



HRW.org

**Submission to the Office of the High Commissioner for Human Rights
Resolution 43/1 Report on the Promotion and Protection of the Human Rights of Africans/People of
African Descent against Excessive Use of Force
Originally submitted March 9, 2021; Updated April 15, 2022**

Human Rights Watch is pleased to offer this submission to the Office of the High Commissioner for Human Rights (OHCHR) as background information for the preparation of OHCHR's report on the Promotion and Protection of the Human Rights of Africans/People of African Descent against Excessive Use of Force. We have compiled published reports of our investigations and legal analysis, congressional testimony, and related materials beneath each of the relevant headings from the OHCHR's request for information.

OHCHR has requested information on, "measures taken to identify, address, reform and remedy systems, institutions, structures, mechanisms, legislation, policies and/or practices that give rise to, perpetuate, entrench and/or reinforce systemic racism, racial discrimination and associated human rights violations against Africans and people of African descent, including those resulting from historical legacies, as relevant."

Human Rights Watch would like to draw OHCHR's attention to current efforts to provide reparations to people of African descent within the United States. Human Rights Watch, alongside several local and national activists and groups, has been a part of efforts to call for reparative justice for racial discrimination and human rights violations against people of African descent, including those resulting from historical events, such as the Tulsa Race Massacre of 1921 and from the legacy of slavery in the United States.

As we have noted in our reporting,

No one has ever been held responsible for the crimes associated with the Tulsa Race Massacre, the impacts of which black Tulsans still feel today. Efforts to secure justice in the courts have failed due to the statute of limitations. Ongoing racial segregation, discriminatory policies, and structural racism have left black Tulsans, particularly those living in North Tulsa, with a lower quality of life and fewer opportunities.

Under international human rights law, governments have an obligation to provide effective remedies for violations of human rights. The fact that a government abdicated its responsibility nearly 100 years ago and continued to do so in subsequent years does not absolve it of that responsibility today—especially when

failure to address the harm and related action and inaction results in further harm, as it has in Tulsa. Like so many other places across the United States marred by similar incidents of racial violence, these harms stem from the legacy of slavery.

There are practical limits to how long, or through how many generations, such claims should survive. However, Human Rights Watch supports the conclusion of the Oklahoma Commission to Study the Tulsa Race Riot of 1921 (recently renamed the Tulsa Race Massacre Commission)—a commission created by the Oklahoma state legislature in 1997 to study the massacre and make recommendations—that reparations should be made.

The Tulsa Race Massacre occurred in a broader context of racist violence and oppression stemming from slavery, which continues to impact black people in the United States today. Human Rights Watch has long been supportive of the development of broader reparations plans to account for the brutality of slavery and historic racist laws that set different rules for black and white people. Accordingly, Human Rights Watch supports US House Resolution 40 (H.R. 40), a federal bill to establish a commission to examine the impacts of the transatlantic slave trade and subsequent racial and economic discriminatory laws and practices. H.R. 40 has been circulating in Congress for 30 years but recently gained renewed momentum given a growing public understanding about the harms of slavery and its continuing impact today.¹

For more information, please see:

- [Failed Justice: 100 Years After the Tulsa Race Massacre](#)
A Human Rights Watch report issued on the centennial of the Tulsa race massacre detailing the failure by city and state authorities in Tulsa, Oklahoma, to plan for and provide comprehensive reparations, compounding the harms of the May 31, 1921, Tulsa race massacre.
- [The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument](#)
A report describing the 1921 Tulsa Race Massacre and its connections with modern day systemic racism; and outlining the case for reparations under international human rights law.
- [H.R. 40: Exploring the Path to Reparative Justice in America](#)
Congressional testimony submitted by Human Rights Watch to the US House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties
- [An Innovative Approach to Police Violence in New York City](#)
Commentary describing an innovative attempt by civil society groups in New York City to seek reparations for victims of police violence.

OHCHR has requested information on, “the impact of such measures on the enjoyment of civil, political, economic, social and cultural rights, including, but not limited to, measures, mechanisms and procedures taken to identify, address and provide effective remedy and redress for systemic racism and racial discrimination experienced by Africans and people of African descent within law

¹ Human Rights Watch, *The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument* (New York: Human Rights Watch, 2020), <https://www.hrw.org/news/2020/05/29/case-reparations-tulsa-oklahoma>.

enforcement and the criminal justice system. Please also identify or include related public reports in this regard.”

Human Rights Watch has not identified effective national measures, mechanisms and procedures taken to provide remedies for systemic racism and racial discrimination in the United States. Instead, we, alongside many others, have identified several ways in which systemic racism and racial discrimination continue to plague the country. For example,

[R]acial disparities in illness and death from Covid-19 are inextricably linked to failures at all levels of government in the United States to fully protect the human rights of people of African descent, as well as government policies over generations that have directly contributed to racial disparities across multiple systems—health, education, housing, and criminal justice, among others. These disparities compound each other in ways that exacerbate the vulnerability of people of color to Covid-19.²

In other contexts, including as documented by Human Rights Watch in Tulsa, Oklahoma, poverty and racial discrimination in policing are interlinked.

For more information, please see:

- [Covid-19 Disparities Reflect Structural Racism, Abuse](#)
Human Rights Watch testimony submitted to US House of Representatives Ways and Means Committee on the ways in which Covid-19 racial disparities reflect structural racism and racial discrimination in the United States.
- [Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma](#)
An interactive feature showing the correlations between poverty, policing, and race in Tulsa, Oklahoma.
- Articles in [The Root](#), [Washington Post](#), [New York Times](#), and [NBC News](#)
These articles describe a lawsuit on behalf of the Tulsa race massacre survivors, citing Human Rights Watch’s findings.
- [Poverty, the Pandemic and Police Violence in the US](#)
This essay discusses the interrelationship between poverty, the pandemic, and police violence in the US.

OHCHR has requested information, “regarding specific incidents of alleged violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and people of African descent.”

Human Rights Watch has reported that:

Too often police reform discussions in the United States focus on tactics that contribute to killings. Killings are only the tip of an iceberg of much more common daily interactions between police and Black, Latino, Native American, poorer people,

² Human Rights Watch, “Testimony to US House of Representatives Ways and Means Committee: Covid-19 Disparities Reflect Structural Racism, Abuses,” Congressional testimony, June 10, 2020, <https://www.hrw.org/news/2020/06/10/human-rights-watch-testimony-us-house-representatives-ways-and-means-committee>.

and people with disabilities, that are coercive and often violent, even if they do not result in death or serious injury. Such interactions result in high rates of arrest and criminalization, again disproportionately impacting people from these communities, contributing to mass incarceration and devastating long-term consequences for those convicted and those close to them.

These patterns are themselves a product of generations-old systemic racial inequalities, laws, and policies that have prioritized policing and criminalization as the primary state response to a range of societal problems. They are also the result of an approach to policing in the United States that has too often relied on coercion and force and failed to ensure accountability for abuse. Reform efforts need to address these fundamental problems to be effective.³

For more information, please see:

- [US: House Should Not Pass Policing Bill Without Changes](#)
In this press release, we outline our concerns with the proposed Justice in Policing Act in the US Congress, which passed in the US House of Representatives on March 3, 2021.
- [“Get on the Ground!” Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma](#)
In this report, we describe how abusive policing in Tulsa, Oklahoma that targets Black people and poor people, diminishes the quality of life in all communities.
- [A Roadmap for Re-imagining Public Safety in the United States](#)
This report provides 14 recommendations on how jurisdictions in the United States need to reduce investments in policing as a means to solve social problems such as poverty and substance use; and instead invest in robust forms of police accountability and community support.
- [Video Report Regarding Re-imagining Policing in the United States](#)
This video report discusses a vision for investing in economic, social, and cultural rights that actually promotes public safety in the United States and moving away from over-resourcing a law enforcement response to problems.
- [Defunding the Police is a Reparations Issue](#)
This commentary describes how moving resources away from policing and investing instead in communities can be a form of reparative justice.
- [Why Police Shoot People in the Back](#)
This commentary describes some elements of the legal and policy context that lead to police shooting people in the back.
- [US: Address Structural Racism Underlying Protests](#)
In this press release, Human Rights Watch connects the killing of George Floyd and the resulting protests to the failure to address structural racism in the United States.

Human Rights Watch and partner organizations have reported on incidents of excessive use of force and other human rights abuses against migrants who are African or of African descent by US border and immigration enforcement officials, as well as on the US government’s forced returns—via

³ Human Rights Watch, *A Roadmap for Re-imagining Public Safety in the United States* (New York: Human Rights Watch, 2020), <https://www.hrw.org/news/2020/08/12/roadmap-re-imagining-public-safety-united-states>.

expulsions or deportations—of migrants who are African or of African descent, that violate the international human rights prohibition against refoulement.

In particular, we draw the High Commissioner’s attention to the US government’s mistreatment of around 15,000 Black Haitian migrants and asylum seekers who sought entry to the United States in September 2021 at Del Rio, Texas. Instead of being provided protection and humanitarian assistance, according to Haitian Bridge Alliance and Robert F. Kennedy Human Rights, many were denied access to sufficient food, water, and medical care and some were also subjected to physical violence and intimidation by US border and immigration officials.⁴ While US Department of Homeland Security Secretary Alejandro Mayorkas pledged an investigation that would “be completed in days, not weeks,”⁵ the investigation continues and no final findings or actions have been publicly released.⁶ The failure of accountability has prompted advocates to file a federal class action lawsuit⁷ and a complaint under the civil rights laws of the United States.⁸

For more information, please see:

- [Haitian Bridge Alliance: Beyond the Bridge](#)

In this report, the nonprofit organization Haitian Bridge Alliance provides documentation of use of force and failures to provide needed protection and assistance to Haitian migrants and asylum seekers at Del Rio, Texas.

- [Haitians Being Returned to a Country in Chaos](#)

In this press release, Human Rights Watch describes the dangerous and life-threatening conditions to which Haitians are being returned from the United States and elsewhere in the region.

- [DHS Rights Violations in Del Rio Texas](#)

In this official complaint under the civil rights laws of the United States, Human Rights Watch joins with partner groups to provide evidence of the civil rights violations committed against Haitians in Del Rio Texas.

- ["They Treat You Like You Are Worthless": Internal DHS Reports of Abuses by US Border Officials](#)

In this report, Human Rights Watch provides evidence of physical abuse by US border officials.

- [US: Treatment of Haitian Migrants Discriminatory](#)

In this press release, Human Rights Watch describes the violent and racially discriminatory treatment of Haitians by US border officials at Del Rio, Texas.

Additionally, we wish to highlight Human Rights Watch’s February 2022 report documenting US government mistreatment of Cameroonian asylum seekers. The report...

⁴ Haitian Bridge Alliance and Robert F. Kennedy Human Rights, *Beyond the Bridge: Documented Human Rights Abuses and Civil Rights Violations Against Haitian Migrants in the Del Rio, Texas Encampment*, 2022, <http://haitianbridgealliance.org/press/Del-Rio-Report-2.pdf> (accessed April 15, 2022).

⁵ Kevin Johnson, “DHS vows to have findings within ‘days’ in investigation of Border Patrol’s treatment of Haitian migrants,” *USA Today*, Sept. 22, 2021, <https://www.usatoday.com/story/news/politics/2021/09/22/photos-border-patrol-using-horse-reins-whips-prompts-dhs-probe/5812845001/> (accessed April 15, 2022).

⁶ Department of Homeland Security, “DHS Update Regarding the Investigation of Horse Patrol Activity in Del Rio, Texas on September 19, 2021,” November 16, 2021, <https://www.dhs.gov/news/2021/11/16/dhs-update-regarding-investigation-horse-patrol-activity-del-rio-texas-september-19> (accessed April 15, 2022).

⁷ *Haitian Bridge Alliance v. Biden*, No. 1:21-CV-03317 (D.D.C.), December 20, 2021, <https://int.nyt.com/data/documenttools/hba-v-biden/a8106eacd7c45afe/full.pdf> (accessed April 15, 2022).

⁸ Haitian Bridge Alliance, et al., “Civil Rights and Civil Liberties Complaint, Re: DHS Rights Violations in Del Rio, Texas,” September 24, 2021, https://www.hrw.org/sites/default/files/media_2021/10/CRCL%20Complaint%20on%20Del%20Rio%2009-24-21.pdf.

...traces what happened to dozens of Cameroonians deported from the US. Through interviews with 99 people, including 39 Cameroonian asylum seekers deported in 2020 and two deported in 2021 and 2019, the report documents the serious human rights violations and persecution many faced in Cameroon after return – arbitrary arrest and detention, rape, torture and other abuse, extortion, unfair prosecutions, confiscation of national identity documents, and abuses against family members.

The report further documents excessive use of force, prolonged detention, and other mistreatment Cameroonians experienced in US Immigration and Customs Enforcement (ICE) custody before deportation. It shows how due process concerns, fact-finding inaccuracies, and other issues contributed to unfair denials of asylum claims, and how ICE failed to protect confidential asylum documents during deportations.⁹

Regarding mistreatment during ICE custody, the report documents 24 cases of violence, excessive force, and other abuses by ICE, other US government officials, or ICE contractors (detention facility security officers) against 18 Cameroonians who were subsequently deported, including forced fingerprints on documents, pepper spray, painful restraints, and abusive solitary confinement, isolation, or segregation. The report also documents allegations of medical neglect in ICE detention and other inhumane treatment by ICE, including during flights. “On the planes we would ask for food, and they wouldn’t give it to us, or even let us go to the bathroom,” said a Cameroonian man deported in 2020. In a section on systemic racism, the report states:¹⁰

During their time in the United States, Cameroonians faced a context of US systemic racism, reflected and perpetuated by the fact that Black and brown people comprise the majority of people in ICE detention.¹¹

...[M]any deported Cameroonians we interviewed were detained for long periods in Louisiana. A 2021 study found that in the Western District of Louisiana from 2010 to 2020, the majority (57 percent) of detainees who filed habeas petitions for release from detention were Black, more than one-fifth were from African countries of origin, and 85 percent filed without assistance of counsel. In the study, immigrants had been detained for one year and one month on average at the time they filed their petitions.¹² The study stated that since Black immigrants make up 4.8 percent of detained

⁹ Human Rights Watch, “How Can You Throw Us Back?: Asylum Seekers Abused in the US and Deported to Harm in Cameroon,” (New York: Human Rights Watch, 2022), <https://www.hrw.org/report/2022/02/10/how-can-you-throw-us-back/asylum-seekers-abused-us-and-deported-harm-cameroon>.

¹⁰ See Human Rights Watch, “How Can You Throw Us Back?”, pp. 96-99.

¹¹ See Letter from Amnesty International to DHS Secretary Alejandro Mayorkas, “Re: Amnesty International USA comments on February 2021 Interim Guidance: Civil Immigration Enforcement and Removal Priorities,” April 20, 2021, <https://www.amnestyusa.org/wp-content/uploads/2021/04/Amnesty-International-USA-Letter-re-Feb-2021-ICE-Enforcement-Priorities-Memo.pdf> (accessed April 15, 2022), p. 10; Elizabeth Aranda and Elizabeth Vaquera, “Racism, the Immigration Enforcement Regime, and the Implications for Racial Inequality in the Lives of Undocumented Young Adults,” *Sociology of Race and Ethnicity* Vol. 1(1) (2015), accessed April 15, 2022, doi: 10.1177/2332649214551097; Jack Herrera, “Black Immigrants Matter,” *The Nation*, March 24, 2021, <https://www.thenation.com/article/society/black-immigrants-asylum-deportation/> (accessed April 15, 2022).

¹² Tulane University Law School Immigration Rights Clinic, “No End in Sight: Prolonged and Punitive Detention of Immigrants in Louisiana,” May 2021, <https://law.tulane.edu/sites/law.tulane.edu/files/TLS%20No%20End%20In%20Sight%20Single%20Pages%20FINAL.pdf> (accessed April 15, 2022), pp. 9 and 29.

immigrants nationwide (citing the Black Alliance for Just Immigration),¹³ but were 57 percent of those who filed habeas petitions in the Western District of Louisiana, they were thus disproportionately represented among immigrants seeking release through habeas.¹⁴ Detainees who filed habeas petitions in the Western District of Louisiana, therefore, were disproportionately Black and were subjected to long periods of detention.¹⁵

A 2020 study also found that people of African and Caribbean nationalities had been disproportionately subjected to solitary confinement in ICE detention from 2012 to 2017.¹⁶

Lawyers and immigrant rights activists told Human Rights Watch that they had observed Cameroonians and other Africans treated particularly harshly in ICE custody, in reference to prolonged detention, denial of parole, high bond amounts, physical abuse, and medical neglect.¹⁷ Sofia Casini, Director of Visitation Advocacy Strategies at Freedom for Immigrants (FFI) – an organization which jointly filed several of the CRCL [Civil Rights and Civil Liberties] complaints [to the US Department of Homeland Security] on behalf of Cameroonians in 2020 and 2021 – stated:

“We have a national abuse reporting hotline, and from our work on civil rights complaints across the country, we can see disproportionate mistreatment and harm of Black immigrants [in ICE detention] – use of force in particular. ... There’s no doubt in my mind it’s linked to race, the level of harm and abuse, because of the volume of complaints from Black immigrants we receive on our... hotline and throughout our [immigration detention] visitation network, specific to Black immigrants over other nationalities. The harm does happen to others, but not at the rate it happens to Black immigrants.”¹⁸

FFI’s National Immigration Detention Hotline is a monitoring tool staffed by a team of multilingual advocates across the country, connecting immigrants in detention to free “abuse documentation support.” The hotline receives between 600 and 14,500 calls per month, from people in more than 200 immigrant detention facilities around the

¹³ BAJI & NYU School of Law Immigrant Rights Clinic, “The State of Black Immigrants,” 2020, <http://baji.org/wp-content/uploads/2020/03/sobi-fullreport-jan22.pdf> (accessed April 15, 2022), p. 26.

¹⁴ The disparity between these two rates is not simply due to a concentration of Black immigrants detained in the Western District of Louisiana. For example, as of the latest data available in TRAC from July 2019, only 11 percent of Cameroonian detainees were held in Louisiana, and of all immigrants held in the state, approximately two-thirds were from either Cuba, Guatemala, Honduras, or El Salvador. (Data from TRAC, “Immigration and Customs Enforcement Detention ICE Data Snapshots, up to July 2019,” <https://trac.syr.edu/phptools/immigration/detention/> (accessed April 15, 2022).

¹⁵ Tulane University, “No End in Sight,” p. 9.

¹⁶ The study stated: “We...find vast disparities by region of origin. While 24.74 percent of solitary confinement cases involve individuals from Africa or the Caribbean, people from these regions collectively represent only 3.64 percent of all detained people. In other words, African and Caribbean immigrants are overrepresented by a factor of 6.8 in solitary confinement cases when compared to the larger overall detained population.” And: “African immigrants are more likely to be confined for disciplinary reasons, compared to the average.” Konrad Franco, Caitlin Patler, and Keramet Reiter, “Punishing Status and the Punishment Status Quo: Solitary Confinement in U.S. Immigration Prisons, 2013-2017,” SocArXiv, April 27, 2020, doi:10.1177/1462474520967804, <https://osf.io/preprints/socarxiv/zdy7f/> (accessed April 15, 2022).

¹⁷ Human Rights Watch interviews with US immigration lawyers and activists, November 2020 – July 2021.

¹⁸ Human Rights Watch interview with Sofia Casini, Director of Visitation Advocacy Strategies, Freedom for Immigrants, Texas, November 24, 2021.

country.¹⁹ Casini noted that out of the 36 civil rights complaints FFI submitted to DHS [the Department of Homeland Security] from August 2020 to July 2021 “for the most high intensity cases... based on people’s incoming calls to our hotline,” 66.7 percent involved people from Africa (25 percent) or the Caribbean (41.7 percent). She said the complaints focused on “severe medical abuse, physical assault, sexual abuse or assault, transgender discrimination, racial or ethnic discrimination and solitary confinement.”²⁰

In addition to the findings in Human Rights Watch’s report, multiple complaints were filed during 2020-2022 with DHS’s Office of Civil Rights and Civil Liberties (“CRCL complaints”) – and at least one lawsuit filed in US federal court – by asylum seekers, immigration lawyers, and human rights groups and advocates on behalf of Cameroonians and other Africans who reported experiencing abuse or excessive force, discrimination, and other mistreatment in ICE detention and during deportation:

- [February 2022 CRCL complaint](#), “RE: Racist and Retaliatory Abuse, Violence, and Medical Neglect Endured by Individuals Detained at Orange County Correctional Facility” [New York].
- [December 2021 complaint letter to DHS](#), “Re: Unchecked Human Rights and Civil Rights Abuses Systemic within the New Orleans ICE Field Office Area of Responsibility.”
- [October 2021 CRCL complaint](#), RE: “ICE’s Use of The WRAP as a Restraint Device.” The complaint is on behalf of five Africans subjected to painful and prolonged placement in a full-body straitjacket-like restraint known as the “WRAP”: three named complainants are Cameroonians deported in October-November 2020, while the two others were not deported (a Ugandan and a man whose nationality is withheld).
- [August 2021 lawsuit](#) [Civil Action No. 1:21-cv-2191, *Acheleke Fuanya v. USA*] filed in the US district court for the district of Colorado; and [February 2021 CRCL complaint](#), “Re: U.S. [ICE] Torture in Signing of Deportation Documents for Cameroonian Migrants at Winn Correctional Center, Louisiana.” The latter includes three Cameroonian complainants (none deported), of whom one – Mr. Fuanya – subsequently sued the US government in August 2021.
- [July 2021 CRCL complaint](#), “Re: Call for U.S. [ICE] to End Contracts due to Abusive, Inhumane, Criminal, and Racially Discriminatory Practices at Pine Prairie ICE Processing Center and Allen Parish Public Safety Complex, Louisiana”: four Black, African complainants (nationalities not identified), including at least one Cameroonian man deported in 2020.
- [December 2020 CRCL complaint](#), “Re: Call for an Immediate Halt to and Investigation of Detention, Violence, Repression and Racism Against Somali and All Immigrant Detainees and Asylum Seekers at Butler County Jail in Hamilton, Ohio,” and [lawsuit](#) filed in the Southern District of Ohio. The named CRCL complainants include two men from Cameroon and Somalia (who reported experiencing violence at Butler County Jail, and who are also the lawsuit plaintiffs) and a man from Guinea (who, despite being a key witness, was reportedly deported on December 14, 2020).²¹
- [November 2020 CRCL complaint](#), “Re: ... (ICE)’s Pattern of Torture in Signing of Deportation Documents for Cameroonian Migrants” [Jackson Parish Correctional Center, Louisiana]: six Cameroonian complainants, of whom at least four were subsequently deported.

¹⁹ Freedom for Immigrants, “National Detention & Abuse Reporting Hotline,” N.D., <https://www.freedomforimmigrants.org/hotline> (accessed April 15, 2022).

²⁰ Human Rights Watch interview with Sofia Casini, Director of Visitation Advocacy Strategies, Freedom for Immigrants, Texas, November 24, 2021.

²¹ National Immigration Project (NIP-NLG), “Complaints Ignored, Abuses Excused: Why the Department of Homeland Security’s Internal Accountability Mechanisms Must Be Reformed,” April 2021, https://nipnl.org/PDFs/2021_27Apr_ice-report.pdf (accessed April 15, 2022), p. 8.

- [October 2020 CRCL complaint](#), “Re: [ICE] Enforcement Officers’ Use of Torture to Coerce Immigrants Into Signing... Documents at Adams County Correctional Facility [Mississippi]”: eight Cameroonian complainants, of whom at least four were subsequently deported.
- [August 2020 CRCL complaint](#), “Re: Call for... Investigation of Detention, Violence, Repression and Racism Against... Cameroonian and Black Asylum Seekers... at Pine Prairie ICE Processing Center [Louisiana]...” This complaint is on behalf of a group of 40-45 “Black, majority Cameroonian asylum-seekers” who went on a hunger strike in detention; it alleges excessive force and punitive solitary confinement. While complainants are not named, several were deported to Cameroon in late 2020.

Given these numerous CRCL complaints of abuses against Cameroonians and other Africans and people of African descent, we also wish to highlight the following concerns with DHS’s CRCL complaint and investigation process, as cited in a September 2020 report by the US House of Representatives Committee on Homeland Security:

DHS CRCL issues in-depth reports that often find serious abuses, but the office has no means of enforcing corrective action. CRCL conducts inspections with subject matter experts and provides its findings and recommendations in reports to ICE. However, ICE can “non-concur” with any finding. In those cases, CRCL’s work product is considered deliberative and redacted from public disclosure, which generally only occurs following a Freedom of Information Act Request. CRCL leadership explained to Committee staff that even when its findings are final, the office does not have the resources or authorities to enforce change.²²

Human Rights Watch’s report notes that:

Advocates involved in filing five of the group [CRCL] complaints [concerning mistreatment of Cameroonian asylum seekers in ICE custody] – three in 2020, two in 2021 – said that DHS reportedly conducted, or began conducting, some manner of investigation into at least four of the complaints,²³ including by interviewing some of the victims or witnesses to at least three complaints.²⁴ DHS reportedly pulled two of the eight Cameroonians party to an October 2020 CRCL complaint off the deportation flight that month in order to interview them: “Those were the two that had more physical damage and hospital records,” said an advocate involved in the complaint.²⁵

However, Human Rights Watch confirmed that at least eight Cameroonians party to two (October and November 2020) group CRCL complaints were among those deported in October and November 2020, though the complaints had not yet been fully investigated, according to the deportees and those who submitted the

²² US House of Representatives, Committee on Homeland Security, “ICE Detention Facilities Failing to Meet Basic Standards of Care,” report, September 21, 2020, <https://homeland.house.gov/news/press-releases/homeland-security-committee-releases-staff-report-finding-ice-facilities-fail-to-meet-basic-standards-of-care-> (accessed April 15, 2022). See also: NIP-NLG, “Complaints Ignored, Abuses Excused.”

²³ Pine Prairie CRCL complaint (August 2020), Adams County CRCL complaint (November 2020); Winn CRCL complaint (February 2021); “Complaint Regarding ICE’s Use of The WRAP” (October 2021).

²⁴ Adams County CRCL complaint (November 2020); Winn CRCL complaint (February 2021); “Complaint Regarding ICE’s Use of The WRAP” (October 2021).

²⁵ Human Rights Watch interview with Sofia Casini, Director of Visitation Advocacy Strategies, Freedom for Immigrants, Texas, November 24, 2021.

complaints (advocates and lawyers).²⁶ While DHS responded in May 2021 to say it had investigated the August 2020 complaint, was “unable to substantiate the allegations raised,” and had closed it out,²⁷ complaint authors called the investigation “deficient,” stating that complainants had not been interviewed.”²⁸ By late 2021, advocates and lawyers said that DHS had not communicated the outcome of any investigations into the October 2020, November 2020, or February 2021 complaints.²⁹

For more information, please see:

- [“How Can You Throw Us Back?”: Asylum Seekers Abused in the US and Deported to Harm in Cameroon](#)
In this February 2022 report, Human Rights Watch documents Cameroonian asylum seekers’ accounts of excessive use of force and other mistreatment by US government personnel and contractors prior to their deportations from the US in 2019-2021, as well as persecution and other human rights violations they suffered after deportation to Cameroon.
- [Business Insider: “A leaked video exemplifies what Black migrants endure in US detention centers”](#)
Human Rights Watch documented various incidents of excessive force against Cameroonians in ICE custody in 2020, the same year as the events alleged in this article.

OHCHR has requested information on, “measures taken to ensure accountability, remedy and redress and address any impunity for human rights violations against Africans and people of African descent, particularly by law enforcement agencies; and the outcomes and effectiveness of such measures. Please also share information about the functioning of accountability mechanisms and associated decision-making processes addressing human rights violations, and identify any patterns or trends in the outcomes of these mechanisms and processes that show or suggest differential experience of Africans and people of African descent with respect to accountability for violations suffered by them. Please also identify or include related public reports in this regard.”

Human Rights Watch has not compiled information responsive to this category of inquiry.

OHCHR has requested information “concerning laws, regulations, policies and other measures taken to prevent and address alleged human rights violations by law enforcement officials against Africans and people of African descent, as well as contribute to accountability, remedy and redress, and the outcomes and effectiveness of such measures.”

Human Rights Watch has recently commented on efforts to roll back pretrial reforms in New York City and on the Justice in Policing Act, which was introduced in the US Congress in 2021 but not passed.

²⁶ Human Rights Watch interviews with Cameroonian deportees, US immigration lawyers, and immigrant rights advocates, December 2020 – January 2022.

²⁷ DHS Office for Civil Rights and Civil Liberties (CRCL), letter to Rose Murray, SPLC, FFI, and Cameroon American Council, “Re: Complaint No. 20-12-ICE-0964,” May 18, 2021, on file with Human Rights Watch.

²⁸ SPLC and Southeast Immigrant Freedom Initiative of Louisiana, letter to DHS (CRCL Officer and DHS Inspector General), “Re: Call to Re-Open and Timely Address Complaints Against Pine Prairie ICE Processing Center; Cancel All ICE Contracts at Pine Prairie ICE Processing Center; and Safely Release All Those Detained,” June 25, 2021, on file with Human Rights Watch.

²⁹ Human Rights Watch interview and email correspondence with Rose Murray, immigration and civil rights attorney, SPLC, Louisiana, October 8 and November 16, 2021; email correspondence with Jeremy Jong, immigration attorney, Al Otro Lado, December 2-3, 2021; correspondence with Sarah Towle, author and immigrant rights advocate with Witness at the Border and Alliance in Defense of Black Immigrants, November 18, 2021; interview with Sofia Casini, Director of Visitation Advocacy Strategies, Freedom For Immigrants, Texas, November 24, 2021.

For more information, please see:

- [US: Don't Roll Back New York Pretrial Reforms](#)
Press release opposing efforts to roll back pretrial reforms. In New York City, 91 percent of people jails are nonwhite. Increasing the ability of judges and police to detain even more people pretrial will also, as it did before, increase pretrial detention
- [Human Rights Watch Recommendations for the Justice in Policing Act](#)
In this letter, we outline our concerns with key provisions in the Justice in Policing Act.
- [House Should Not Pass Policing Bill Without Changes](#)
In this press release, we explain that the proposed legislation, touted as significant reform, contains some positive provisions, but it funnels excessive amounts of federal funds to law enforcement that would be better spent on investments for communities in need.

OHCHR has requested information “concerning Government responses to anti-racism peaceful protests, within the meaning of resolution 43/1, including the alleged use of excessive force against protesters, bystanders and journalists, as well as applicable laws, regulations, policies, practices and other measures, and their impact and effectiveness.”

Human Rights Watch draws OHCHR’s attention to our recent investigation into the New York City police department’s (NYPD) planned assault and mass arrests of peaceful protesters in the Mott Haven neighborhood of the South Bronx, a low-income Black and brown community that has long faced systemic racism and police brutality. As we have reported, the Mott Haven:

“[O]peration was among the most aggressive police responses to protests across the United States following the police killing of George Floyd in Minneapolis, Minnesota on May 25.

About 10 minutes before the 8 p.m. curfew, scores of police officers surrounded and trapped the roughly 300 protesters, not allowing them to disperse. Just after 8 p.m., the police, unprovoked and without warning, advanced on the protesters, whaling their batons, beating people from car tops, and firing pepper spray into people’s faces before rounding up about 250 of them for arrest. Clearly identifiable legal observers and street medics were also targeted.

Our investigation, based on interviews or written accounts from 81 protesters and observers and analysis of 155 videos recorded during the protest, reveals how the police action in Mott Haven was deliberate, planned and in violation of international human rights law. The operation illustrates a culture within the New York police force, modeled by top commanders, that encourages and condones violence and abuse. The report describes the government’s ineffective accountability mechanisms that protect police officers, shows the shortcomings of incremental reforms, and makes the case for structural change.”³⁰

For more information, please see:

³⁰ Human Rights Watch, “*Kettling*” Protesters in the Bronx: Systemic Police Brutality and Its Costs in the United States (New York: Human Rights Watch, 2020), <https://www.hrw.org/news/2020/09/30/us-new-york-police-planned-assault-bronx-protesters>.

- [“Kettling” Protesters in the Bronx: Systemic Police Brutality and Its Costs in the United States](#)
In this investigation, Human Rights Watch describes a planned attack by the NYPD against protestors seeking racial justice in New York City’s South Bronx neighborhood.
- [Kenosha Police Turned a Blind Eye to US Vigilantes](#)
Commentary discussing the links between responses to protestors in the US, white supremacy, and abusive policing.

OHCHR has requested information “regarding systems of collection by State authorities of disaggregated data based on race, colour, descent, or national or ethnic origin, and processes for the analysis of such data. In relation to the above-mentioned areas, please provide data disaggregated by race, colour, descent, or national or ethnic origin; as well as additionally by sex, age, economic and social situation, disability, sexual orientation and gender identity, incarceration, and other status, where available. Where such information is not available, please indicate reasons why.”

Human Rights Watch has not compiled information responsive to this category of inquiry. But we note that the United States does not publish adequate data about immigration enforcement, detention, and Department of Homeland Security (DHS) Civil Rights and Civil Liberties (CRCL) complaints or investigations, disaggregated by race, ethnicity, nationality, immigration status and other demographic or case type criteria. As a result, it is extremely difficult to assess specific claims of racial, ethnic, or national bias in the US immigration system. This underscores the need for increased disaggregated data collection and publication in relation to apprehension, detention, DHS CRCL investigations, bond, parole, asylum or immigration court outcome, and expulsions, returns, or removals.

OHCHR has requested information on “mechanisms in place to ensure that Africans and people of African descent and their representatives are appropriately, adequately and sufficiently represented in processes to identify, remove and reform any structures, policies and practices of racial discrimination in institutions of law enforcement and the related administration of criminal justice.”

Human Rights Watch has not compiled information responsive to this category of inquiry.

OHCHR has requested information on, “good practices, challenges and lessons learned regarding measures taken to: (i) combat systemic racism at the national, state/regional and local levels, including as informed by structural and institutional factors; (ii) prevent and address alleged human rights violations against Africans and people of African descent by law enforcement officials; (iii) ensure accountability for human rights violations against Africans and people of African descent and access to effective remedies and redress for such victims of contemporary and associated historical human rights violations; and (iv) ensure appropriate Government responses to anti-racism peaceful protests. Please also identify or include related public reports in this regard.”

Human Rights Watch has not compiled information responsive to this category of inquiry.

OHCHR has requested information on, “specific information pertaining to all other aspects of the mandate set out in resolution 43/1, including regarding the situation and perspectives of African women and children and of women and children of African descent, as well as other relevant gender and intersectional dimensions, including discrimination based on colour, sex/gender, economic and social status, disability, or other status”.

Human Rights Watch has testified to the US Congress that women of African descent in the United States:

“[A]re more likely to live in poverty and face multiple barriers to health, including lack of access to health insurance, adequate housing, water and sanitation services, transportation, and employment. Implicit bias and structural racism in the medical field also impact the quality of care and responsiveness to health concerns that women of color receive, contributing to racial disparities in health. Black women are more than three times as likely to die from pregnancy-related complications as white women in the US. Research has also shown that low-income women and women of color are more likely to die from cervical cancer than white women.”³¹

For more information, please see:

- [We Need Access: Ending Preventable Deaths of Black Women from Cervical Cancer in Rural Georgia](#)
A Human Rights Watch report analyzing how in the state of Georgia, Black women are almost one and a half times as likely to die of cervical cancer as white women and these disparities increase at alarming rates as they age.
- [“It Should Not Happen” Alabama’s Failure to Prevent Cervical Cancer and Death in the Black Belt](#)
A Human Rights Watch report explaining that the federal and many state governments, including Alabama, are not doing enough to address the ways in which discrimination and poverty lead to cervical cancer deaths, which are largely preventable. Approximately 4,200 women a year die in the United States from cervical cancer, and mortality rates are disproportionately high for women of African descent.
- [Covid-19 Disparities Reflect Structural Racism, Abuse](#)
Human Rights Watch testimony to the US House of Representatives Ways and Means Committee on the ways in which Covid-19 racial disparities reflect structural racism and racial discrimination in the United States.
- [US: Heat Emergency Plans Missing Pregnancy, Racial Justice](#)
Report by Human Rights Watch showing that efforts by US federal and local authorities to address increasing heat in the US because of the climate crisis largely fail to include pregnancy health and birth outcomes, and racial disparities in the same as areas of concern. Our concern, shared by partners, is that this failure in climate justice will worsen already-existing health disparities including between Black and white women in the US.
- [US: US Structural Racism Shapes Access to Water During Covid-19](#)
A report explaining that discontinuing water services for inability to pay in any context is incompatible with human rights and is particularly harmful in the context of the Covid-19 pandemic. In 2020, the NAACP Legal Defense and Educational Fund, Inc. and the ACLU of Michigan Lawyers filed a class action lawsuit alleging that these shutoffs reflect long-existing structural racism in the state. The lawsuit included statistical analyses showing that Black Detroiters are more likely to be impacted by water shutoffs. We the People of Detroit, an

³¹ Human Rights Watch, “Testimony to US House of Representatives Ways and Means Committee: Covid-19 Disparities Reflect Structural Racism, Abuses,” Congressional testimony, June 10, 2020, <https://www.hrw.org/news/2020/06/10/human-rights-watch-testimony-us-house-representatives-ways-and-means-committee>.

organization committed to community research and the human right to water, released findings in July 2020 that in Detroit, more water shutoffs correlated with more Covid-19 cases.