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66th Ordinary Session of the African Commission on Human and Peoples' Rights

Agenda Item 7(x): Activity Report of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa

Honorable Chairperson,

Amnesty International welcomes this opportunity to address the African Commission on Human and Peoples' Rights (African Commission) on this occasion of its 66th ordinary session.

COVID-19 is wreaking havoc in Africa, threatening health, life and livelihoods of millions of people. Refugees, migrants, and asylum seekers stranded in borders or staying in refugee camps or in urban and peri-urban centers are amongst those who have been most disproportionately affected by the pandemic.

Border closures and resulting restrictions on access to seek asylum and immigration status, precarious work conditions, restrictions on freedom of movement and lack of access to public benefits and health care systems are some of the main challenges refugees and asylum seekers are facing during the COVID-19 pandemic.

UNHCR and WFP have sounded the alarm in July 2020 that refugees in Africa face hunger and malnutrition as COVID-19 worsens food shortages and reduces humanitarian funding streams. Food ration to refugees in Uganda's refugee settlements has been reduced by 30% and by 50% for refugees in Cameroon.

Language and cultural barriers and persisting xenophobia, racism, discrimination, stigma and exclusion often exacerbate the challenges refugees, migrants, and asylum seekers face in many countries across Africa.

It is in this context that Amnesty International wishes to highlight the particular impact of border closures on the rights of refugees and asylum seekers in Kenya, Tanzania and Uganda.

In **Tanzania**, the borders have been *de facto* closed for asylum seekers and refugees since 2017 – long before the COVID-19 outbreak. This has driven many refugees and asylum seekers from Burundi to use unofficial border crossing points to enter Tanzania where there is no provision for identification, documentation and health screening for new arrivals.

Uganda, which hosts about 1.4 million refugees, closed all its borders in March at the onset of COVID-19 pandemic. The conflict in eastern Democratic Republic of Congo (DRC) drove over 10,000 refugees to camp along the border with DRC since late March seeking to enter Uganda. Likewise, hundreds of South Sudanese people displaced by fighting between government soldiers and armed groups in Central Equatorial State in May and also camped along the Uganda border.



Amnesty International acknowledges and welcomes the government of Uganda's measure to temporarily open its border in Zombo District to allow refugees from DRC. We call on the government to extend this exception on border closures for all refugee and asylum seekers across all its borders whilst ensuring proper screening and quarantine measures are in place.

In **Kenya**, authorities closed the borders with Somalia and Tanzania on 16 May. Reception and registration centers for asylum seekers in urban centers and in the refugee camps remain closed. Kenya had already closed reception and registrations for new arrivals from Somalia over 3 years ago. As a result, there are over 13,000 new arrivals from Somalia in Dadaab refugee camp only who are denied the right to register as asylum seekers and have their refugee claim assessed thus unable to benefit from international protection and from having access to food rations, shelter and specialized health services.

Blanket border closures contravene international refugee law by denying people in need of international protection an effective opportunity to seek asylum. They also violate the principle of *non-refoulement*, which prohibits states from turning away people at a border and returning them to a country where they would be at risk of persecution.

While states who have closed their borders are faced with a genuine public health emergency, they, with support from international partners, must find solutions that respect their international human rights obligations, including with respect to the right to seek asylum. This means that instead of closing borders states need to keep them open whilst taking appropriate public health measures at border crossing points such as medical screening and testing, and preventative and time-bound quarantine facilities.

Amnesty International calls on the African Commission to urge African states to abide by their international obligations including under human rights and refugee law. In this respect we wish to highlight that the right to seek and be granted asylum and protection from return is provided for in the African Charter on Human and Peoples' Rights and the 1969 OAU (now AU) Convention Governing the Specific Aspects of Refugee Problems in Africa.

Amnesty International also calls on the African Commission to urge African states to put in place systems and processes that guarantee continued basic registration and documentation for new arrivals, as well as access to national health and social protection systems for all asylum seekers, refugee and migrants.

Thank you.