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59th Ordinary Session of the African Commission on Human and Peoples' Rights, Banjul, Gambia

Agenda Item 9: Activity Report of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa

Chairperson and Honourable Commissioners,

Amnesty International welcomes this opportunity to make a statement to the African Commission on Human and Peoples' Rights (African Commission) on the situation of refugees in Africa.

Conflict and crisis has displaced millions of people in Africa. Sub-Saharan Africa had a total of 4.4 million refugees as at the end of 2015. Five countries (CAR, DRC, Somalia, South Sudan, and Sudan) accounted for 80% of the refugees on the continent. Five of the 10 countries hosting the largest number of refugees in the world are in Sub-Saharan Africa. These are: Chad, DRC, Ethiopia, Kenya and Uganda. Some of these countries, such as Kenya and Ethiopia, have hosted thousands of refugees for decades.

This statement highlights the plight of refugees from or seeking refuge in the following six countries: Burundi, Ethiopia, Nigeria, Somalia, South Sudan and Kenya

Burundi

Burundi has been in a state of political crisis since President Nkurunziza's decision to stand for a third term in April 2015, which many saw as unconstitutional. Over 300,000 people have fled the country, most of them to refugee camps in neighbouring Rwanda and Tanzania. The situation in these camps is difficult, with limited resources available. Only 37% of the Burundi Regional Refugee Response Plan 2016 has been funded to date. People trying to flee Burundi have been beaten, had money extorted and been sent back by members of the ruling party youth wing, the Imbonerakure. As a result, many Burundian refugees leave the country with no, or very few, possessions – either deliberately, in order not to attract attention, or because their belongings have been taken.

There is a lack of effective protection mechanisms in the refugee camps in Tanzania. In 2016 numerous Burundian refugees told Amnesty International that they were afraid because of the camps' physical proximity to Burundi and because they had seen members of the Imbonerakure, in the camps. The situation in Burundi remains volatile and the refugee population is likely to increase further.



Ethiopia

Ethiopia hosts the largest number of refugees in Africa. There are approximately 740,000 refugees in the country, mostly from Eritrea, Somalia and South Sudan. Most refugees live in 25 camps run by UNHCR and the government; some live in urban areas, particularly around the capital, Addis Ababa. Ethiopia has allowed refugees to enter but does not allow them to work and they cannot obtain permanent residency. Resettlement to another country is the only durable solution for the vast majority, according to UNHCR.

Most refugees in Ethiopia lack adequate access to food, shelter and basic services. For example, only 7% of school-age refugee children are enrolled in secondary education. In 2015, Ethiopia was hit by a devastating drought, affecting 80% of the areas hosting refugees. A substantial number of Eritrean refugees move on from Ethiopia, partly due to their inability to meet basic needs, and also to the fact that they cannot work or secure residency. Some two-thirds of the Eritrean refugee population left Ethiopia during 2015, many with the aim of reaching Europe.

Kenya

Kenya is home to the largest refugee camp in the world: Dadaab. Dadaab hosts more than 280,000 refugees, mostly from Somalia. Kakuma refugee camp also hosts over 150,000 refugees from a wide range of countries including South Sudan, Sudan, Burundi, Ethiopia and the DRC.

On 10 May 2016, the Kenyan government announced that it would be closing Dadaab refugee camp by November 30th, citing national security concerns and the need for the international community to collectively take responsibility for the refugees which Kenya is hosting. The predominantly Somali refugee population in Dadaab is now being pushed to return to Somalia despite the ongoing conflict in that country and despite the terms of a Tripartite Agreement signed by the Government of Kenya, the Government of Somalia and UNHCR in 2013 which provides for voluntary returns of Somali refugees in “conditions of safety and dignity”. As of 14th October a total of 33,468 individuals had returned to Somalia.

Amnesty International visited Dadaab refugee camp in August 2016 and interviewed dozens of Somali refugees living in Dadaab who confirmed that they are facing pressure to return to Somalia from the Government of Kenya which is in contravention of the Tripartite Agreement and international law.

Somalia is experiencing ongoing conflict and instability. Fighting between government forces and the African Union Mission in Somalia (AMISOM) on one hand, and clan-militias and Al-Shabaab on the other, has resulted in gross human rights violations carried out against the civilian population. Many people continue to flee from the country as a result.

In July 2016 UNHCR issued a supplementary appeal asking for US\$115.4 million until the end of the year to support their operations in Kenya and Somalia following the decision by the Kenyan government to close Dadaab. According to UNHCR, only 36% of Kenya’s refugee operation has been funded so far leaving a gap 173.9 M USD.



Amnesty International urges the African Commission to call on the government of Kenya to:

- halt forced returns to Somalia;
- provide assurances to Somali refugees still fearing return to Somalia that they can continue to enjoy and seek refuge in Kenya;
- immediately reconsiders the decision to close Dadaab; and
- develop and implement policies that allows refugee to access protection and allow refugee to formalise their self-reliance.

Nigeria

The conflict in northern Nigeria has resulted in a major humanitarian crisis in the region. Ongoing fighting between Boko Haram and the Nigerian military continues to drive people from their homes. According to UNHRC, over two million people are currently displaced with some 190,000 refugees in neighbouring Cameroon, Chad and Niger. People in remote communities in the north-east of Nigeria have been fleeing widespread and indiscriminate attacks on their villages and towns by Boko Haram fighters. Several camps for displaced people have been created around the region.

Amnesty International has received reports of inadequate living conditions in the camps, with insufficient access to food, water, and shelter, leading to malnutrition and deaths. Women living in camps have reported protection concerns, including sexual and gender-based violence. The Nigerian government is urging people to return claiming that the security situation in the communities is now improved. However, the so-called safe and secured areas are only guaranteed in the major headquarter towns and not across all communities. Infrastructure including housing is also not in place.

South Sudan

In South Sudan's short history the country has been significantly affected by conflict and displacement of people. The number of refugees fleeing South Sudan has soared from 115,013 in December 2013, to 1 million as of 16 September 2016. Between 8 July and 28 August 2016 alone, a total of 95,331 refugees fled South Sudan due to renewed fighting in Juba between government opposition forces; refugees cited rape, forced recruitment and looting as the main reasons for fleeing. Many more people are internally displaced within South Sudan and may be trying to leave.

In July 2016 Amnesty International received reports of South Sudanese, especially men, being deliberately blocked by National Security Service officers from leaving the country, including being prevented from boarding flights to Entebbe, Uganda, in violation of their right to leave their own country. The majority of those leaving South Sudan have fled to Uganda, which as of September 2016 hosted 373,626 South Sudanese refugees. Other countries in the region, including Kenya, Sudan, Ethiopia, Central African Republic and the DRC, are also hosting large numbers.

Only 20% of UNHCR's funding requirements requested for the South Sudan refugee crisis had been met as of 28 August 2016. South Sudan is also host to around 250,000



refugees who have fled the conflict in Sudan's South Kordofan and Blue Nile states. The majority live in refugee camps and settlements in South Sudan's volatile Upper Nile and Unity States with limited access to humanitarian assistance. Nearly 90% of those arriving in South Sudan from South Kordofan are women and children with unaccompanied and separated minors representing 10% of the new arrivals from January to August 2016. The main reasons reported for fleeing the two areas in Sudan are lack of food, aerial bombardments and ground attacks due to ongoing conflict between the Government of Sudan and armed opposition groups.

Amnesty International calls on African Union member states to:

- establish systems to equitably share the responsibility for refugees. Article 2 (4) of 1969 OAU Convention urges member states, in the spirit of African solidarity and international co-operation, to take appropriate measures to “lighten the burden” of other Member States that find “difficulty in continuing to grant asylum to refugees”;
- put in place systems and processes that guarantee access to fair and efficient asylum processes and increased use of prima facie determination of refugee status. Refugee status determination (RSD) must ensure that individuals who are in need of international protection are recognized as such and given the protection to which they are entitled. RSD must be fair, timely and respect the dignity of the individual. People seeking asylum should not be detained while their applications are processed;
- enable refugees to enjoy their rights and meet their basic needs in the host member state (adequate shelter, food, water, access to national health care and education. States need to move from emergency support to enabling refugees to live with dignity and inclusively in the host countries. This includes enabling refugees and asylum-seekers to live within host communities and access employment; and
- end factors that force people to leave their country to seek protection elsewhere.