



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**

**79<sup>th</sup> Ordinary Session of the African Commission on Human and  
Peoples' Rights  
14 May – 3 June 2024**

**Item 6: Activity Reports of the Members of the Commission & Special  
Mechanism**

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 and particularly the Special Rapporteur on Refugees, Asylum Seekers, Internally Displaced Persons and Migrants in Africa for adopting "*The study on the human rights impact of law enforcement on asylum seekers, refugees and migrants in Africa*". This study sheds light on the

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plight of migrants in Africa, underscoring that contemporary migration often results in arbitrary deprivation of life, gender-based violence, unlawful detention and torture.<sup>i</sup> Given that law enforcement officials are often responsible for enforcing migration policies, it is imperative to address human rights abuses against migrants that have been perpetrated by law enforcement. The study traverses the existing legal framework, which includes the African Charter, the Maputo Protocol, the AU Protocol relating to Freedom of Movement, the African Guiding Principles on the Human Rights of All Migrants, Refugees, and Asylum Seekers, the Migration Policy Framework for Africa and Plan of Action and the Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa (“the Luanda guidelines”). These instruments collectively underscore that all migrants, regardless of their legal status, are entitled to enjoy human rights.<sup>ii</sup> The key challenge is not necessarily a lack of standards and institutions but rather the challenge of developing proactive implementation measures that will ensure that existing standards and guidelines work.

We therefore call on the African Commission to:

- Remind States to ratify relevant international and regional instruments, such as the AU Protocol relating to Freedom of Movement, and to take all necessary measures to ensure implementation of existing guidelines, such as the Luanda Guidelines and the African Guiding Principles on the Human Rights of All Migrants, Refugees, and Asylum Seekers, particularly in relation to ensuring human rights-based policing.
- Urge African States to collect disaggregated data on migrants to ensure comprehensive responses to migration.
- 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.

- Encourage States to raise awareness on the rights of migrants and the human rights violations they experience at the hands of law enforcement.
- Encourage states to implement and strengthen robust monitoring mechanisms, such as national human rights institutions or independent oversight bodies, to track progress, identify gaps and hold law enforcement responsible for human rights violations.

**Submitted on behalf of APCOF by:**

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<sup>i</sup> 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](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf)> (accessed 09/09/2022).

<sup>ii</sup> 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](https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/OHCHR_Recommended_Principles_Guidelines.pdf)> (accessed 09/09/2022) page iii. This is grounded in the universality of human rights, as recognised in the preamble of the Universal Declaration on Human Rights and the preamble to the African Charter.