

## Second Session of Permanent Forum on People of African Descent

Presentation of Gay McDougall

Member, UN Committee on Elimination of Racial Discrimination

Item 5: Thematic Discussion: Transnational Migration

As Tendayi Achiume has written : Borders are mechanisms for racialized exclusions.

Based on our work in CERD, we are constantly confronting the realities of what happens to Black mothers, fathers, and their babies when they leave home in search of safety and a better life. Over recent years CERD has issued statements about the treatment of Haitians, Cameroonians or Nigerians migrants who have encountered increased harms because of their Blackness or ethnicity.

Last month, in April, CERD issued a Statement drawing attention to the brutalities faced by Haitians on the move through the countries of the Americas as they were attempting to move north to the US border. This included abuses against Haitians by government and private citizens in Argentina, Bahamas, Brazil, Chile, Colombia, Cuba, Dominican Republic, Guatemala, Honduras, Mexico, Panama, Peru, the United States, and the islands of Turks and Caicos.

We expressed deep concern that 36, 000 Haitians were deported from countries of the Americas back into harm's way in Haiti during the first 3 months of this year. These were collective expulsions of Haitians without a proper assessment of the protection needs of each individual case, including pregnant women, newborns, unaccompanied children, victims of trafficking and gender-based violence. The scale of expulsions is rapidly increasing.

We raised alarm over alleged human rights violations and abuses against Haitians on the move at borders, in migrant detention centres, as well as along perilous migration routes in the Americas region, as a result of strict migration control, the militarization of borders, systematic immigration detention policies and the obstacles to international protection.

We warned that such obstacles exposed these migrants to “assaults on their life and security, killings, disappearances, acts of sexual and gender-based violence, and trafficking by criminal networks.”

We also have been alarmed by the increase in hate speech and racist or xenophobic violence against Haitians by public figures and private actors.

Caribbean countries, such as the Bahamas as well as the Turks and Caicos Islands, have announced crackdowns on undocumented Haitian migrants. The U.S. in January made public new border policies to permit fast-tracked expulsions to Mexico of Haitian migrants and others crossing the U.S. border.

In light of the dire situation in Haiti, which does not currently allow for the safe and dignified return of Haitians to the country, CERD has called for an end to the collective expulsions of Haitians on the move and assessments of each individual case to identify protection needs in accordance with international refugee and human rights law, with particular attention to the most vulnerable groups.

Allegations of excessive use of force, cruel, inhuman and degrading treatment, and racial profiling against Haitians must be investigated as well as other allegations of human rights violations and abuses committed by state and non-state actors, including at borders, migrant detention centres and along migration routes. Those responsible must be punished and victims or their families must receive rehabilitation and reparations.

The CERD Committee called for measures to prevent and combat xenophobic and racist violence and incitement to racial hatred against people of Haitian origin and to publicly condemn racist hate speech, including those uttered by public figures and politicians.

Of course for those limited numbers who reach the US boarder seeking to cross into a better place, also face these similar abuses disproportionately to other non-Black migrants: violence by border officials, dangerously unhealthy conditions in mandatory detention without due process or access to legal counsel, inadequate procedures to assess refugee or asylum status or for determining statelessness. The US must stop these abuses.

**Points for further discussion:**

- We must address the root causes for the migration. For Haiti, those root causes are grounded in the crimes of colonialism and slavery.
- We must confront the racism inherent in the attitudes of global north countries about Black migrants. The treatment of Haitian migrants is mirrored in the racist treatment of Cameroonian migrants trying to enter the US. It is mirrored in the treatment of Black migrants in Tunisia and those 26 Nigerian girls whose bodies were found floating face down in the Mediterranean Sea with cigarette burns all over their bodies. And also, those nameless men from Sub-Saharan Africa who were trapped in Libya as they migrated north and ended up being sold on an auction block as slaves in Libya.
- The international community has a responsibility to guarantee safe corridors for all migrants to move to new futures.