

**ACHPR/Res.72(XXXVI)04: RESOLUTION ON THE MANDATE OF THE SPECIAL RAPPORTEUR ON REFUGEES, ASYLUM SEEKERS AND INTERNALLY DISPLACED PERSONS IN AFRICA**

*The African Commission on Human and Peoples' Rights meeting at its 36<sup>th</sup> Ordinary Session held from 23<sup>rd</sup> November to 7<sup>th</sup> December 2004, in Dakar, Senegal;*

**Mindful** of the fact that the African Charter on Human and Peoples' Rights recognises and guarantees enjoyment, promotion and the protection of the rights and freedoms of every individual, without distinction of any kind, such as race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, birth, or other status;

**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,

**Conscious** of the fact that in spite of the adoption of the 1969 OAU Convention Governing the Specific Aspects of Refugees Problems in Africa, refugees in Africa continue to face untold suffering arising principally from the lack of respect of their basic and fundamental human rights as individuals, *inter alia*, women, children and the elderly being the most vulnerable among refugees,

**Aware** also that in the recent past the incidence of conflicts, and in certain cases, natural calamities have forced mass movement of people to seek refuge, thus causing a huge problem of internal displacement of populations within national borders,

**Recalling** the Memorandum of Understanding signed between the African Commission and the United Nations High Commissioner for Refugees on strengthening mutual cooperation in the effective promotion and protection of the human rights of refugees, asylum seekers, returnees and other persons of concern in Africa;

**Recalling** that the African Commission, during its 34<sup>th</sup> Ordinary Session designated a focal point on refugees and internally displaced persons, with a limited responsibility of monitoring developments concerning the plight of refugees and internally displaced persons in Africa, while the Commission reviewed its special rapporteur mechanism,

**Recalling** its decision to establish the position of Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa at its 35<sup>th</sup> Ordinary Session held from 21<sup>st</sup> May to 4 June 2004 in Banjul, The Gambia and decided to designate, for an initial period of two years, Commissioner Bahame Tom Nyanduga, as the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa;

**Reaffirming** the importance of the mechanism of the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa;

**Noting** the numerous problems faced by refugees, asylum seekers and internally displaced persons in Africa and the urgent need to develop appropriate strategies to ensure their protection;

7. **Decides that** the Special Rapporteur on Refugees, Asylum Seekers and Internally Displaced Persons in Africa shall operate under the following mandate to -:
  - a. seek, receive, examine and act upon information on the situation of refugees, asylum seekers and internally displaced persons in Africa;
  - b. undertake studies, research and other related activities to examine appropriate ways to enhance the protection of refugees, asylum seekers and internally displaced persons in Africa;
  - c. undertake fact-finding missions, investigations, visits and other appropriate activities to refugee camps and camps for internally displaced persons;
  - d. assist Member States of the African Union to develop appropriate policies, regulations and laws for the effective protection of refugees, asylum seekers and internally displaced persons in Africa;
  - e. cooperate and engage in dialogue with Member States, National Human Rights Institutions, relevant intergovernmental and non governmental bodies, international and regional mechanisms involved in the promotion and protection of the rights of refugees, asylum seekers and internally displaced persons;
  - f. develop and recommend effective strategies to better protect the rights of refugees, asylum seekers and internally displaced persons in Africa and to follow up on his recommendations;
  - g. raise awareness and promote the implementation of the UN Convention on Refugees of 1951 as well as the 1969 OAU Convention Governing the Specific Aspects of Refugees Problems in Africa;
  - h. submit reports at every ordinary session of the African Commission on the situation of refugees, asylum seekers and internally displaced persons in Africa;
8. **Calls upon** Member States to take all necessary measures to ensure the protection of refugees, asylum seekers and internally displaced persons and to include information on measures taken to that effect;
9. **Urges** Member States to co-operate with and assist the Special Rapporteur in the performance of his tasks and to provide all necessary information for the fulfilment of his mandate;
10. **Invites** its members to incorporate the issue of refugees, asylum seekers and internally displaced persons in their promotional activities;
11. **Requests** the African Union to provide adequate resources, assistance and support in the implementation of this Resolution.