

ACHPR/Res. 404 (LXIII) 2018: Resolution on the Need to Conduct a Study on Violations of the Human Rights of Migrants

The African Commission on Human and Peoples' Rights (Commission), meeting at its 63rd Ordinary Session held from 24 October to 13 November 2018 in Banjul, Republic of The Gambia;

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (African Charter);

Considering Article 45(1) (a) of the African Charter which mandates the African Commission to "collect documents, undertake studies and researches on African problems in the field of human and peoples' rights";

Considering Article 12 of the African Charter which recognises, among others, the right of every individual to move freely in accordance with the laws;

Considering Article 5 of the African Charter which guarantees the right of every individual to dignity and the right not to be subjected to torture or cruel, inhuman or degrading treatment;

Considering Articles 6, 7, 14, 16, 17 and 18 of the African Charter which, respectively, guarantee the right to liberty and the security of persons, the right to a fair trial, the right to property, the right to enjoy the best attainable state of physical and mental health, the right to education, and the right to the protection of the family and vulnerable groups;

Conscious of the increasing number of migrants as a result of security, socio-political and economic crises;

Extremely concerned by the continuous serious human rights violations suffered by migrants in the course of their migration journey;

Underscoring the crucial role of law enforcement officers in the respect and protection of the rights of migrants;

Bearing in mind its Resolutions 114, 333, 317 and 398 in which the Commission emphasised the existence of serious violations of the human rights of migrants and the deteriorating situation of African migrants in the Mediterranean, and urged the relevant stakeholders to take the necessary measures to put an end to violations;

Concerned by the fact that vulnerable groups, including women and children, are more exposed to serious human rights violations in the course of their migration journey;

Determined to work effectively and on the basis of reliable information that reflects the realities on the ground;

Convinced of the need to increase awareness about the human rights violations suffered by migrants in the various regions of Africa in the course of their migration journey and on their return, while paying particular attention to the role of law enforcement officers in the area of migration;

Further convinced that the preparation of a continental study on violations of the rights of migrants in Africa will help to improve the situation of their rights;

Conscious of the need, for practical reasons, for the field study to focus on violations of the rights of migrants in some countries that are representative of the various regions of Africa;

Recalling its Resolution ACHPR/Res. 379(LXI) 17 on the renewal of the mandate of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa;

Recalling its Resolution ACHPR/Res. 378(LXI) 17 on the appointment of the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;

The African Commission:

- Decides to conduct a study on violations of the human rights of migrants;
- Decides to adopt a progressive approach in conducting the study;
- Decides that the study will be conducted by the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants and the Special Rapporteur on Prisons, Conditions of Detention and Policing in Africa;
- Calls upon state and non-state actors to contribute to the conduct of the study.

Done in Banjul, Republic of The Gambia, on 13 November 2018