

Inputs for the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 43/1 on the “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers”

The Quaker Council for European Affairs (QCEA) brings a Quaker vision of peace, justice and equality to Europe and its institutions and champions an anti-racist, decolonial and intersectional approach to European policymaking and practice. In this endeavour, QCEA has published extensively on the human rights, migration, racial justice and policing in Europe.

1. The use of force and other human rights violations against people of African descent in Europe

Despite the long-standing relationships between Europe and Africa and the fact that about 13 millions of people of African descent live in Europe ([QCEA 2019b](#)), afrophobic prejudice is widespread in many European countries. Afrophobia, which can be defined as 'the fear, dislike or hatred of people of African descent' ([QCEA 2019b: 33](#)), is a particular type of racism that has traditionally attracted little public or official attention, and affects Africans and People of African descent in Europe in various areas including in employment, education, housing, healthcare, the media and the justice ([FRA 2018](#); [QCEA 2019b](#); [ENAR 2020](#)).

Although law enforcement organisations in Europe can vary considerably as a result of specific socio-political, social and institutional trajectories, afrophobia is patent in the everyday encounters between law enforcement officers and Africans and people of African descent in many European countries. The excessive and disproportionate use of coercive measures against Africans and people of African descent in Europe has been widely documented in recent years. For instance, in 2018, the European Union Agency for Fundamental Rights (FRA) published the findings of a survey about Black people's experiences of discrimination in Europe. This study, which involved nearly six thousand people of African descent living in twelve EU countries, found that 11% of the participants who suffered violent racist attacks, said that the perpetrator was a law enforcement official ([FRA 2018](#)).

Similarly, in June 2020, the European Network Against Racism (ENAR) reported that in many EU Member states, racialised people, and particularly Black and Arab men, experienced 'disproportionate stops and checks or racial profiling, police violence and incarceration' ([ENAR 2020: 1](#)). ENAR also pointed to the deterioration of racial injustice during the COVID-19 pandemic. QCEA (2019b) has also documented in 2019 how detention, racial profiling, hate crime and police violence have harmed racialised people arriving in Europe, including African people.

2. Violence as part of systemic racism

Afrophobia amongst law enforcement officers is part of the enduring systemic racism against racialised people in many European countries. It is rooted in past injustices against African people including the centuries long European enslavement of Africans and colonialism. These past injustices, which have remained largely unaddressed in European societies their institutions, continue to shape today's stratified world, including EU-Africa relations as well as the place of African and people of African descent in Europe ([QCEA 2019b](#): 5). In other words, racism is part of how we have built society, part of how political, social and economic relationships are maintained' ([QCEA 2019b](#): 2).

Similarly, policing practices cannot be dissociated from the broader political, economic, cultural and societal divisions of the environments in which the police operate (Chan 1997; Hills 2012). As such, the use of excessive violence against Africans and people of African descent can be seen as a reflection of society's ambivalence or tolerance to the use of force against those considered as 'dangerous classes' in society. Put differently, afrophobia in law enforcement agencies is a reflection of existing afrophobic tendencies within particular societies.

This violence is tolerated or ignored by many members of society, fuelled by some policy-makers and reinforced by media representations of African and people of African descent, particularly so-called 'migrants'. Terminologies used in policymaking such as 'second-generation migrants' 'people with migration background' also furthers the exclusion of people of African descent in Europe, casting them as permanently "others" in European society, therefore potentially dangerous. The hostile response of Europe to asylum seekers and refugees, mainly since the 2015 political crisis, is also evident in police's practices ([QCEA 2019a](#): 8).

Thus, in seeking to promote and protect the human rights and fundamental rights of people of African descent against the excessive use of force and other human rights violations by law enforcement officers, **laws and standards as well as police reforms will not be sufficient**. There is a need for a holistic approach, which pays more attention to the transforming of the environments in which the police operate. More efforts should be made by policy-makers and the civil society in European societies to deconstruct, condemn and root out afrophobia and all forms of discrimination and their manifestations in the various spheres of social life including in employment, housing, education and policing. Moreover, the link between afrophobia and the use of excessive force and other human rights violations as well as the colonial origins of repressive policing should be included in the curricula of law enforcement trainees.

3. The blurring line between the military and the police

Although there are national, European and international legislation prohibiting the excessive use of force by law enforcement officers, the police continue to use illegal and disproportionate force against their fellow civilians. There have been allegations of practices, which violates the human rights and fundamental rights of people of African descent, especially those recently arrived in Europe. These have included

dehumanising and humiliating practices such as unnecessary strip searches, theft and criminal damage and the illegal use of chemical agents ([QCEA 2019a](#): 10).

The use of excessive force is reinforced by the police's great discretionary powers, a 'code of secrecy' and solidarity amongst law enforcement officers. It is also reinforced by the pervasive impunity and the lack of accountability for police misconduct. Indeed, European Union Fundamental Rights Agency and QCEA have documented how abuses against people of African descent are under-reported. An important explanation to this situation is people's fear and lack of trust in the police.

Following the September 11th, 2001 terrorist attacks in the USA, there has been a rise of the militarisation of policing (at the organisational, cultural, material and operational level) in various parts of the world. Militarisation is the application of the ideology of militarism defined here as "a set of beliefs, values and assumptions that stress the use of force and threat of violence as the most appropriate means to solve problems" to an organisation or a situation (Kraska 2007: 503). A more coercive approach views policing as a force rather than a service. The trend towards the militarisation of policing is also apparent in the actions of law enforcement officers in many European countries ([QCEA 2019a](#): 8).

This authoritarian approach to policing threatens the rights of European populations in general, as demonstrated for instance by the violent repression of protests in France in 2005, 2018 or 2020. Moreover, the idea of the use of coercive means by the state to induce citizens to comply is rather problematic in democratic societies. There is no consensus on what amounts for 'reasonable' or 'proportionate' use of force. Also, the idea that the use of force, as an efficient problem-solving tool is debated. Thus, there is a need to focus more our energy on methods to ensure policing by consent than force. More resources should be allocated to community policing initiatives.

4. Addressing racial injustice and misconduct amongst law enforcement officers in Europe

In addition to various national and international legislation, the [Charter of Fundamental Rights of the European Union](#) (2000), the European Code of Police Ethics (2001) and the European Court of Human Rights provide the legal framework and mechanism to safeguard against both racial injustice and police misconduct and abuse of the law.

In recent years, a series of developments in individual European countries as well as in the EU institutions seem to suggest an impetus to address racial injustice and police misconduct in European countries ([see also ENAR 2020](#)). Without being exhaustive, these efforts include:

- The adoption of a [European Parliament Resolution on the Fundamental Rights of people of African descent](#) in Europe in March 2019.
- The creation of the [European Parliament Anti-Racism and Diversity Group \(ARDI\)](#) which seeks 'to promote racial equality, counter racism and educate about non-discrimination in the work of the European Parliament'.

- The [EU anti-racism Action Plan 2020-2025](#), which is the EU Commission's 'plan to step up action against racism and achieve a Union of Equality' in September 2020.
- The prohibition of the use of chokeholds by the French police and the adoption of the first German anti-discrimination law, which specifically bans discrimination by the police ([ENAR 2020: 3](#)).
- In our publication, [Framing Human Policing](#), we noted police misconduct should not eclipse several instances of human rights-centred policing and acts of compassion by individual police officers.

At the same time, however, a number of incidents, policies and political discourses in Europe show a move to the opposite direction. These setbacks for the rights of people of African descent in Europe include:

- The new **European Pact on Migration and Asylum** - which is geared towards the pushback of migrants and ensuring rapid deportation with little regard to Human rights violations ([GUE/NGL 2020](#); [Migreurop 2020](#); [PICUM 2020a, 2020b](#)).
- The reinforcement of the **militarisation** in the policing of borders
- The continuation of practices such as the [illegal detention of migrants](#) in various European countries such as **Germany, Italy, Spain and Greece**.
- The well-documented [recent developments in France](#) are particularly worrying. They include reports of law enforcement officers' excessive use of **excessive force against racialised groups including people of African descent, racial profiling** and abuses against migrants and asylum seekers; as well as attempts by the French government to pass a law banning the filming of the police.
- In the **Netherlands**, [Controle-Alt-Delete](#) brought a lawsuit against the Royal Netherlands Marechaussee because of racial profiling.
- The [push-backs and police violence](#) against migrants on the borders of **Serbia/Croatia, Serbia/Hungary and Bosnia/Croatia**.
- A study over several years by [a team of criminologists in Bochum confirmed the existence of racism and police brutality](#) in **Germany**.
- A [netpol report](#) upheld that policing of the Black Lives Matter in **Britain** towns and cities was "institutionally racist".
- Excessive use of force leading to injury or deaths of people from racialised groups in the hands law enforcement officers have also been reported in various European countries including **Belgium, France, Spain, the Netherlands, Romania and Portugal** ([ENAR 2020: 3-5](#)).

The examples provided in this section are by no means exhaustive, but they point to the existence of two opposing forces pulling apart in the area of racial justice and democratic policing. Although many incidents mentioned above indicate a setback in the fight for racial justice and are indeed worrying, a number of other developments

show that there is an impetus for change. We ought to seize this moment to advance racial justice and democratic policing.

A comprehensive, holistic, cross-sectorial and inclusive approach is central to any strategy seeking to promote and protect the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers in Europe.

5. Recommendations

- **Legislation and standards:** National and EU anti-racist legislation and democratic policing should be reinforced and/or implemented. Also, the information about legislation and standards should be more accessible. Although standards are not sufficient to ensure lawful action, they provide a mechanism for accountability and have an impact on the behavioural culture of an organisation.
- **Decolonial and anti-racist education:** More human, financial and material resources should be allocated to the fight against afrophobia. In this endeavour, a better comprehension of racial injustice and its roots is crucial. The link between afrophobia and the use of excessive force as well as the colonial origins of repressive/reactive policing should be included in the curricula of law enforcement trainees. A decolonial and anti-racist education would contribute to the deconstruction of ideas left from the colonial era and slavery, which still underpin structural racism against Africans and people of African descent.
- **Inclusive recruitment process:** [Vetting](#) systems in the recruitment process of law enforcement officers should be reinforced to avoid the inclusion of people with racist beliefs/values. In addition, the diversity of law enforcement agencies should be encouraged and monitored. More people from racialised groups including Africans and people of African descent should be recruited in the policing agencies, including at the managerial level and in police academies. A date should be set by when the police workforce will reflect at least the same proportion of Black people as resident in the police force area. Police recruitment must prohibit anyone who is or has been a member of a far-right group or political party as this is inconsistent with performing their role. Diversity support groups (i.e. Black police association) should be established and funded. This will help police leaders to hear from and support the retention of Black officers.
- **Police demilitarisation and community policing:** Law enforcement should be demilitarised. Violent, degrading and illegal techniques must be prohibited, condemned and retributed. More resources should be directed towards community policing initiatives to ensure policing by consent rather than force. Community policing could help (re)-build positive police-community relations and public trust in the police. It would also enhance the effectiveness of policing because policing requires close engagement and cooperation with the public. Community policing approaches should not be elite-dominated. Rather, they should reflect society's political, economic, gender and racial diversity. Finally, lessons from the success and failures of past community policing initiatives across the world should be learned.

- **Internal and external accountability mechanisms:** Law enforcement officers engaged in discriminatory and racist behaviour should be dismissed, and prosecuted where their action have been found to be criminal. Officers who witness racist incidents but fail to report them must also be dismissed as a deterrent to peer pressure creating cultures of silence. There should be transparency about the instances of police racial abuses (data and statistics) as well as the disciplinary measures. The process for the public to complain should be simplified and popularised. Also, to avoid discriminatory stops and checks, there should be, as the European Union's Fundamental Rights Agency recommends, a [written record for stops](#). Independent bodies to which people can report police abuse, without feeling powerless and insecure, should be created. In addition, more resources should be directed to CSOs tackling racial injustice. The use of social media to report and post recordings of police misconduct could be a useful means to ensure police's accountability and also highlight the pervasiveness of police abuse against people from racialised groups by giving citizens, journalists and academics a space to publicly report or have access to information about instances of police violence.
- **Cross-sectorial collaboration and evidence-based policing:** Partnership should be created and reinforced across sectors and actors working on racial injustice and in law enforcement. There should be greater collaboration between policy-makers, the police, researchers and civil society organisations working on these matters. Citizens must have a legal right to video record interactions with the police, and be confident in exercising their rights.
- **Addressing afrophobia and racism:** More resources, as noted above, should be directed to organisations working on the promotion of racial justice. Political leaders must condemn more openly and vigorously instances of racial abuse. They should not shy away from linking racial justice to human rights and fundamental rights. Political leaders who encourage racism and discrimination, must be held accountable. Policy-makers should also regulate and monitor more the outsourcing of policing to avoid abuses. The authoritarian and populist tendencies present in some European countries must also be addressed. An EU framework to support each country to create a national afrophobia strategy urgently needs to be developed and the implementation of the EU and EU Member States given due priority.

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See also:

Border Violence Monitoring Network

<https://www.facebook.com/borderviolencemonitoring/>

European Network of People of African Descent (ENPAD)
<https://www.facebook.com/bethechangenetwork/>