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Nov 3rd, 2:00 PM - 3:30 PM

Article 14 of the Universal Declaration of Human Rights, Africa and the non-application of the verb 'enjoy'?

Cristiano d'Orsi

University of Virginia - Main Campus, cd6jx@virginia.edu

Cristiano d'Orsi

University of Johannesburg, cd6jx@virginia.edu

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d'Orsi, Cristiano and d'Orsi, Cristiano, "Article 14 of the Universal Declaration of Human Rights, Africa and the non-application of the verb 'enjoy'?" (2023). *Biennial Conference: The Social Practice of Human Rights*. 2.

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Dr Cristiano d’Orsi

Lecturer and Senior Research Fellow

South African Research Chair in International Law (SARCIL)
Faculty of Law
University of Johannesburg
South Africa

Contact details:

Tel.: 0027 11 559 38 12 (Work)

Emails: cristianod@uj.ac.za; cd6jx@virginia.edu

Dr Cristiano d’Orsi is a Lecturer and Senior Research Fellow at the South African Research Chair in International Law (SARCIL), Faculty of Law, University of Johannesburg. He holds a Laurea (BA (Hon) equivalent, International Relations, Università degli Studi di Perugia, Perugia); a Master’s Degree (Diplomatic Studies, Italian Society for International Organization (SIOI), Rome); a two-year Diplôme d’Etudes Approfondies (Master of Advanced Studies equivalent, International Relations (International Law), Graduate Institute for International and Development Studies, Geneva); and a Ph.D. in International Relations (International Law) from the same institution. Additionally, Cristiano has done post-doctoral studies at the University of Michigan Law School (Grotius Scholar) and at the Centre for Human Rights, University of Pretoria. His research interests mainly focus on the legal protection of displaced and forced displaced persons in Africa, on African Human Rights Law, and, more broadly, on the development of Public International Law in Africa.

Decolonization and Development for Africa and People of African Descent
University of Dayton Dayton,
November 2-4, 2023

Article 14 of the Universal Declaration of Human Rights, Africa and the non-application of the verb ‘enjoy’?

My contribution focuses on Article 14 of the Universal Declaration of Human Rights (UDHR) on the right ‘to seek and to enjoy [...] asylum’ (14(1)) –subject to exceptions (14(2)) and how this right has been translated into the domestic legislation of African countries and is applied into practice. This is because the correct application of this article by states would help to construct and develop a better future for refugees in Africa.

The first regional legal instrument to adopt a formula similar to Article 14 is the African Charter on Human and Peoples’ Rights (Banjul Charter), whose Article 12(3), recalls the right enshrined in Article 14(1) of the UDHR, which stipulates that every individual persecuted shall have the right of ‘seeking and obtaining asylum’.

Although the second verb used (after ‘seeking’) is different, it is clear that the ‘attainment’ of the right mentioned in Article 12(3) of the Banjul Charter seems in some way preparatory to the ‘enjoyment’ of the same right mentioned in Article 14(1).

Thus, I analyse the theory and practice of refugee law in Africa to discover if there is a piece of sub-regional and/or domestic legislation and/or one or more adjudicated cases/s on the continent where the right to ‘enjoy’ asylum has been reaffirmed in a way that renders the UDHR applicable in this regard.

Linked to this argument I also reflect whether political shifts caused by decolonization have given rise to a real, non-imperial world, in the way that refugee law in Africa would reflect changes in political systems. This is order to better assess if the enjoyment of asylum is concrete on the continent. In converse, I am also wondering whether decolonization is a perpetually unfinished process since the goal of achieving sovereignty is contingent beyond the powers of the African state. This is because it is clear that, if my response to the above question will be positive, I could not be surprised if the attainment of the right to enjoy asylum is substantially not practicable in Africa.