



African Policing Civilian Oversight Forum

NGO Observer Status No. 372

Statement in response to the activity report of the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa

**85th Ordinary Session of the African Commission on Human and Peoples'
Rights
21-30 October 2025**

Item 7: Activity Reports of Commissioners and Special Mechanisms (Interventions)

Honourable Chairperson and Commissioners,

The African Policing Civilian Oversight Forum (APCOF) welcomes this opportunity to make a statement on the status of migrants. We are a not-for-profit Trust based in Cape Town, South Africa, working on police accountability and governance in Africa.

APCOF commends the Commission for adopting “*The study on the human rights impact of law enforcement on asylum seekers, refugees and migrants in Africa*” in October 2024. The *study* effectively underscored the key role played by law enforcement in perpetrating arbitrary deprivation of life, gender-based violence, unlawful detention and torture against migrants.ⁱ While migrants have historically experienced discrimination, in recent months there has been a heightened backlash against the rights of migrants.ⁱⁱ Governments around the world have resorted to extreme and violent measures to prevent and push back irregular arrivals, with law enforcement often used as a blunt instrument.ⁱⁱⁱ At times, countries receiving African migrants have externalised their migration controls, shifting international protection duties towards refugees and migrants to

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other states. For example, the European Union and Spain, bilaterally, have continued to outsource migration governance to Mauritania,^{iv} despite repeated reports of severe human rights violations by Mauritanian security forces over the previous five years.^v Documented violations include “torture, rape, and other violence; sexual harassment; arbitrary arrests and detention; inhumane detention conditions; racist treatment; extortion and theft; and summary and collective expulsions.”^{vi} As pointed out in the *study*: “It is clear that securitised border management, often on the basis of vaguely defined security concerns, has served as a cruel system of exclusion and discrimination.” As further pointed out in the study, migrants, regardless of their legal status or their reason for migrating, are entitled to international human rights.

We therefore call on the African Commission to:

- Remind States that bilateral agreements should encapsulate the principles of non-discrimination, non-refoulement and the protection of human dignity.
- In reviewing migration laws, policies and bilateral agreements, States need to ensure that securitisation is not the only factor influencing these policies.
- Urge African States to critically review bilateral agreements to ensure that they align with regional and national priorities and do not compromise the rights and interests of migrants.
- Consider the development of guidelines to assist States in reviewing bilateral agreements to ensure they comply with international human rights law.
- Consider the development of guidelines for law enforcement to ensure compliance with the human rights of migrants.
- Encourage States to collaborate and cooperate with civil society organisations to monitor and improve human rights based training for law enforcement in the context of migration, in alignment with the existing human rights framework.

Submitted on behalf of APCOF by:

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ⁱ United Nations Office of the High Commissioner of Human Rights (OHCHR) “Recommended Principles and Guidelines on Human Rights at International Borders” *Foreword* (2014) <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf> (accessed 09/09/2022).

ⁱⁱ Intelbrief (2025) “As Aid Groups are Expelled, Libya Remains a Key Player on Migration” <<https://thesoufancenter.org/intelbrief-2025-april-11/>> (accessed 20/09/2025).

ⁱⁱⁱ Amnesty International (2025) “The State of the World’s Human Rights: April 2025” <<https://www.amnesty.org/en/documents/pol10/8515/2025/en/>> page 19 (accessed 19/09/2025).

^{iv} Human Rights Watch (2025) “Mauritania Years of Migration Control Abuses” <<https://www.hrw.org/news/2025/08/27/mauritania-years-of-migration-control-abuses>> (accessed 04/09/2025).

^v Human Rights Watch (2025) “Mauritania Years of Migration Control Abuses” <<https://www.hrw.org/news/2025/08/27/mauritania-years-of-migration-control-abuses>> (accessed 04/09/2025).

^{vi} Human Rights Watch (2025) “Mauritania Years of Migration Control Abuses” <<https://www.hrw.org/news/2025/08/27/mauritania-years-of-migration-control-abuses>> (accessed 04/09/2025).