



SHARM EL SHEIKH DECLARATION

Adopted by the Africa Chapter of the International Association of Refugee and Migration Judges (IARMJ)
Final Plenary Session, Sharm El Sheikh, Egypt
21 November 2024

We, the members of the Africa Chapter of the International Association of Refugee and Migration Judges (IARMJ), and other stakeholders gathered in Sharm El Sheikh, Egypt, from 19 to 21 November 2024, reaffirm our commitment to the universal principles of human dignity, equality, and justice that underpin international and regional refugee and migration protection regimes.

Recognising the 1951 UN Refugee Convention and its 1967 Protocol, the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, the Kampala and Statelessness Conventions, and other international and regional human instruments, we stress Africa's ubuntu spirit in addressing displacement, promoting solidarity, and ensuring protection for asylum seekers, refugees, and migrants.

Acknowledging the growing complexities of mixed movements driven by conflict, persecution, trafficking, statelessness, climate change, and economic insecurity, we are deeply concerned about restrictive and punitive migration policies, pushbacks, and the erosion of the foundational principle of refugee protection - the non-refoulement principle - and we reaffirm the judiciary's pivotal role in safeguarding rights and ensuring access to justice.

We reaffirm the primacy of the 1951 Convention, its 1967 Protocol, together with the 1969 Convention, and other relevant international and regional instruments, in upholding the rights of asylum seekers and refugees, and urge African States to implement and domesticate these fully to uphold international protection standards.

Recognising the complexities of mixed migration flows involving refugees, asylum-seekers, and migrants, we applaud efforts by States, regional organisations, and civil society to develop humane and effective responses and call upon States to adopt a whole-of-route approach that ensures the dignity, safety, and rights of all people on the move. States are urged to uphold fundamental rights, provide international protection for refugees by granting access to asylum protection and respecting non-refoulement, counter smuggling and trafficking through collaborative measures, strengthen regional and cross-border cooperation to establish safe and regular migration pathways, and promote regional jurisprudence on migration issues by supporting the African Court on Human and Peoples' Rights through ratification and declarations under its Protocol.

We recognize the critical importance of responsibility-sharing as outlined in Article II(4) of the 1969 OAU Convention, which calls upon States to demonstrate solidarity and cooperation in providing protection and solutions for refugees and displaced persons. We therefore urge States to develop regional and international mechanisms that facilitate equitable distribution of responsibilities, which are essential to uphold the principles of international protection, foster regional solidarity, and achieve sustainable solutions for displaced populations and host communities.

We encourage all African States to ratify the newly adopted Protocol to the African Charter on Human and Peoples' Rights relating to the Specific Aspects of the Right to a Nationality and the Eradication of Statelessness in Africa and to incorporate its provisions into national laws and policies.

We further recognise the critical role of the African Commission on Human and Peoples' Rights to monitor African States' compliance with the 1969 Convention and commit to seek observer status with the Commission.

Judicial independence and capacity are essential for fair adjudication in cases involving refugees, migrants, and stateless persons. We commit to enhancing judicial training on complex issues of refugee protection, trafficking, and mixed movements.

We advocate for stronger legal responses to trafficking and smuggling networks, prioritising a victim-centred approach to rehabilitation, reintegration, and protection.

We acknowledge climate-induced displacement and migration as a growing challenge and encourage the development of regional guidelines and legal pathways to protect those displaced by climate change, disasters, and environmental degradation.

The principle of non-refoulement remains an inviolable cornerstone of international protection. We call for mechanisms to facilitate freedom of movement while addressing security concerns. We encourage all States to adopt measures and laws that do not penalise refugees on account of their illegal entry or presence and where detention is used as a measure to manage security concerns, to do so only as a measure of last resort.

We stress the importance of collaboration among regional and international courts, states, civil society, international and regional human rights bodies and international organisations to address the challenges of mixed movements.

We pledge to facilitate conversation among judges and develop guidelines, handbooks, and training materials on refugee and migration law, including guidance on non-penalisation and detention, statelessness, and climate-induced displacement to enhance judicial competence and legal frameworks.

We commit to creating a dedicated IARMJ Africa Chapter Working Group to help implement this Declaration's principles. In doing so, we make the following commitments:

- We will convene annual regional forums to review progress, discuss emerging challenges, and foster innovative solutions to migration governance in the face of the complexities of mixed migration flows.
- We commit to advocating for comprehensive laws that ensure access to justice, protection, and psychosocial support for trafficking victims and stateless individuals.
- We commit to exploring ways in which we can engage and participate in the regional human rights bodies committed to upholding human rights.

We urge:

- States to demonstrate political will, solidarity, and resource allocation for effective protection systems;
- Judiciaries to uphold the rule of law and ensure fair adjudication of migration-related cases;
- International bodies to provide technical and financial assistance to strengthen legal frameworks.

We, as participants in the IARMJ Africa Chapter Conference 2024, pledge to uphold the rights and dignity of individuals in mixed movements. Recognizing the evolving global context of migration, we reaffirm our commitment to ensuring protection, accountability, and justice for all.

Adopted this 21st day of November 2024, in Sharm El Sheikh, Egypt.

**Judge President Dunston Mlambo
President, Africa Chapter, IARMJ**