



# General Assembly

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## Human Rights Council

### Fifty-fourth session

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Agenda item 9

**Racism, racial discrimination, xenophobia and related  
forms of intolerance: follow-up to and implementation  
of the Durban Declaration and Programme of Action**

## **Written statement\* submitted by Elizka Relief Foundation, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 August 2023]

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\* Issued as received, in the language of submission only.



## **Excessive Use of Force against Africans and People of African Descent**

### **Background:**

The United States of America and European countries show clear contradictions to human rights obligations and adopt policies different from their contents, particularly about migrants from the African continent with dark skin. In this context, Elizka Relief Foundation provides a written statement to the High Commissioner and the International Independent Expert Mechanism for Racial Justice Promotion by item 9.

### **First: Violations of the Rights of African Migrants and People of African Descent in accordance with Article 9**

The rights of African migrants, like other rights of migrants in the European and American contexts, are imprisoned by the prevailing societal realities and variables from the extreme right, discourses of discrimination and hatred, discourses of populism and discrimination; examples of such violations can be reviewed as follows:

#### **A. Situation of people of African Descent in the United Kingdom of Great Britain and Northern Ireland:**

The United Kingdom of Great Britain and Northern Ireland represents an example of racism and discrimination and a model of the use of force against Africans. Black people are arrested at least six times more than white people, and no more than 60% of black people, including African migrants and Afro-descendants, receive quality health care.(1)

In addition to the increasing violations of migrants' forced returns. In April 2022, the United Kingdom of Great Britain and Northern Ireland signed the Partnership and Asylum Agreement on the Transfer of asylum seekers arriving in the United Kingdom of Great Britain and Northern Ireland illegally to Rwanda for a payment of £120 million.(2)

In March 2023, the United Kingdom of Great Britain and Northern Ireland planned to relocate up to 5,000 asylum-seekers to three former military sites. Weathers Field in Essex, Scampton in Lincolnshire and Bexhill in East Sussex. It spoke of the transfer of asylum seekers to the "Patrick Garrison" base in Yorkshire.(3)

On July 28, 2023, the Home Office bought a tent to house 2,000 migrants in a tent to be built on former military sites by the end of August 2023.(4)

On 18 July 2023, the British Parliament passed the irregular migration bill to the House of Lords for a vote; it contradicts its obligations under international human rights law and asylum law. It abolishes the right of access to asylum in the United Kingdom of Great Britain and Northern Ireland for anyone arriving in the country "irregularly." It's forbidden to submit requests for refugee protection or other human rights-related requests, no matter how difficult their circumstances.(5)

#### **B. Situation of People of African Descent in Germany:**

In Germany, where more than 450,000 people live in sub-Saharan Africa, certain stereotypical assumptions about Africans are widespread to monitor the highest rates of abuse and racial discrimination against Africans, especially in obtaining a job or an apartment for more than 1/3 Africans since 2018. It does not recognize the family reunification system; unrecognized African asylum seekers suffer from not bringing their partners and children to Germany.(6)

On October 2, 2022, the government appointed a special representative to strike deals with African and other countries to assist with asylum procedures and reduce irregular migration. On 4 August 2023, the German Interior Minister proposed to tighten deportation rules for foreigners obliged to leave the country, most of whom had refused their asylum applications, extend the detention in the deportation prison to 28 days and expand the powers granted to the police.(7)

### **C. Situation of People of African Descent in Canada:**

Canada's contexts reveal policies that differ from European approaches to migration and migrants. It is known for its relative openness, particularly since the 1990s. It monitors that 23% of its population are migrants and aims to attract 1.45 million migrants between 2023 and 2025.(8)

However, that openness was not entirely inclusive of Africans. On 8 May 2018, the Canadian government announced its attempts to reduce the number of asylum seekers from Nigeria. Racist and discriminatory violations are frequently implicated and recorded with their significant refusal of study permits to African nationals. Canada's immigration services often accuse African migrants of intending to remain in Canada at the end of the study, besides the difficulty and complexity of procedures, especially for students, artists, and entrepreneurs. In a province in Quebec City, where up to 80% of applicants from Africa have been rejected", it has the highest rejection rate for African students, although it accepts 90% of applications from France, the United Kingdom of Great Britain and Northern Ireland, or Germany in case of admission.(9)

This was confirmed by the Ministry of Immigration, Refugees and Citizenship's statements in September 2022 and condemned by the Canadian government in December 2022. The Canadian authorities acknowledged the existence of racism and abnormally high rejection rates for African students who wanted to enter their territories to pursue their studies.

On November 2, 2022, Canada recognized its immigration system as tinged with racism over high rejection rates for African students. Although Canada's federal court in July 2020 ruled to withdraw Canada from its participation in the Safe Third Country Agreement based on the egregious circumstances in which the United States of America dealt with those returned from Canada, including arbitrary imprisonment, psychological abuse, and gross human rights violations; the deal is still running until August 2023.(10)

### **D. Situation of People of African Descent in the United State of America:**

The United States of America historically relies on unlawful practices for migrants, especially black people, from Latin America and the African continent by 54% and 42%, respectively. African migrants estimated 2.1 million sub-Saharan Africans, such as their black migrant counterparts, suffer discrimination, racism, homicides, and hatred. Its facts monitor that 19% of black migrants live below the poverty line; 53% of those falsely convicted of a serious crime are black. African Americans are 2.78 times more likely to be killed by the police than whites.<sup>11</sup> In the racist massacre inside a supermarket in Buffalo on May 14, 2022, a white gunman killed 10 African Americans and wounded three others.<sup>12</sup> In addition, the Government of the United States of America relies on Donald Trump's March 2020 regulation 42 to halt migrant flows that deny migrants the opportunity to seek asylum at the border, and does not allow them to remain in the United States of America pending the processing of their applications; which led to the expulsion of more than 52 million migrants, including African migrants, which has been renewed under a new draft law since May 2023.

## Second: Recommendations:

Having monitored and extrapolated the facts of African migrants in Western states by focusing on the United Kingdom of Great Britain and Northern Ireland, Canada, Germany, and the United States of America, a set of recommendations can be made to both the High Commissioner and the International Independent Expert Mechanism on the Promotion of Racial Justice as follows:

A. Elizka appeals to the Governments of Canada, Germany, the United Kingdom of Great Britain and Northern Ireland, and the United States of America to launch programs to combat hatred and racism against migrants, to control and prevent cultural, partisan and media institutions from promoting forms of racism, discrimination, and racial profiling towards Africans and urges them to correct the image of the African immigrant.

B. Elizka calls on the United Kingdom of Great Britain and Northern Ireland Government to reinvigorate its rights obligations towards migrants and reconsiders its policies, particularly its partnership with Rwanda on the transfer and deportation of migrants, the Illegal Immigration Bill adopted by Parliament in July 2023, and the March 2023 Plan for Migrant Relocation and Migrant Housing Policies in Inappropriate and Inhumane Camps and Towers.

C. Elizka draws the attention of the German Government and urges it to review the bureaucratic procedures for asylum applications submitted by African irregular migrants in such a way to allow them to expedite the determination of asylum claims, facilitate their access to employment and activate the reunification and family system for asylum-seekers.

D. Elizka draws the attention of the Government of the United States of America to the need to update and revise its immigration legal policies and regulations consistent with its rights and obligations to migrants, including section 42 and its counterpart May 2023 Bill.

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