on issues of common interest,
- Continue to support us in advocating for the eradication of statelessness in Africa.

d)To civil society actors and other partners, we recommend the following:

- Continue to advocate for the ratification of the Kampala Convention;
- Continue and intensify advocacy for the adoption of the Draft Protocol on Nationality and the Eradication of Statelessness;
- Continue their work on the ground to keep us informed about the situation of refugees, asylum seekers, IDPs and migrants;
- Provide support and assistance to the Special Rapporteur in the proper discharge of her mandate.

e)To the African Commission on Human and Peoples' Rights, we recommend:

- Continue efforts in the promotion and protection of refugees, asylum seekers, internally displaced persons and migrants and engage in the campaign to eradicate statelessness launched by the United Nations High Commissioner for Refugees (UNHCR) for the decade 2014-2024;

99. In conclusion, we would like to express our deep appreciation to all our partners, especially the African Union Commission, ICRC, UNHCR and IOM for their continued support to our Mechanism.

Thank you very much