**Maat for Peace’ submission on “How to expand and diversify regularization mechanisms and programs to enhance the protection of the human rights of migrants”**

**Introduction:**

European governments have adopted many policies that clearly reflect their endeavor to get rid of irregular African migrants, whether by legalizing their expulsion from their national territory or transferring them to distant African countries and regions. In some cases, these governments may prevent hundreds of people from getting off the boats carrying them, despite the presence of children and elderly who need urgent care among them. Migrants continue to be subjected to many racist policies on European territories; they neither obtain their basic rights not receive treatment on an equal footing to original citizens.

Within the framework of the above, this written contribution seeks to shed light on the measures and policies adopted by some European countries, including Britain, France, Italy, Germany and Ukraine, which clearly reflects anti-migrants European policies, and underlines the discriminatory practices against these groups, whether in terms of obtaining their basic rights or in connection with the violence and hate speech they are exposed to under the name of Migration Governance Framework.

**First: The Legal Status of African Migrants in Europe… “Migration Governance” Framework and Its Human Rights Repercussions**

European countries have adopted several measures and policies that clearly reflect their endeavor to get rid of irregular African immigrants through various ways, under the framework of "Migration Governance". This may include transferring migrants to other regions and countries, For example, **the British government has recently entered into an agreement with the Rwandan government** that would allow Britain to send migrants and asylum seekers who cross the Channel thousands of miles back to Rwanda, at a time when the British government is trying to crack down on people who make the perilous journey.

Prime Minister Boris Johnson has announced that anyone entering the UK illegally will be transferred to Rwanda, affirming that Rwanda will have the capacity to resettle tens of thousands of people in the coming years, and that it is one of the safest countries in the world that is globally recognized for its record of welcoming migrants and their integration. Johnson also announced that the UK Border Agency would hand over the responsibility of patrolling Channel against illegal migrant crossings to the Royal Navy.

Rwanda's controversial scheme sparked anger among opposition politicians, who accused Johnson of trying to deflect attention from being fined for breaking coronavirus lockdown rules. Human rights groups also criticized the project, describing it as "inhumane". It has been confirmed that Rwanda welcomes this partnership with the UK to host asylum seekers and migrants and offer them legal pathways to residency.[[1]](#footnote-1)

The British government was not the only European country going this far. **The French government announced, in December 2022**, the attempts of French President Emmanuel Macron to put in place a law to increase the expulsions of irregular migrants after they were accused of many scandals and after heavy pressure from his far-right opposition. This draft law is to be discussed in Parliament in early 2023, just four years after a 2018 law with similar objectives. Figures from the interior ministry show that France currently expels around 10 percent of migrants who have been ordered to leave the country.[[2]](#footnote-2)

**This situation in Italy is not any better**. Italy's new right-wing government is trying to prevent European charities from disembarking migrants rescued from the Mediterranean at the country's ports, as an early sign of its campaign to stop irregular migration flowing from North Africa.

Rome's hardline policies and crackdown have left migrants stranded for up to 14 days aboard four ships operated by humanitarian charities, which rescue migrants from overcrowded unsafe boats in the Mediterranean Sea and take them to the nearest safe ports, usually in Italy. Italy gave permission to some of the vessel's passengers to disembark 144 at Sicily's port, mainly children, pregnant women, mothers accompanying their young children and sick people. But at least 35 other migrants have been forced to remain on board, with the government ordering the ships to leave the port immediately.[[3]](#footnote-3)

**In Germany**, during February 2023, according to the new German Special Commissioner for Migration, Joachim Stamp, the German government plans to evaluate its options for transferring asylum procedures to the African continent, where it will carry out deportations of people who are not entitled to stay in the country. The government, especially people who are rescued in the Mediterranean, will be transferred to North Africa. It should be noted that the idea of transferring asylum procedures to be carried out in Africa is not new among German politicians.[[4]](#footnote-4)

**During the Russian-Ukrainian conflict**, discriminatory practices against Africans fleeing Ukraine due to the Russian intervention spread on the border between Poland and Ukraine, where officials prevented them from crossing the border for days, despite the cold and the lack of food or other supplies, while letting white-skinned refugees in.

Thousands of African students study in Ukraine, mostly from Nigeria, Ghana, Kenya, South Africa, Ethiopia, Somalia, and other countries, where education standards are high and costs are low. The Ukrainian border forces impeded the exit of the Nigerian students, and the Ukrainian police and security forces refused to allow them to board buses and trains heading to the border between Ukraine and Poland.[[5]](#footnote-5)

Therefore, according to the aforementioned, European governments have taken many measures that reflect their endeavor to expel irregular migrants instead of managing them in a way that does not destroy their lives, as many governments have developed policies aiming at removing African migrants by various means and policies from European lands, reflecting the inhumane approach of the European Union towards African migrants.

**Second: Violent and discriminatory practices against migrants in the EU:**

Despite the positive moves that guarantee giving equal rights to African migrants, racist practices against Africans remain widespread, impacting children, and their access to equal rights, as they were subjected to many violations while seeking to obtain basic rights.

According to many surveys conducted on migrants in European Union countries, migrants have reportedly experienced discrimination in many areas of life, whether on the basis of skin color, ethnicity or religion. Four out of 10 people of African descent (39%) have reportedly experienced racial discrimination. Besides, (27%) of them felt that the color of their skin is the main reason for their exposure to discrimination in education or health.

One in 10 African-Americans (9%) experienced discrimination in education. (78%) children were discriminated against when contacting school authorities and the main reason was attributed to the color of their skin or physical appearance. Five (18%) of African parents or guardians also reported that their children experienced racial bullying at school. About 4% of parents reported that their children had experienced racist violence at school.

This has prevented Africans from receiving good education. In general, fewer people have completed higher education than the general population. In France (36%), Finland (39%), and Ireland (46%), the percentage of men who have completed ended education is higher with (29%, 30%, and 34%, respectively), and about one in five Africans (18%) is currently attending school or vocational training.

It should be noted that the Irish Equality Act allows religious schools to give preference to children of the school faith in order to preserve the ethos of the school, which has a negative impact on children from ethnic minority groups, including Africans, who are also members of minority religious communities, as the vast majority of the state-run religious schools are Catholic, the predominant religion in the state.[[6]](#footnote-6)

After African migrants are classified as irregular, European governments legalize, support, and enable their exposure to various forms of violence and extremism, which impedes the improvement of migrants’ lives under the name of “Migration Governance”, which allegedly means that European governments and the European Union cooperate with many agencies and actors in various sectors in order to control and manage borders. Governments, indeed, carry out many violent and inhumane practices against migrants under the guise of this term.

European governments seek to inculcate the idea that African migrants should not go beyond the places and borders drawn by whites for them, and this is evident in their failure to respond to distress calls and refusals to allow migrants disembark from the boats, thus they are trying to silence the voice of Africans and their demands, and not respond to them under the pretext of the Migration Organization.

As a result, these inhumane measures claim the lives of hundreds of African migrants. Even worse, dozens of migrants are subjected to extrajudicial executions. Even after decades of ending colonialism, White supremacy continues to resonate in today’s world and Africans are still perceived as the White Man's Burden, who can’t move forward without the guidance of the white man, which aggravate racist policies and practices against them.[[7]](#footnote-7)

**Recommendations:**

In light of the violations migrants are subjected to, a set of recommendations can be made as follows:

**First**: Unlawful acts of racism and racial discrimination against African migrants, including incitement to racial hatred and racist attacks by officials, are serious violations of human rights, and should be combated by all legitimate means. Therefore, Maat recommends the governments of European countries to quickly develop a new law criminalizing racist-motivated crimes, to prosecute racist violence against migrants, and to ensure fair and equal access to basic rights.

**Second**: Within the framework of the policies adopted by European governments that lead to the expulsion of irregular migrants under the name of Migration Organization, Maat recommends the Special Rapporteur on the rights of immigrants to establish a legal framework to limit those flagrant violations against migrants, strive to preserve their rights and urgently stop the violation of their right to life.

**Third**: Hundreds of irregular migrants, especially Africans, are exposed to death due to the policies of European governments that do not allow vessels to disembark at the shores. Therefore, Maat recommends the Special Rapporteur on the rights of migrants to issue an urgent decision for removing these policies that refuse to allow boats to disembark, giving priority to the lives of migrants, especially the vulnerable ones.

**Fourth**: Discriminatory policies against irregular migrants who live in European countries continue to this day due to the difficulty of accessing basic rights and discrimination in obtaining education, as well as their exposure to discriminatory practices by the European peoples themselves. Therefore, there is an urgent need for CSOs and NGOs to conduct awareness campaigns about the issue in order to stop these racist practices.

**Fifth**: In light of the limited availability of published studies and surveys that focus on the situation of irregular migrants and the extent to which they obtain their basic rights, Maat recommends the European national statistical centers to pay attention to these children, conduct more surveys and studies on their situation, and present them to governments in order to work to improve their access to their rights, including the right to education.

1. france24, UK announces controversial plan to fly migrants and asylum-seekers to Rwanda, 14 April 2022, <https://bit.ly/40QHbmI> [↑](#footnote-ref-1)
2. Urdupoint, Macron Tackles French Immigration 'anxieties' With New Law, 6 December 2022, <https://bit.ly/3xk9Y5v> [↑](#footnote-ref-2)
3. The Financial Times, Italy blocks rescued migrants from landing and orders ship to leave port, NOVEMBER 7 2022, <https://on.ft.com/3HXpsRR> [↑](#footnote-ref-3)
4. Infomigrants, Between deportation and offshore processing: Germany mulls changes to asylum process, 6 February 2023, <https://bit.ly/3jWptxu> [↑](#footnote-ref-4)
5. Dw, Ukraine: African students face Russian missiles and racism, September 2022, <https://bit.ly/3xfWMi3> [↑](#footnote-ref-5)
6. Commission on Security and Cooperation in Europe, EUROPEANS OF AFRICAN DESCENT ‘BLACK EUROPEANS’: RACE, RIGHTS, AND POLITICS, Washington: 2015. <https://bit.ly/3laoZkg> [↑](#footnote-ref-6)
7. Opendemocracy, Europe’s migration policies are about limiting Black freedom, 18 November 2022, <https://bit.ly/3XlN9ZG> [↑](#footnote-ref-7)