



# General Assembly

Distr.: General  
6 October 2020

Original: English

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## Human Rights Council

### Forty-fifth session

14 September–2 October 2020

Agenda items 2 and 9

### Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

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

## Activities in follow-up to the implementation of the programme of activities within the framework of the International Decade for People of African Descent

### Report of the United Nations High Commissioner for Human Rights\*

#### *Summary*

The present report has been prepared pursuant to paragraph 14 of Human Rights Council resolution 42/29, in which the Council requested the United Nations High Commissioner for Human Rights, in her capacity as coordinator of the International Decade for People of African Descent, to submit a midterm report on her activities in follow-up to the implementation of the programme of activities within the framework of the Decade to the Council at its forty-fifth session.

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\* The present report was submitted after the deadline in order to reflect the most recent information.



## I. Introduction

1. The present report has been prepared pursuant to paragraph 14 of Human Rights Council resolution 42/29, in which the Council requested the United Nations High Commissioner for Human Rights, in her capacity as coordinator of the International Decade for People of African Descent, to submit a midterm report on her activities in follow-up to the implementation of the programme of activities within the framework of the Decade at its forty-fifth session.<sup>1</sup> The present report contains an outline of the various activities that the Office of the United Nations High Commissioner for Human Rights (OHCHR) has undertaken to follow up on the implementation of the programme of activities. OHCHR, through its headquarters and field presences around the world, has been central to supporting States in implementing the programme of activities. Action has also been taken in collaboration with other entities of the United Nations system and regional partners, and with the participation of and in consultation with civil society representatives of African descent. Furthermore, OHCHR has supported many civil society initiatives in relation to the Decade. Finally, the report presents information on further action that urgently still needs to be taken at the midterm of the Decade to follow-up on the implementation of the programme of activities for the Decade.

2. The present report is being submitted as protests and movements against racial discrimination are taking place in many countries across the globe. Protests were sparked in May 2020 by the killing of an unarmed African American man, George Floyd, at the hands of the police in Minneapolis, United States of America, drawing the attention of the world to the pervasive racial discrimination experienced by people of African descent. Following that killing and the subsequent protests, the Human Rights Council held an urgent debate on 17 and 18 June 2020, and then adopted a resolution in which it requested, *inter alia*, the High Commissioner, with the assistance of relevant special procedure mandate holders, to prepare a report on systemic racism, 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 Mr. Floyd and other Africans and people of African descent, to contribute to accountability and redress for victims.<sup>2</sup> The Council also requested the High Commissioner to examine government responses to peaceful protests against racism, including the alleged use of excessive force against protesters, bystanders and journalists.<sup>3</sup>

3. OHCHR is working diligently to ensure the full implementation of the mandate contained in the above-mentioned resolution. With the assistance of special procedure mandate holders, consideration will be given to issues of systemic and structural racism and to violations of international human rights law against Africans and people of African descent by law enforcement, bearing in mind that the causes of extrajudicial killings of people of African descent and the lack of accountability and redress for victims are often rooted in historically entrenched structural racism originating in slavery, the slave trade and colonialism.

4. In preparing its final report, OHCHR will hold meaningful consultations with stakeholders, in particular communities of people of African descent.

## II. Background and current context of the International Decade for People of African Descent

5. The programme of activities for the implementation of the International Decade for People of African Descent is the framework that the international community has agreed upon to focus its efforts to improve the lives of millions of people of African descent worldwide. The main general objective of the programme of activities is to strengthen national, regional and international action and cooperation in relation to the full enjoyment

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<sup>1</sup> See General Assembly resolution 69/16 on the programme of activities for the implementation of the International Decade for People of African Descent.

<sup>2</sup> Human Rights Council resolution 43/1, para. 3.

<sup>3</sup> *Ibid.*, para. 4.

of economic, social, cultural, civil and political rights by people of African descent and their full and equal participation in all aspects of society.<sup>4</sup>

6. It is important to highlight that there are a number of contemporary issues, developments and initiatives that are having an impact and that stress the critical ongoing relevance of and the urgent need to step up action to implement the programme of activities.

### **A. Impact of COVID-19 on people of African descent**

7. The devastating health consequences of the coronavirus disease (COVID-19) for many people of African descent, who have been disproportionately affected by the pandemic, have been acknowledged. Structural inequalities and racial discrimination have been reflected in limited access to medicines and medical procedures and are likely also to have had an impact on diagnosis and treatment.<sup>5</sup> In addition, people of African descent represent a significant percentage of frontline workers, who are more exposed to the risk of contamination, and of those infected or dying in the pandemic.

8. Where disaggregated data is available, stark racial disparities are evident. For example, a number of studies have documented that people of African descent have higher infection and mortality rates. Moreover, their situation is aggravated by several underlying health conditions that enhance their risk and vulnerability to the COVID-19 virus and that often are symptoms of prevalent structural racism.<sup>6</sup>

9. OHCHR has prepared a guidance note on racial discrimination in the context of the COVID-19 crisis,<sup>7</sup> in which it outlines the issues that have a particular impact on the human rights of people of African descent, including the rights to health, adequate housing and access to education, and on issues of food security, law enforcement and administration of justice. The guidance note includes some recommendations, as well as examples of promising action.

### **B. Twentieth anniversary of the Durban Declaration and Programme of Action**

10. In the programme of activities it is recognized that the Durban Declaration and Programme of Action<sup>8</sup> is a comprehensive United Nations framework and a solid foundation for combating racism, racial discrimination, xenophobia and related intolerance, and represents a new stage in the efforts of the United Nations and the international community to restore the rights and dignity of people of African descent.<sup>9</sup>

11. The Durban Declaration and Programme of Action is the genesis of the international recognition of Africans and people of African descent as victims of racism, racial discrimination, xenophobia and related intolerance,<sup>10</sup> and of recognition that slavery, the slave trade, including the transatlantic slave trade, and colonialism are among the sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance against them.

12. The year 2021 will mark the twentieth anniversary of the adoption by consensus of the Durban Declaration and Programme of Action in South Africa. The Human Rights Council has requested the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to commence preparations for the commemoration, in 2021, of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, and to submit a comprehensive report

<sup>4</sup> General Assembly resolution 69/16, annex, para. 9 (a).

<sup>5</sup> See [www.ohchr.org/Documents/Issues/Racism/COVID-19\\_and\\_Racial\\_Discrimination.pdf](http://www.ohchr.org/Documents/Issues/Racism/COVID-19_and_Racial_Discrimination.pdf).

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

<sup>8</sup> A/CONF.189/12 and Corr.1, chap. I.

<sup>9</sup> General Assembly resolution 69/16, annex, para. 1.

<sup>10</sup> A/CONF.189/12 and Corr.1, chap. I, paras.13–14 and 33–35.

on its implementation by the to the Council at its forty-fifth session and to the General Assembly at its seventy-fifth session.<sup>11</sup>

13. In that regard, and given the current international context, all States should see the twentieth anniversary as an opportunity to reiterate their support for the Durban Declaration and Programme of Action and renew their efforts to implement the comprehensive Programme of Action. Greater support for the Durban Declaration and Programme of Action would also engender greater cooperation and synergies for implementing the programme of activities for the Decade. Since 2001, OHCHR has supported the implementation of the Durban Declaration and Programme of Action in several ways, for example through the four follow-up mechanisms, and it will continue to provide substantive and technical support in order to eradicate all forms of racism, racial discrimination, xenophobia and related intolerance, including against people of African descent, in all regions.

### **C. 2030 Agenda for Sustainable Development and people of African descent**

14. Both the 2030 Agenda for Sustainable Development<sup>12</sup> and the International Decade for People of African Descent commenced in 2015. Both provide a mutually reinforcing framework that can assist in overcoming the historically rooted, systemic and structural discrimination experienced by people of African descent around the world. The prohibition of racism is reiterated several times in the 2030 Agenda,<sup>13</sup> and targets 10.2 and 17.18 of the Sustainable Development Goals refer to data disaggregated by race.

15. The right to development of people of African descent, a crucial part of the overall theme for the Decade (“People of African descent: recognition, justice and development”), is very relevant, particularly in relation to Sustainable Development Goals 4, 8, 10, 13, 16 and 17. In the programme of activities too States are called upon to remove all obstacles that prevent the equal enjoyment by people of African descent of all human rights, economic, social, cultural, civil and political, including the right to development.<sup>14</sup>

16. While there is no specific reference to people of African descent in the 2030 Agenda, the three pillars of the theme for the Decade – recognition, justice and development – all have strong links to the Declaration on the Right to Development.<sup>15</sup> The 2030 Agenda should be implemented in conjunction with other existing commitments to improve the lives of people of African descent and to guide States, people of African descent, the United Nations system, regional organizations and other stakeholders and partners with a view to achieving all of the Goals.

17. OHCHR is assisting the Working Group of Experts on People of African Descent in the development of operational guidelines on the inclusion of people of African descent in the 2030 Agenda. That document will serve as a tool to assist United Nations country teams, Member States, financial and development institutions and all interested stakeholders in implementing the Sustainable Development Goals while paying specific attention to people of African descent.

### **D. Systemic and structural racism, including racial discrimination in law enforcement and racial profiling**

18. Notwithstanding the proclamation of the Decade in 2015 and some efforts around the world to improve the situation of human rights, people of African descent everywhere continue to experience poor access to health care, inadequate education, limited employment prospects, discrimination in housing, ill-treatment by public authorities and officials, restrictions on their civil and political rights, disproportionate levels of violence by law

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<sup>11</sup> Human Rights Council resolution 42/29, para. 16.

<sup>12</sup> General Assembly resolution 70/1.

<sup>13</sup> *Ibid.*, paras. 8, 19 and 25.

<sup>14</sup> Human Rights Council resolution 69/16, annex, para. 11 (a).

<sup>15</sup> General Assembly resolution 41/128, annex.

enforcement officers, discriminatory incarceration, racial profiling and structural racial discrimination. Racial discrimination continues largely unabated and access to justice and accountability continues to be a very distant prospect for far too many people of African descent.

19. As mentioned in paragraph 2 above, during its forty-third session the Human Rights Council held an urgent debate on current racially inspired human rights violations, systemic racism, police brutality against people of African descent and violence against peaceful protests. The High Commissioner, in her statement of 17 June 2020,<sup>16</sup> noted that the killing of Mr. Floyd at the hands of the police in Minneapolis had come to symbolize “the systemic racism that harms millions of people of African descent – causing pervasive, daily, lifelong, generational and too often, lethal harm”. She added that “systemic racial discrimination extends beyond any expression of individual hatred. It results from bias in multiple systems and institutions of public policy, which separately and together perpetuate and reinforce barriers to equality”.<sup>17</sup>

20. Racial profiling is a key feature of racial discrimination in law enforcement. In the programme of activities, States are urged to take further measures to increase access to justice, including by designing, implementing and enforcing effective measures to eliminate the phenomenon popularly known as “racial profiling”, and by eliminating institutionalized stereotypes concerning people of African descent and applying appropriate sanctions against law enforcement officials who act on the basis of racial profiling.<sup>18</sup> The COVID-19 pandemic has similarly highlighted that people of African descent are likely to face disproportionate checks and surveillance in times of crisis.<sup>19</sup>

21. In 2019, OHCHR contributed to the report of the Secretary-General on the programme of activities, which focused on racial profiling.<sup>20</sup> OHCHR provided information specifically about the racial profiling of people of African descent and the applicable international legal framework and also provided some examples of good practices. Furthermore, OHCHR has been working with the Committee on the Elimination of Racial Discrimination on drafting a general recommendation on preventing and combating racial profiling, for which a preliminary drafting session was held during the ninety-eighth session of the Committee, from 23 April to 10 May 2019.

### **III. Implementation at the midterm of the Decade: activities of the High Commissioner**

#### **A. Debate on the midterm review of the International Decade for People of African Descent**

22. On 13 March 2020, during the forty-third session of the Human Rights Council, OHCHR organized a debate on the midterm review of the Decade to commemorate the International Day for the Elimination of Racial Discrimination<sup>21</sup> that was convened by the President of the Council and that benefited from the participation of representatives of the Governments of Canada and Ghana, the United Nations Population Fund and civil society. The objective of the debate was to assess the extent to which the programme of activities for the Decade had been implemented.

23. During the debate, the High Commissioner recalled that much more needed to be done by all States and stakeholders to advance the equality and dignity of people of African

<sup>16</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25968&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25968&LangID=E).

<sup>17</sup> *Ibid.*

<sup>18</sup> General Assembly resolution 69/16, annex, para. 17 (b)–(c).

<sup>19</sup> See [www.ohchr.org/Documents/Issues/Racism/COVID-19\\_and\\_Racial\\_Discrimination.pdf](http://www.ohchr.org/Documents/Issues/Racism/COVID-19_and_Racial_Discrimination.pdf).

<sup>20</sup> A/73/354.

<sup>21</sup> Pursuant to General Assembly resolution 74/137, para. 29. The debate was broadcast live and archived at <http://webtv.un.org>.

descent, including to address disproportionate police violence, mass incarceration, racial profiling and systemic and structural racial discrimination.

## **B. Assisting in the implementation by States of the programme of activities for the Decade**

24. As the General Assembly has acknowledged, efforts and initiatives have been undertaken by States to prohibit discrimination and segregation and to engender the full enjoyment of economic, social and cultural as well as civil and political rights.<sup>22</sup> Several States have taken legislative measures, established or strengthened monitoring bodies and complaints mechanisms, raised awareness and educated, collected data, fostered community engagement and ensured accountability, all of which are welcome.

25. A compilation of the various actions taken by States, drawn from the annual reports of the Secretary-General on the implementation of the programme of activities,<sup>23</sup> can be found at the website of the International Decade for People of African Descent maintained by the Department of Global Communications<sup>24</sup> and in the online anti-discrimination database maintained by OHCHR.<sup>25</sup> A number of the measures taken by States have in part been made possible by the advocacy, technical advice and continued engagement of OHCHR.

## **C. Launching the International Decade for People of African Descent**

26. In line with the programme of activities, under education on equality and awareness-raising, which is part of the pillar on recognition, States should launch the Decade at the national level and develop national programmes of action and activities for the full and effective implementation of the Decade.<sup>26</sup> The Decade has been launched in Belgium, Canada, Costa Rica, Ecuador, Germany, Guatemala, Jamaica and the Netherlands. OHCHR staff members were able to assist and participate in the launches in Belgium, Canada, Germany and the Netherlands, as well as the launch of the Decade by the African Union Commission held on 24 April 2018 in Addis Ababa.

27. These launches are very welcome and many more States and civil society actors are strongly encouraged to engage at every level to recognize and implement the programme of activities. The Decade should be launched in every country as soon as possible, as it is one of the most symbolic and essential elements of the recognition due to people of African descent.

## **D. Supporting policies, programmes and national action plans**

28. In line with the programme of activities, States should adopt, strengthen and implement action-oriented policies, programmes and projects to combat racism, racial discrimination, xenophobia and related intolerance designed to ensure full and equal enjoyment of human rights and fundamental freedoms by people of African descent.<sup>27</sup> States are also encouraged to elaborate national plans of action to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all.<sup>28</sup>

29. OHCHR, both from its headquarters and through its field presences, has assisted in developing laws and national action plans against racial discrimination by providing expert and technical advice to authorities in Argentina, Belgium, Canada, Kazakhstan, Mexico and Peru, among other States. Moreover, OHCHR has provided expert advice on the drafting of

<sup>22</sup> Resolution 68/237, third preambular paragraph.

<sup>23</sup> A/70/339, A/71/290, A/72/323, A/73/354 and A/74/308.

<sup>24</sup> See [www.un.org/en/observances/decade-people-african-descent](http://www.un.org/en/observances/decade-people-african-descent).

<sup>25</sup> See <https://adsdatabase.ohchr.org/SitePages/Anti-discrimination%20database.aspx>.

<sup>26</sup> General Assembly resolution 69/16, annex, para. 12 (a).

<sup>27</sup> *Ibid.*, para. 11 (g).

<sup>28</sup> *Ibid.*

anti-discrimination laws and national action plans that focus specifically on the human rights of people of African descent.

30. OHCHR has also provided technical support for implementing the Decade at the regional level through its engagement with the African Union Commission, the Organization for Security and Cooperation in Europe and the Organization of American States. The establishment of the Inter-American Network of High-Level Authorities on Policies for Afrodescendent Populations to help coordinate and promote action by national authorities and the adoption of the Plan of Action for the Decade for Persons of African Descent in the Americas (2016–2025) by the Organization of American States are welcome achievements.

## **E. Organization of regional meetings and engagement with various regional organizations**

31. The programme of activities provides for the hosting of regional meetings.<sup>29</sup> Three meetings have been organized by OHCHR to raise awareness about the Decade and to consider the programme's three pillars (justice, recognition and development) through a regional lens, with the participation of State representatives and others stakeholders, including civil society representatives of African descent. In preparing the meetings, OHCHR ensured the participation of women and young people of African descent as experts and participants and included issues of multiple discrimination, gender and race in the programmes of the meetings.

32. Together with the Government of Brazil, OHCHR organized the Regional Meeting for Latin America and the Caribbean on the International Decade for People of African Descent, held in Brasilia on 3 and 4 December 2015. Representatives of the participating States from Latin America and the Caribbean adopted a declaration<sup>30</sup> in which they recalled the programme of activities for the Decade and reaffirmed their commitment to the full implementation of the Durban Declaration and Programme of Action at the national, regional and global levels. Furthermore, they agreed, inter alia, to reaffirm support for the creation of a forum on people of African descent that would function as a consultation mechanism for all people of African descent and as an advisory body to the Human Rights Council on the difficulties and needs of people of African descent; to support the initiative of the Caribbean Community (CARICOM) on reparations; to support, in particular, the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent, stressing the importance of starting the work on such a draft declaration as soon as possible, and to offer substantive contributions to its drafting; to adopt affirmative actions to reduce and remedy disparities and inequalities, to accelerate social inclusion and to close gaps in access to education and employment resulting from historical and current injustices, mindful of the particularities of each country; and to promote and implement measures to combat the practice of racial profiling, punish perpetrators and promote training and awareness-raising programmes for police and judicial officers in the identification and investigation of that practice and the punishment of perpetrators.

33. The Regional Meeting for Europe, Central Asia and North America on the International Decade for People of African Descent, also organized by OHCHR, was held in Geneva on 23 and 24 November 2017. In the outcome document,<sup>31</sup> the representatives of States from Europe, Central Asia and North America reaffirmed the commitments made in the Durban Declaration and Programme of Action with regard to people of African descent. Furthermore, they reiterated the importance, inter alia, of implementing and enforcing effective measures to eliminate any practice of "racial profiling"; of collecting, compiling, analysing, disseminating and publishing reliable and disaggregated statistical data, in accordance with national legislation, at the national and local levels; and of taking all other

<sup>29</sup> General Assembly resolution 69/16, para. 29 (c), and A/68/977, para. 8.

<sup>30</sup> See [www.un.org/sites/un2.un.org/files/2015-12-03\\_declaration\\_of\\_the\\_regional\\_conference\\_on\\_the\\_international\\_decade\\_of\\_people\\_of\\_african\\_descent.pdf](http://www.un.org/sites/un2.un.org/files/2015-12-03_declaration_of_the_regional_conference_on_the_international_decade_of_people_of_african_descent.pdf).

<sup>31</sup> See [www.un.org/sites/un2.un.org/files/outcome\\_document\\_-\\_regional\\_meeting\\_for\\_europe\\_central\\_asia\\_and\\_north\\_america.pdf](http://www.un.org/sites/un2.un.org/files/outcome_document_-_regional_meeting_for_europe_central_asia_and_north_america.pdf).

related measures necessary to assess regularly the situation of people of African descent who are victims of racism, racial discrimination, xenophobia and related intolerance.

34. In the outcome document, the representatives of the participating States reiterated the importance of combating effectively prejudices and harmful and wrongful stereotypes that may lead to racism, racial discrimination, xenophobia and related intolerance and, in this regard, of implementing educational, cultural and awareness-raising programmes with the aim of promoting greater knowledge of and respect for the diverse heritages, cultures and contributions of people of African descent to the development of societies. They also stressed that it was important that textbooks and other educational materials reflect accurately historical facts relating to past tragedies and atrocities, in particular slavery, the slave trade, including the transatlantic slave trade, and colonialism.

35. Finally, they expressed their continued will to engage in an open, constructive and transparent dialogue with all stakeholders, in particular States from Africa and regional groups, with regard to the implementation of the programme of activities for the Decade, including through the establishment of a forum, to be provided by one of the existing mechanisms for follow-up to the Durban Declaration and Programme of Action, to serve as a consultation mechanism. They also expressed support for the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent.

36. In cooperation with the African Union Commission, OHCHR also organized the Regional Meeting for Africa on the International Decade for People of African Descent,<sup>32</sup> held in Dakar on 23 and 24 October 2019. That Regional Meeting brought together over 400 representatives of Governments of African States, experts from the region and the diaspora, United Nations special procedure mandate holders and other human rights mechanisms, representatives of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Development Programme (UNDP), as well as civil society and young people. The Regional Meeting raised awareness of the representatives of Governments of African States and stakeholders about the Decade; the importance of establishing memorials, of teaching the history of slavery and the slave trade and of strengthening bridges between Africa and the African diaspora; and the links between the 2030 Agenda and the Decade.

37. In Dakar, the High Commissioner met with young civil society activists from Africa and the African diaspora and was impressed by their energy, innovative approaches and views, as well as their interest in working with OHCHR and other stakeholders in drawing greater attention to and increasing momentum for the implementation of the Decade. While in Dakar, OHCHR and the African Union Commission organized a first “youth lab” where young people considered ways to connect, contribute and reach out to their peers around the world about the Decade, particularly by creating user-friendly materials and expanding the use of social media and online platforms to facilitate communication and awareness-raising about the Decade. It was agreed that these ideas would be developed further in the months ahead.

38. Since officially launching the Decade in Addis Ababa on 24 April 2018, OHCHR has been advising and working with the African Union Commission to implement the Decade, including through the African Union continental symposium that was held in Accra in September 2018, at which an action plan was developed for African Union activities in this regard.

39. The European Parliament Anti-Racism and Diversity Intergroup has been central in advocating for the Decade, calling for strategies and plans against racism and on specific issues such as Afrophobia. On 26 March 2019, the European Parliament adopted for the first time a resolution on the fundamental rights of people of African descent, in which it recognized that the terms “Afrophobia”, “Afri-phobia” and “anti-black racism” referred to a specific form of racism, including any act of violence or discrimination, fuelled by historical

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<sup>32</sup> See [www.un.org/en/observances/decade-people-african-descent/2019-africa](http://www.un.org/en/observances/decade-people-african-descent/2019-africa).



abuses and negative stereotyping, and leading to the exclusion and dehumanization of people of African descent.<sup>33</sup>

40. Since the start of the Decade, OHCHR has been engaging with the European Parliament Anti-Racism and Diversity Intergroup and European Union institutions such as the European Commission against Racism and Intolerance and the Agency for Fundamental Rights on issues of data collection, the role of national institutions, hate speech and hate crimes, and national action plans under the framework of the Decade.

## **F. Supporting and engaging with intergovernmental bodies and human rights mechanisms**

41. OHCHR plays an important secretariat function in supporting the various intergovernmental bodies and human rights mechanisms working to implementing the programme of activities for the Decade, in other words the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Committee on the Elimination of Racial Discrimination, the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination and the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action.

42. The Working Group of Experts on People of African Descent has been crucial for making proposals for the elimination of racial discrimination against people of African descent. Since 2005, over 19 fact-finding country visits have taken place, allowing the experts to see first-hand issues of racial discrimination affecting people of African descent and make tailored recommendations to improve the human rights of people of African descent.<sup>34</sup> These country visits also allow for interaction with government officials, civil society and people of African descent and can lead to reflection and action, such as the apology made by the Government of Belgium for the abduction of mixed-race children in the former colonies of present-day Burundi, the Congo and Rwanda,<sup>35</sup> and the ongoing initiatives to change street names in Germany.<sup>36</sup> Country visits are beneficial to States, which is why other countries are encouraged to extend invitations to the Working Group to visit or follow up on visits in the future.

43. The High Commissioner made an opening statement at a special event held in Geneva on 9 December 2019 entitled “Ensuring recognition, justice and development”. The event was organized by the Working Group of Experts on People of African Descent, OHCHR, the Organization of Eastern Caribbean States and the Permanent Missions to the United Nations Office and other international organizations in Geneva of the Bahamas, Barbados, Guyana, Haiti, Jamaica and Trinidad and Tobago. It raised awareness, allowed for an exchange of views and galvanized support among States, civil society organizations and the general public for the Decade and a United Nations declaration on the promotion of and full respect for the human rights of people of African descent. Panellists at the ambassadorial level advocated for political momentum by States and other stakeholders in implementing the programme of activities for the Decade.

44. The High Commissioner has since held several meetings with the Chairs of the mechanisms on follow-up to the Durban Declaration and Programme of Action and of the treaty bodies, as well as with special procedure mandate holders, to increase cooperation and speed up implementation of the Decade.

<sup>33</sup> European Parliament resolution of 26 March 2019 on fundamental rights of people of African descent in Europe (2018/2899(RSP)), available from [www.europarl.europa.eu/doceo/document/B-8-2019-0212\\_EN.html](http://www.europarl.europa.eu/doceo/document/B-8-2019-0212_EN.html).

<sup>34</sup> See [www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/CountryVisits.aspx](http://www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/CountryVisits.aspx).

<sup>35</sup> A/HRC/42/59/Add.1, para. 38.

<sup>36</sup> A/HRC/36/60/Add.2, para. 10.

## **G. Working with United Nations entities to implement the programme of activities for the Decade**

45. The United Nations Population Fund (UNFPA), in partnership with OHCHR, the Government of Costa Rica and other stakeholders, has held events to advocate and promote dialogue on issues affecting women and girls of African descent. UNFPA is also supporting national institutions in strengthening their capacity on population data collection, disaggregation and analysis with a view to promoting statistical visibility for people of African descent in national policies, including in Chile, Colombia, Haiti and Nicaragua.

46. OHCHR has been working with UNESCO in several areas to implement the programme of activities, including through the management of memorials and itineraries, the development of teaching and promotional materials and the organization of a series of thematic meetings to deepen reflection on specific issues concerning people of African descent that have not yet been fully explored.<sup>37</sup> OHCHR has been collaborating with UNESCO on the Slave Route Project, which celebrated its twenty-fifth anniversary in 2019.<sup>38</sup>

47. OHCHR coordinates the United Nations network on racial discrimination and protection of minorities,<sup>39</sup> which brings together over 20 United Nations departments, agencies, programmes and funds, all of which have identified focal points for this purpose, to address issues of racial discrimination and the protection of national, ethnic, linguistic and religious minorities, including on issues of multiple and intersecting forms of discrimination based on gender, disability and age, among other grounds. The network recently adopted a statement entitled “Leave no one behind” to underscore the importance of combating racial discrimination and protecting minorities in the context of the COVID-19 crisis. The network provides a good system for increasing inter-agency collaboration on issues affecting people of African descent.

48. The work of OHCHR to implement the programme of activities is often carried out on the ground through field presences around the world. OHCHR has also been able to count on support from key United Nations entities, including UNDP, in Latin America and the Caribbean, Africa and Asia.

## **H. Supporting civic space for people of African descent, especially young people of African descent**

49. The Decade has provided a framework and inspired several hundred grass-roots and civil society groups, coalitions, networks and movements of people of African descent around the world. There have been meetings, seminars, competitions, conferences, panels, blogs, consultations, concerts, “emancipation events” and, more recently, webinars and other online events.<sup>40</sup> For example, during the past three years, OHCHR has sponsored and participated in the Afrodysée fashion event in Geneva, which is aimed at raising awareness of the Decade and drawing attention to the cultures and histories of Africa and of people of African descent, while also exposing designers of African descent to a broader audience.<sup>41</sup>

50. OHCHR has provided advice, assistance and support to a great number of civil society actions and initiatives. At each regional meeting and in the majority of the consultations, seminars and events it has organized or supported, OHCHR has ensured that civil society representatives of African descent, including young people and women, have been involved and present, in part by funding and supporting their participation.

51. In addition, OHCHR has proactively contributed to building a global network of more than 1,000 civil society actors promoting the human rights of people of African descent through outreach, missions, participation in regional meetings and seminars, social media

<sup>37</sup> See <https://en.unesco.org/internationaldecadeforpeopleofafricandescent>.

<sup>38</sup> See <https://en.unesco.org/themes/fostering-rights-inclusion/slave-route>.

<sup>39</sup> See [www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx](http://www.ohchr.org/EN/Issues/Minorities/Pages/UNNetworkRacialDiscriminationProtectionMinorities.aspx).

<sup>40</sup> See [www.un.org/en/observances/decade-people-african-descent/past-events](http://www.un.org/en/observances/decade-people-african-descent/past-events).

<sup>41</sup> See <https://afrodyssee.ch/en/home-en/>.

and fellowships. It currently engages, communicates and consults with these actors efficiently and directly on issues related to the Decade.

52. Furthermore, OHCHR has been coordinating a fellowship programme for people of African descent since 2011, to help empower young people of African descent by sharing knowledge and exposing them to the United Nations human rights system. The fellows are expected to contribute to the development of legislation, policies and programmes in their countries and to carry out effective awareness-raising activities in their communities. Eighty-three fellows from 31 countries – Australia, Barbados, Brazil, Canada, China, Colombia, Costa Rica, Denmark, France, Germany, Guyana, Honduras, Ireland, Israel, Italy, Jamaica, Netherlands (and Curaçao specifically), Norway, Panama, Peru, Philippines, Poland, Republic of Moldova, Russian Federation, Spain, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, United States, Uruguay and Venezuela (Bolivarian Republic of) – have taken part in the fellowship programme. Women have comprised more than 70 per cent of the fellows. Since 2015, OHCHR has provided financial and substantive support to initiatives and projects undertaken by former fellows through grants for the implementation of the Decade and other schemes. It will continue to strengthen its fellowship programme, as requested in the programme of activities.<sup>42</sup>

## I. Conducting research, gathering information and capacity-building

53. OHCHR, in collaboration with UNESCO, academic institutions and civil society organizations, has carried out substantive research in relation to the three pillars of the Decade: recognition, justice and development. Some of that research has contributed to the recognition of the historical legacy of enslavement and the contributions of people of African descent to society. Several projects have been carried out with UNESCO, such as the production of a joint UNESCO-OHCHR academic publication on enslavement in Latin America and the Caribbean, the creation of a blog about the cultural heritage of people of African descent and the publication of *Slavery, Resistance and Abolitions: A Plural Perspective*.<sup>43</sup>

54. Research has been conducted by OHCHR on a number of relevant thematic issues, including access to justice, racial profiling, data collection and indicators, racial stereotyping, women and girls of African descent, multiple and aggravated discrimination, incitement to racial hatred and hate speech, slavery and the slave trade, and the right to development. Numerous briefings and training sessions about the Decade and its thematic content have also been held to build the capacity of States, entities of the United Nations system, civil society and other partners.

55. In response to a request in the programme of activities, OHCHR has included an online section in the anti-discrimination database on the Decade<sup>44</sup> that is updated regularly with information and documentation relevant to the programme of activities.<sup>45</sup>

## J. Communications and raising awareness about the Decade

56. Since the start of the Decade, OHCHR has been working closely with the Department of Global Communications on awareness-raising and promotional materials on the Decade,<sup>46</sup> including by updating the official website on the Decade.<sup>47</sup>

57. OHCHR has produced a number of materials, including a bound notebook with USB key, several posters, postcards and publications on: women and girls of African descent;<sup>48</sup>

<sup>42</sup> General Assembly resolution 69/16, annex, para. 29 (f).

<sup>43</sup> Ali Moussa Iye, Nelly Schmidt and Paul E. Lovejoy, eds., *Slavery, Resistance and Abolitions: A Plural Perspective* (2020).

<sup>44</sup> General Assembly resolution 69/16, para. 29 (g).

<sup>45</sup> See <https://adsdatabase.ohchr.org/SitePages/Anti-discrimination%20database.aspx>.

<sup>46</sup> See [www.un.org/en/observances/decade-people-african-descent/promotional-materials](http://www.un.org/en/observances/decade-people-african-descent/promotional-materials).

<sup>47</sup> See [www.un.org/en/observances/decade-people-african-descent/articles-publications](http://www.un.org/en/observances/decade-people-african-descent/articles-publications).

<sup>48</sup> See [www.un.org/sites/un2.un.org/files/women\\_and\\_girls\\_of\\_african\\_descent\\_web.pdf](http://www.un.org/sites/un2.un.org/files/women_and_girls_of_african_descent_web.pdf).

slavery, resistance and abolitions;<sup>49</sup> the Working Group of Experts on People of African Descent; and a limited-edition, leather-bound volume on history, memory and heritage. The publications are generally available in English, French and Spanish, and have been distributed widely through field offices and at OHCHR events.

58. OHCHR has also produced a CD-ROM compiling documentation related to the Decade, audiovisual materials and training materials, and is stepping up its social media presence about the Decade.

## K. Accountability and reparatory justice

59. In the human rights framework, justice and accountability are vital elements of reparation and alleviating harm. Moreover, reparatory justice has been part of the thinking and dialogue in the international community in respect of people of African descent at least since the adoption of the Durban Declaration and Programme of Action, which stresses that slavery and the slave trade, including the transatlantic slave trade, are among the sources, causes, forms and contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance.<sup>50</sup>

60. Under the justice pillar of the programme of activities for the Decade, States should take further measures to ensure justice and honour the memory of the victims of these tragedies by, inter alia, acknowledging the untold suffering and evils inflicted on millions of men, women and children as a result of slavery, the slave trade, the transatlantic slave trade, colonialism, apartheid, genocide and other past tragedies. It is noteworthy that some States have taken the initiative to apologize and have paid reparation, where appropriate, for grave and massive violations committed. Truth-telling processes in addition to such steps are essential. States that have not yet taken comprehensive steps towards justice, reconciliation and healing are called upon to do so in order to find some way to contribute to the restoration of human dignity of victims. In that vein, all States concerned are called upon to take appropriate and effective measures to halt and reverse the lasting consequences of those practices, bearing in mind their moral obligations. The international community and its members are invited to honour the memory of the victims of the above-mentioned tragedies with a view to closing those dark chapters in history and as a means of reconciliation and healing.<sup>51</sup>

61. In the years since the adoption of the Decade, there has been a slowly growing general acceptance about the timeliness of considering issues of reparations and reparatory justice. In many countries, discussions and exchanges of views have taken place in communities of African descent and among the general public, and national and public discourses have emerged on the issue of reparations and people of African descent.

62. Additionally, regional organizations such as the African Union and the CARICOM Reparations Commission have been studying and making proposals about reparatory justice for slavery, the slave trade and the enslavement of people of African descent. On 26 March 2019, for the first time, the European Parliament adopted a resolution on the fundamental rights of people of African descent in Europe, in which it stated that the terms “Afrophobia”, “Afri-phobia” and “anti-black racism” referred to a specific form of racism that correlated to historically repressive structures of colonialism and the transatlantic slave trade, as recognized by the Council of Europe Commissioner for Human Rights. Furthermore, enslavement, forced labour, racial apartheid, massacres and genocides in the context of European colonialism and the transatlantic slave trade remained largely unrecognized and unaccounted at an institutional level in the States members of the European Union.<sup>52</sup>

<sup>49</sup> Ali Moussa Iye, Nelly Schmidt and Paul E. Lovejoy, eds., *Slavery, Resistance and Abolitions: A Plural Perspective* (2020).

<sup>50</sup> A/CONF.189/12 and Corr.1, chap. I, paras. 13–14 and 33–35.

<sup>51</sup> General Assembly resolution 69/16, annex, para. 17 (i)–(k).

<sup>52</sup> See [www.europarl.europa.eu/doceo/document/B-8-2019-0212\\_EN.html](http://www.europarl.europa.eu/doceo/document/B-8-2019-0212_EN.html).

63. In the aforementioned statement she made during the urgent debate held at the forty-third session of the Human Rights Council, the United Nations High Commissioner for Human Rights noted that:

Behind today's racial violence, systemic racism, and discriminatory policing lies the failure to acknowledge and confront the legacy of the slave trade and colonialism. To build a more solid foundation for equality we need to better understand the scope of systemic discrimination, with disaggregated data by ethnicity or race. ... We also need to make amends for centuries of violence and discrimination, including through formal apologies, truth-telling processes, and reparations in various forms.<sup>53</sup>

64. Truth-telling processes and dialogues at the national level, and broader regional and international initiatives, represent an important step towards eradicating racism, racial discrimination, xenophobia and related intolerance against people of African descent. While they do not offer a perfect solution, truth and reconciliation can contribute to achieving reparatory justice. It is noteworthy that the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also refers to truth telling in her most recent report to the General Assembly.<sup>54</sup> OHCHR has expertise in the area of transitional justice and stands ready to assist in holding such discussions and dialogue.

## L. Forum on people of African descent

65. Since the adoption of the programme of activities, a forum on people of African descent has been envisaged to serve as a mechanism for consultations among Member States, civil society, the United Nations and all other stakeholders during the course of the Decade.

66. Between 2015 and 2018, the Human Rights Council and the General Assembly have, in successive resolutions, articulated some of the modalities of such a forum.<sup>55</sup> On 10 May 2019, OHCHR and the Permanent Mission of Costa Rica to the United Nations Office and other international organizations in Geneva held a day-long consultation with over 200 participants, including representatives of Governments, United Nations mechanisms, entities and specialized agencies, civil society and people of African descent from all regions. For the first time, several civil society coalitions representing hundreds of non-governmental organizations from Europe, North America, Latin America and the Caribbean engaged in extensive prior consultations and drafted concrete proposals, indicating a very high level of interest and shared aspirations of people of African descent for the forum.<sup>56</sup> In December 2019, the General Assembly welcomed the decision to establish the Permanent Forum on People of African Descent and the constructive discussions held in Geneva on the modalities of the Permanent Forum, and decided to define them at its seventy-fourth session.<sup>57</sup>

67. A crucial achievement at the midterm of the Decade would be the adoption of the modalities, format and substantive and procedural aspects of the Permanent Forum on People of African Descent, which would contribute to implementing the programme of activities of the Decade. Both in public statements and in discussions with delegations, the High Commissioner has encouraged Member States to accelerate their consideration of, and negotiations on, such modalities.

## IV. Further necessary action

68. In view of the foregoing, at the midterm of the Decade, further action is urgently needed by States and all other stakeholders on a number of fronts. There has been some progress in implementation, and OHCHR has played an important coordination and implementation role in that regard, as outlined above. However, the pace of implementation

<sup>53</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25968&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25968&LangID=E).

<sup>54</sup> A/74/321.

<sup>55</sup> Human Rights Council resolutions 30/17 and 34/33 and General Assembly resolution 73/262.

<sup>56</sup> A/PFPAD/2019/1.

<sup>57</sup> Resolution 74/137, paras. 13 and 15. Discussions on the Permanent Forum have been delayed owing to the COVID-19 pandemic and are expected to continue during the seventy-fifth session.

of the programme of activities must accelerate and keep up with the demands for justice, recognition and development that are currently being made around the world.

69. The following recommendations are addressed to States, United Nations entities, civil society and other stakeholders with a view to strengthening and accelerating implementation of the programme of activities for people of African descent in every region.

### **A. Increase State engagement and step up action**

70. States should step up action at every level to implement the programme of activities for people of African descent nationally. They should develop specific national action plans and policies and establish or reform institutions to improve the lives people of African descent and include them in decision-making and in public organizations.

71. Launching the Decade is a symbolic and essential act for implementing the programme of activities. States should recognize and launch the Decade as soon as possible.

72. States should enhance their efforts to collect disaggregated data and information about the situation of people of African descent, which will contribute greatly to the formulation of targeted policies, programmes and initiatives.

73. States should increase cooperation with a view to making progress with regard to the establishment of operational modalities for the Permanent Forum on People of African Descent and the drafting of a declaration on people of African descent. Furthermore, they should use the occasion of the twentieth anniversary of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, to be marked in 2021, to renew their political commitment to the Durban Declaration and Programme of Action and, in that context, revitalize their efforts to implement the programme of activities.

### **B. Communicate better and digitally about the Decade**

74. In a recent resolution, the General Assembly requested OHCHR and the Department of Global Communications to continue awareness-raising efforts and public information campaigns in support of the Decade through the use of social networks and digital media, including the wide distribution of user-friendly, concise and accessible versions of material.<sup>58</sup> Increased efforts will also be needed to establish an awareness-raising campaign on the Decade, as specifically requested in the programme of activities,<sup>59</sup> to inform the general public of the history, contributions, including to global development, challenges, contemporary experiences and situation of human rights of people of African descent.

75. Going forward, the Decade must acquire a significant digital profile and reach. An increased digital presence will help raise awareness about the Decade and the many important themes and activities that should be implemented and that are already taking place around the world in various sectors.

76. The full potential of digital technology to assist in informing, raising awareness, building capacity, fostering commitment and encouraging action on the three pillars of the Decade – recognition, justice and development – has yet to be exploited. This potential can be achieved by supporting the creativity, ideas and networks of young people.

77. OHCHR and the Department of Global Communications will work on a revamped global communications strategy on the Decade, and the Decade must go digital.

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<sup>58</sup> Resolution 74/137, para. 16.

<sup>59</sup> General Assembly resolution 69/16, annex, para. 29 (c).

### **C. Consult and collaborate with people of African descent, including through youth engagement**

78. The process of implementing the Decade is crucial to the implementation of the activities themselves. It is important that States assist civil society in participating in meetings, consultations and activities on the Decade at the national, regional and international levels. States, regional organizations and other stakeholders are specifically called upon to facilitate the participation of civil society from their respective countries and regions.<sup>60</sup>

79. Moreover, all stakeholders should support and create the civic space for young people to connect, contribute and reach out to their peers around the world about the Decade.

80. The General Assembly has urged States to ensure that activities and objectives for the Decade are planned and implemented in accordance with paragraph 10 of the programme of activities and on the basis of full consultation and collaboration with people of African descent.<sup>61</sup> It is important that civil society be more consciously and meaningfully involved in implementing the Decade. It is imperative that young people and women be involved and consulted on all activities for the Decade going forward.

### **D. Discuss accountability and reparatory justice**

81. The international community is increasingly acknowledging the historical linkages between slavery and the slave trade, including the transatlantic slave trade, and racial discrimination against people of African descent. Formal apologies, truth-telling processes and reparations are some means of acknowledging and addressing these manifestations of racism today. If requested, OHCHR stands ready, in cooperation with all relevant stakeholders, including civil society representatives of African descent, to support such discussions and dialogue on accountability and reparatory justice on issues relating to people of African descent as a step towards eradicating racism, racial discrimination, xenophobia and related intolerance.

### **E. Establish the modalities for the Permanent Forum on People of African Descent**

82. The High Commissioner, who is the Coordinator of the Decade, is of the view that the Permanent Forum on People of African Descent should serve as a critical consultation mechanism for people of African descent on issues affecting their human rights.<sup>62</sup> The Permanent Forum should act as a platform enabling people of African descent to voice their views on the key thematic issues that directly affect them, including the implementation of the programme of activities for the Decade. It would accelerate the gains made by movements of people of African descent to date and add a focal point for action that would contribute to improving the situation of human rights of people of African descent.

83. The discussions on the Permanent Forum scheduled to be held during the seventy-fourth session of the General Assembly have been delayed by a lack of agreement about its modalities and by the COVID-19 pandemic, which has affected the holding of intergovernmental meetings.

84. Nevertheless, States, with input from civil society representatives of African descent, should agree on the modalities, format and substantive and procedural aspects of the Permanent Forum, to which OHCHR will provide the necessary technical and secretariat support. In that regard, States should also ensure that the Permanent Forum is sufficiently funded and staffed.

<sup>60</sup> General Assembly resolution 74/137, para. 14.

<sup>61</sup> General Assembly resolution 69/16, para. 2.

<sup>62</sup> General Assembly resolution 74/137, para. 13.

## **F. Negotiate a draft declaration on people of African descent**

85. Preliminary discussions on a draft declaration on people of African descent have been held, including at regional meetings in Brasilia, Geneva and Dakar, at which participants have considered the draft declaration's objectives and content. The discussions at these regional meetings, together with the inputs and submissions of civil society representatives of African descent, should feed into subsequent negotiations on a draft declaration on the promotion of and full respect for the human rights of people of African descent.

86. The adoption of a declaration on the promotion of and full respect for the human rights of people of African descent authoritatively defining the current and future state of affairs in relation to people of African descent should be a key outcome of the Decade. The COVID-19 pandemic has highlighted that focused attention needs to be paid to the human rights of people of African descent in order to ensure that gaps in the enjoyment of their rights are addressed. Such a declaration would consider economic, social and cultural rights, as well as civil and political rights, and areas such as access to justice and law enforcement. The High Commissioner strongly encourages all stakeholders to accelerate negotiations on this declaration, the adoption of an inclusive approach and the meaningful consultation and participation of people of African descent from around the world.

## **G. Fund the Decade**

87. In proclaiming the Decade, the General Assembly called for the allocation of predictable funding from the regular budget and extrabudgetary resources of the United Nations for the effective implementation of the programme of action and activities under the Decade.<sup>63</sup>

88. While funding from the regular budget supports some core work under the Decade, including the regional meetings and the fellowship for people of African descent, it is insufficient for making the progress needed to implement the programme of activities. And although the current financial constraints are acknowledged, the importance of the issues of the Decade require that more funding support be provided, at both the national and international levels.

89. Specific funds should be allocated for significant youth participation in the Decade, as well as to improve the social media profile of and engagement in the Decade. Moreover, funding sources from a variety of stakeholders should be considered.

90. States, intergovernmental and non-governmental organizations, private institutions and individuals, as well as other donors in a position to do so, are encouraged to contribute to the trust fund for the Programme for the Decade for Action to Combat Racism and Racial Discrimination to support civil society participation and raise awareness, in particular, and to contribute to the Permanent Forum on People of African Descent.

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<sup>63</sup> Resolution 68/237, para. 3.