

369: Resolution on the Situation of Internally Displaced Persons in Africa - ACHPR/Res. 369 (LX) 2017

The African Commission on Human and Peoples' Rights, meeting at its 60th Ordinary Session held from 8 to 22 May 2017 in Niamey, Niger;

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

Recalling the provisions of Article 23 of the African Charter which, among other obligations, guarantee peoples' right to national and international peace and security;

Further recalling the implementation commitments from the 1st Meeting of the Conference of States Parties to the Kampala Convention held in Harare, Zimbabwe, in April 2017;

Bearing in mind its 2016 fact-finding mission report on Burundi and the 2015 African Union Commission of Inquiry report on South Sudan;

Further recalling its Resolution ACHPR/Res.335 (EXT.OS/XIX) 16 on the situation of internally displaced persons in Africa;

Considering the provisions of the UN Guiding Principles on Internal Displacement, the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention), in particular the provisions of Article 3 urging States Parties to refrain from, prohibit and prevent arbitrary displacement of populations;

Recalling the commitment of States Parties enshrined in the Preamble to the Kampala Convention to providing 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 the phenomenon of internal displacement by eradicating the root causes, especially persistent and recurrent conflicts as well as addressing displacement caused by natural disasters, which have a devastating impact on human life, peace, stability, security, and development;

Deeply concerned about the increasing number of internally displaced persons on the continent, in particular in South Sudan, Burundi, Nigeria, Congo, Democratic Republic of Congo, Niger and Cameroon;

Concerned about the continuous worsening of the violence in South Sudan and the increasing number of people in need of protection, shelter, medical care and other forms of assistance;

Concerned about the lack of information on the situation of the missing 3,000 internally displaced persons in South Sudan out of the 20,000 internally displaced persons in February 2017 and about the constant refusal of the government forces of the Sudan People's Liberation Army (SPLA) to allow members of the United Nations Mission in South Sudan (UNMISS) to search for their whereabouts;

Alarmed by the persistence of human rights violations in Burundi against internally displaced persons, including acts of intimidation, the worsening security and socio-economic situation and the increase in acts of discrimination, especially in the Ruhororo (Ngozi Province) and Mutaho (Gitega Province) Camps;

Concerned about the increasing number of internally displaced persons in Congo Brazzaville (about 22,000), following the intensification of armed clashes in the Pool region and the lack of concrete information on their living conditions;

Further concerned about the critical situation of close to 1,700,000 internally displaced persons in Nigeria and the urgent need to provide them with sufficient assistance, especially regarding social, educational and health services, as well as protection against sexual and gender-based violence, including from law enforcement officers;

Concerned about the situation of more than 1,000,000 internally displaced persons in the Democratic Republic of Congo and particularly in the Kasai region;

Alarmed by the situation of internally displaced persons in the Diffa region of Niger following terrorist activities by Boko Haram, which have brought about the massive displacement of more than 283,930 persons, a situation which still remains precarious;

Further concerned about the constant increase in the number of internally displaced persons in the Far North Region of Cameroon of more than 222,000 as a result of the criminal activities committed by Boko Haram and the need to provide assistance and ensure their protection;

Recalling the primary responsibility of African States to provide protection and humanitarian assistance to their nationals and particularly to internally displaced persons without any discrimination;

Further recalling the need for States to promote the roles of international humanitarian organisations providing assistance to their nationals in accordance with international law;

The Commission:

1. **Calls on** the authorities in the countries concerned to take all the necessary measures to respect the human rights of all internally displaced persons and to ensure that they receive all the necessary assistance and protection appropriate to their situation;
2. **Calls on** Burundi to take all the necessary measures to ensure the safety of displaced persons in the Ruhororo (Ngozi Province) and Mutaho (Gitega Province) Camps;
3. **Calls on** the government forces of the Sudan People's Liberation Army (SPLA) to allow forces of the United Nations Mission in South Sudan to conduct patrols to ensure the security of internally displaced persons and to obtain information on the situation of the missing 3,000 internally displaced persons who have still not been found;
4. **Calls on** the authorities of the Republic of Congo to ensure the protection of the population of the Pool region, particularly internally displaced persons as a result of the ongoing armed clashes in the region;
5. **Calls on** the authorities of the Federal Republic of Nigeria to take the necessary measures to ensure the safety of internally displaced persons, as well as their access to social and health services and protection against sexual and gender-based violence;
6. **Urges** the Democratic Republic of Congo to continue its collaboration with United Nations agencies to protect internally displaced persons, particularly in the Kasai region;
7. **Encourages** the Republic of Niger to continue providing assistance to internally displaced persons in the Diffa region and to take the necessary measures to ensure their protection;
8. **Calls on** the authorities of the Republic of Cameroon to take the necessary measures to assist internally displaced persons as a result of the terrorist attacks of Boko Haram and ensure their protection;
9. **Urges** the African Union to intensify efforts aimed at resolving conflicts and combatting terrorist groups, while respecting the human rights guaranteed under the African Charter, by providing assistance to the States concerned;
10. **Calls on** members states to expedite the implementation of the Common African Position (CAP) on Humanitarian Effectiveness in order to provide the necessary support to States in managing the massive displacement of populations;
11. **Calls on** the international community and humanitarian organisations to increase assistance to displaced persons in the countries concerned;
12. **Calls on** the authorities of South Sudan, Burundi, Democratic Republic of Congo, Cameroon and all States Parties that have not yet done so, to ratify the Kampala Convention;
13. **Urges States** Parties to the Kampala Convention to take all the necessary measures to protect populations from forced displacements irrespective of the causes.

Done in Niamey, Republic of Niger, on 22 May 2017