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

Strategic vision and initial priorities

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K.P.*

Summary

The present report outlines the strategic vision and initial priorities of Ashwini K.P., who was appointed by the Human Rights Council in October 2022, during its fifty-first session, as the sixth Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. The report provides a summary of the activities undertaken by the mandate holders to date, a description of the scope of the mandate and an analysis of the provisions within international law upon which the Special Rapporteur intends to ground the fulfilment of her mandate. In the report, she sets out the methods of work to which she intends to adhere and outlines initial priority areas relating to her approach to the mandate and to thematic topics. Finally, the Special Rapporteur offers conclusions and targeted recommendations on the ways in which the States Members of the United Nations and other stakeholders can cooperate in the fulfilment of her mandate.

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 52/36, in which the Council requested the Special Rapporteur to submit to it an annual report. The Special Rapporteur's report outlines her vision for her tenure as the sixth Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

2. To inform the report, the Special Rapporteur published a call for submissions from Member States and other stakeholders, including civil society organizations, international organizations and national human rights institutions. The Special Rapporteur extends her thanks to all Member States and other stakeholders who submitted information. She has drawn upon the inputs provided in the preparation of the report and remains open to an ongoing dialogue with all relevant stakeholders on the strategic focus of her mandate.

3. In the present report, the Special Rapporteur summarizes the activities that she has undertaken since the commencement of her tenure on 1 November 2022 and provides a summary of the activities undertaken under the mandate since its establishment. She elaborates on the scope of her mandate and provides analysis of the provisions within international law upon which she intends to ground the fulfilment of her mandate. She also sets out the methods of work to which she intends to adhere and outlines initial priority areas relating to her approach to the mandate and thematic topics. Finally, she offers conclusions and targeted recommendations on the ways in which Member States and other stakeholders can cooperate in the fulfilment of the mandate.

II. Summary of activities

4. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was appointed by the Human Rights Council in October 2022, during its fifty-first session. She is the sixth Special Rapporteur appointed under the mandate. She took up her functions on 1 November 2022.

5. Since the beginning of her tenure, the Special Rapporteur has attended a number of international events and conferences. In December 2022, she attended the inaugural meeting of the Permanent Forum on People of African Descent in Geneva, where she gave a presentation on the racialized causes and consequences of the climate crisis. In the same month, she spoke at the eleventh Forum on Business and Human Rights and met with the Committee on the Elimination of Racial Discrimination at its 108th session in Geneva. In March 2023, the Special Rapporteur attended the eleventh national conference on non-discrimination, in Malaysia, which was focused on the impact of the Internet on racism and racial discrimination in the country.

6. At the time of drafting, the Special Rapporteur had sent 28 communications to Member States¹ since the beginning of her mandate. Topics addressed by such communications included the introduction of caste, which has been recognized by the Committee on the Elimination of Racial Discrimination as a form of descent-based discrimination, as a ground for discrimination within national legal provisions providing protection from discrimination. Another issue addressed was the nexus between racial discrimination and repressive migration governance, hate speech and xenophobic violence. The Special Rapporteur strongly encourages all countries that have received communications and have not yet sent an official reply to do so at their earliest convenience.

7. As at 30 April 2023, the Special Rapporteur had sent four country visit requests to countries of priority. She encourages the countries that have not yet responded to her country visit requests to do so at their earliest convenience.

8. Since the commencement of her mandate, the Special Rapporteur has published four calls for submissions to inform the reports she will submit to the Human Rights Council at its fifty-third session and to the General Assembly at its seventy-eighth session, including for

¹ The figures reflect internal data collection by the United Nations Office of the High Commissioner for Human Rights and include communications not yet made public.

the present report and her reports on the glorification of Nazism to both forums and her thematic report to the General Assembly on online hate speech.

III. Previous work of the mandate

9. The Special Rapporteur wishes to thank her direct predecessor for her invaluable contribution to the mandate, including the in-depth analysis throughout her work of the harmful legacies of colonialism and slavery; her thorough exploration of the nexus between migration and contemporary forms of racism; her examination of the relationship between digital technologies and racial discrimination; and her integration of an intersectional and inclusive approach in the implementation of her mandate. The Special Rapporteur intends to ensure continuity with the work of her predecessors, building upon their activities and accomplishments. As such, the Special Rapporteur presents, below, an overview of the work completed under the mandate to date.

A. Thematic reports

10. Since the establishment of the mandate in 1993, a broad range of issues have been covered by the mandate holders in thematic reports to the Human Rights Council and the General Assembly. The subjects included, among others: climate justice and racial justice (General Assembly 2022), racial justice and the Sustainable Development Goals (Human Rights Council 2022), the Durban Declaration and Programme of Action (General Assembly 2021), digital technologies deployed to advance the xenophobic and racially discriminatory treatment and exclusion of migrants, refugees and stateless persons (Human Rights Council 2021), the discriminatory impact of emerging digital technologies on migrants, stateless persons, refugees and other non-citizens in border control (General Assembly 2020), racial discrimination in the design and use of emerging digital technologies (Human Rights Council 2020), human rights obligations of Member States in relation to reparations for racial discrimination rooted in slavery and colonialism (General Assembly 2019), racial equality and natural resource extractivism (Human Rights Council 2019), the threat posed by nationalist populism to the fundamental human rights principles of non-discrimination and equality (General Assembly 2018), racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration (Human Rights Council 2018), combating racial discrimination, xenophobia and related intolerance in a counter-terrorism context (General Assembly 2017), the role of national human rights institutions and national action plans (General Assembly 2016), xenophobia: its conceptualization, trends and manifestations (Human Rights Council 2016), the collection of disaggregated data (General Assembly 2015), racial and ethnic profiling in law enforcement (Human Rights Council 2015) and racism in sport (General Assembly 2014).²

B. Reports on glorification of Nazism

11. Since 2012, the General Assembly has mandated the Special Rapporteur to submit annual reports to the Human Rights Council and the General Assembly on combating the glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance. Such responsibilities were most recently outlined in 2022 by the General Assembly in its resolution 76/149.

12. In the reports, the Special Rapporteur addressed the manifestations in many parts of the world of various extremist political parties, movements, ideologies and groups of a racist or xenophobic character, including neo-Nazi and skinhead groups, and measures taken to address such phenomena. Furthermore, the reports contain recommendations for States to continue to take adequate steps, including through national legislation, aimed at preventing

² All previous thematic reports published under the mandate are available at <https://www.ohchr.org/en/special-procedures/sr-racism/annual-thematic-reports>.

and countering incitement to violence against racial, ethnic and religious minorities and ideas based on racial superiority or hatred.³

C. Country visits

13. Since the establishment of the mandate, the mandate holders have undertaken visits to 44 countries: Qatar (2019); the Kingdom of the Netherlands (2019); Morocco (2018), the United Kingdom of Great Britain and Northern Ireland (2018 and 1995); Fiji (2016); Australia (2016 and 2001); Argentina (2016); Greece (2015); the Republic of Korea (2014); Mauritania (2013 and 2008); Spain (2013); the Plurinational State of Bolivia (2012); Hungary (2011); Singapore (2010); the United Arab Emirates (2009); Germany (2009); the United States of America (2008 and 1994); the Dominican Republic (2007); Lithuania (2007); Latvia (2007); Estonia (2007); Italy (2006); the Russian Federation (2006); Switzerland (2006); Brazil (2005 and 1995); Japan (2005); Nicaragua (2004); Honduras (2004); Côte d'Ivoire (2004); Guatemala (2004); Colombia (2003 and 1996); Canada (2003); Guyana and Trinidad and Tobago (2003); Czechia, Hungary and Romania (1999); South Africa (1998); Kuwait (1996); France (1995); and Germany (1995).

14. The regional distribution of visits carried out under the mandate is as follows:

- African States: Five country visits
- Asia-Pacific States: Seven country visits
- Eastern European States: Four country visits
- Latin American and Caribbean States: 11 country visits
- Western European and other States: 17 country visits

D. Communications

15. Between 2004 and 30 April 2023, the mandate holders sent approximately 500 communications to Member States regarding alleged violations of human rights relating to racism, racial discrimination, xenophobia and related intolerance. Such communications have covered a wide array of alleged human rights violations and issues, including anti-discrimination provisions within national legal frameworks; racial profiling; the racialized use of excessive and lethal force by law enforcement officials; racism and racial discrimination in prison systems; racist hate speech; the racialized impact of the coronavirus disease (COVID-19); the nexus between migration, border governance and racism and xenophobia; gaps in national non-discrimination legal frameworks; racism and racial discrimination within counter-terrorism measures; racialized human rights violations in the context of business activities, including within the extractive industries; and access to remedies for victims of racism, racial discrimination, xenophobia and related intolerance, including reparations for victims of colonialism and slavery.

E. Advocacy and awareness-raising

16. There is a long history of advocacy and awareness-raising under the mandate on issues relating to racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur's predecessors spoke at a wide range of international events on issues of relevance to the mandate. Recent examples of such advocacy and engagement activities include the commemorative events by the General Assembly for the International Day for the Elimination of Racial Discrimination, on 21 March; an international conference on the situation of lesbian, gay, bisexual, trans and intersex persons, in 2022; Human Rights Council panel discussions, including one in 2022 on the harmful legacies of colonialism; a conference on global pandemic prevention and control and human rights protection, in 2020; and the

³ All previous reports on the glorification of Nazism are available at <https://www.ohchr.org/en/special-procedures/sr-racism/reports-glorification-nazism>.

high-level conference for the twenty-fifth anniversary of the European Commission against Racism and Intolerance.⁴

17. The Special Rapporteur's predecessors also advocated for the rights of those affected by racism, racial discrimination, xenophobia and related intolerance in other ways. For example, mandate holders submitted several *amicus curiae* briefs in strategic litigation in various jurisdictions.⁵ Mandate holders also sent open letters on key issues relating to racism and racial discrimination to international organizations and forums, including the International Criminal Court; the twelfth Ministerial Conference of the World Trade Organization; the intergovernmental consultations to agree on the Progress Declaration of the International Migration Review Forum; and the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism.⁶

IV. Scope and applicable international legal and policy frameworks

18. The Special Rapporteur interprets the scope of her mandate on the basis of the Human Rights Council resolutions establishing and extending her mandate⁷ and the General Assembly resolutions mandating her to report on trends in the glorification of Nazism.⁸ In accordance with the reference to the International Convention on the Elimination of All Forms of Racial Discrimination in the latest Human Rights Council resolution renewing her mandate,⁹ the Special Rapporteur interprets the mandate as encompassing all grounds for discrimination covered by article 1 of the Convention, which states that the term "racial discrimination" means any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

19. Accordingly, the Special Rapporteur intends to ground her work in the Convention, which contains the most comprehensive prohibition of racial discrimination in international human rights law. She aligns herself with previous mandate holders, who have stressed the comprehensive and holistic nature of the obligations of States under article 2 of the Convention.¹⁰ The Convention and the prohibition of racism set out therein require multifaceted responses from State parties, encompassing both positive and negative actions, to realize racial equality. In accordance with article 2 of the Convention, State parties must ensure that they neither take part in any act of racial discrimination nor further programmes that lead to racial inequality. In accordance with their obligations under the Convention, States must also take steps to prevent all forms of racism and racial discrimination. Under article 6 of the Convention, in incidences of racism, racial inequality or racial discrimination, States have an obligation to facilitate access to remedy for affected individuals through competent national tribunals and other State institutions. The Special Rapporteur, at the outset of her mandate, stresses the multifaceted and comprehensive nature of the obligations of States under the Convention. She calls upon States to increase their efforts to fulfil such obligations, including by continuing and expanding efforts to implement the concluding observations of the Committee on the Elimination of Racial Discrimination.

⁴ See <https://www.ohchr.org/en/special-procedures/sr-racism/activities>.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ For example, Human Rights Council resolutions 52/36 and 43/36 and Commission on Human Rights resolutions 1993/20 and 1994/64.

⁸ For example, General Assembly resolution 76/149.

⁹ Human Rights Council resolution 52/36.

¹⁰ See the *amicus curiae* brief submitted in 2022 by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to Le Conseil d'État of France concerning the systemic use of racial profiling within law enforcement activities, available at <https://www.ohchr.org/sites/default/files/documents/issues/racism/sr/amicus/2022-06-28/AmicusBrieftoFrance-Third%20party-intervention-SR-Achiume-EN.pdf>.

20. While the Special Rapporteur stresses the significance of the Convention to the material scope of her mandate, she also wishes to highlight that a range of international human rights treaties provide protection from racial discrimination. Article 2 of the Universal Declaration of Human Rights contains the provision that everyone is entitled to all the rights and freedoms set forth in the declaration, without distinction of any kind, such as race or colour, among others. As the international community marks the seventy-fifth anniversary of the declaration, the Special Rapporteur highlights the importance of the declaration to her mandate. She calls upon Member States and other stakeholders to use the anniversary as an impetus to combat all forms of racism, racial discrimination, xenophobia and related intolerance.

21. Other relevant provisions include those set out in article 2 (1) of the International Covenant on Civil and Political Rights, namely that the rights recognized in the Covenant are to be respected, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. States' obligations to apply economic, social and cultural rights in a non-discriminatory manner are outlined in article 2 (2) of the International Covenant on Economic, Social and Cultural Rights. Similarly, article 2 (1) of the Convention on the Rights of the Child contains the provision that States parties must respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. The preamble of the Convention on the Elimination of All Forms of Discrimination against Women makes clear that all the rights and freedoms enumerated within the Convention must be recognized without distinction of any kind. It is also emphasized that the eradication of apartheid, all forms of racism, racial discrimination, colonialism, neocolonialism, aggression, foreign occupation and domination and interference in the internal affairs of States is essential to the full enjoyment of the rights of men and women. The Special Rapporteur recognizes such provisions across different international human rights law instruments and intends to draw upon them in her work over the coming months and years.

22. The Special Rapporteur further wishes to highlight the centrality and importance of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference to the anti-racism efforts of the United Nations and the implementation of her mandate. The Special Rapporteur considers the follow-up to and implementation of the Durban Declaration and Programme of Action to be central to the fulfilment of her mandate and welcomes the reference to these responsibilities in Human Rights Council resolution 52/36. The Special Rapporteur stresses to Member States that the Durban Declaration and Programme of Action offers a comprehensive vision and action plan for the eradication of racial discrimination and the realization of racial equality. It reflects the intersections between racism and racial discrimination and other forms of discrimination, including those relating to nationality, migration status, religion and gender, and articulates the ways in which discrimination on multiple and intersecting grounds shapes the lived experiences of many of those subjected to racism, racial discrimination, xenophobia and related intolerance. The Durban Declaration and Programme of Action also contains comprehensive analysis of the deep-rooted and structural nature of racism and a clear elucidation of the role of the harmful legacies of colonialism and slavery. While noting that caste is not referenced in the Durban Declaration and Programme of Action, the Special Rapporteur recognizes the role that the Durban Conference and the Durban Declaration and Programme of Action have played in the mobilization of international efforts against caste-based discrimination, as recognized as a form of descent-based discrimination under the International Convention on the Elimination of All Forms of Racial Discrimination.¹¹ Given the comprehensiveness and inclusivity of the Durban Declaration and Programme of Action, the Special Rapporteur regrets attempts to marginalize it and the lack of effective implementation by Member States.¹² The Special Rapporteur wishes to make clear that the fulfilment of her mandate will be grounded in the Durban Declaration and Programme of

¹¹ See Committee on the Elimination of Racial Discrimination, general recommendation No. 29 (2002).

¹² See [A/76/434](#).

Action and relevant antiracism provisions in international human rights law. She calls upon States to recommit to the comprehensive vision and action plan laid out in Durban in 2001.

23. In addition, the Special Rapporteur intends to continue to participate in relevant international dialogues and policy forums on the 2030 Agenda for Sustainable Development. While recognizing some gaps and challenges in relation to how effectively the 2030 Agenda addresses racial discrimination, including the legacies of colonialism and slavery,¹³ the Special Rapporteur nevertheless is committed to utilizing it to combat contemporary forms of racism to the greatest extent possible. She intends to undertake thematic research with a view to advising States and relevant State institutions on the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance in the implementation of the 2030 Agenda, including with reference to targets 10.2 and 10.3 of the Sustainable Development Goals, in accordance with the most recent resolutions renewing the mandate.¹⁴

V. Intended methods of work

24. Pursuant to the relevant resolutions, the Special Rapporteur will present annual thematic reports to the Human Rights Council and to the General Assembly; conduct country visits and make recommendations directed towards the Governments and stakeholders concerned; send communications, including urgent appeals, on allegations of violations; engage with relevant stakeholders, including civil society organizations working on racism and racial discrimination issues, to raise awareness; and undertake advocacy activities to facilitate the achievement of the objectives of her mandate. The Special Rapporteur will also continue, pursuant to General Assembly resolution 76/149, to report to both the Human Rights Council and the Assembly on trends in the glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance and measures to combat such phenomena.

25. The Special Rapporteur will implement her mandate in a participatory and consultative manner, drawing upon the expertise and experience of stakeholders, including civil society organizations working on combating all forms of racism, racial discrimination, xenophobia and related intolerance. The Special Rapporteur wishes to stress her commitment to an approach that centres around the lived experiences of those who face racism, racial discrimination, xenophobia and related intolerance. She is committed to upholding the core principles of consent and “do no harm” when intervening in cases of alleged human rights violations, in line with the working methods of the special procedures of the Human Rights Council. The Special Rapporteur intends to uphold such principles in all elements of her work, particularly in communications to Member States and while undertaking and reporting on country visits, during which she intends meets with those who have faced racism, racial discrimination, xenophobia and related intolerance.

26. In line with the scope of her mandate and with article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination, the Special Rapporteur is committed to working with constituencies representing a wide range of groups, including people of African descent; Indigenous Peoples; those experiencing descent-based discrimination, including on the basis of birth or social origin; those experiencing racism and xenophobia on the basis of citizenship or status of residency; those experiencing all forms of nationality discrimination; those subjected to religious discrimination, including but not limited to antisemitism and Islamophobia; and those experiencing discrimination on other grounds, including age, sex, disability, ethnic origin or economic or other status.

VI. Priorities

27. The Special Rapporteur’s priorities will continue to evolve as she implements her mandate over the coming months and years, particularly as she is of the opinion that her work should respond to the latest developments relating to racism, racial discrimination,

¹³ See [A/HRC/50/60](#).

¹⁴ Human Rights Council resolutions 43/36 and 52/36.

xenophobia and related intolerance and ongoing consultation and collaboration with all relevant stakeholders. However, the Special Rapporteur has some initial priority areas, relating to both her thematic focus and her approach to the fulfilment of her mandate, which she wishes to share with members of the Human Rights Council and other relevant stakeholders.

A. Country visits

28. The Special Rapporteur assigns significant importance to resuming country visits. She stresses the importance that she places on her ability to travel to countries of concern under the scope of her mandate and to meet with a range of stakeholders on the ground, including government interlocutors, civil society organizations representing those facing discrimination on the full range of grounds covered by her mandate, national human rights institutions and regional and international organizations.

29. In accordance with the scope of her mandate and the work of the previous mandate holders, the Special Rapporteur intends to address the following topics during her country visits and within her reports on such visits: forms and manifestations of racism, racial discrimination, xenophobia and other intolerance, including far-right activities and religious intolerance and systemic forms of racism and racial discrimination; legislative, policy and institutional frameworks, including legal frameworks aimed at eliminating racial discrimination, xenophobia and other intolerance, in accordance with international standards and national strategies to combat racial discrimination; the implementation of relevant legal and policy standards and the impact of implementation gaps on the lived experiences of those subjected to all forms of racism, racial discrimination, xenophobia and related intolerance; the investigation, prosecution and punishment of perpetrators and the rights of victims in criminal proceedings, where appropriate; access to effective remedy, redress and compensation to victims, including relating to colonialism and slavery; and measures aimed at eliminating and preventing racial discrimination, such as awareness-raising and training.

30. While the exploration of the above-mentioned topics will form the basis of her country visits, the Special Rapporteur will also address other issues, depending upon the country context. She intends to base her approach to country visits on the revised terms of reference for country visits by special procedure mandate holders.

31. The Special Rapporteur wishes to highlight her commitment to regional balance in her country visits. She notes that certain regions, as listed in section III, have historically received fewer visits by the mandate holder. She will seek, in cooperation with Member States, including those that have extended a standing invitation to the special procedures, to undertake visits to countries in regions that have historically received fewer such visits by mandate holders.

32. Since starting her tenure on 1 November 2022, the Special Rapporteur has sent four letters to countries to inquire about the possibility of undertaking a country visit. As at 30 April 2023, she had received two responses. She extends her sincere thanks to Norway and to the United States of America for their cooperation. She calls upon other States to which she has written to formally reply at their earliest convenience.

B. Cooperation on racism, racial discrimination, xenophobia and related intolerance

33. The Special Rapporteur is aware of several mechanisms at the regional and international levels working on issues relating to the material scope of her mandate. As outlined above, the Special Rapporteur stresses the importance of the International Convention on the Elimination of All Forms of Racial Discrimination to the fulfilment and implementation of her mandate. She grants a significant degree of importance to ongoing cooperation with all members of the Committee on the Elimination of Racial Discrimination. As outlined in section II, the Special Rapporteur met with the Committee in December 2022, during its 108th session, in Geneva. The Special Rapporteur thanks the Committee for its cooperation and highlights her commitment to continuing the relationship between the two

mechanisms during the fulfilment of her mandate. She considers the Committee's concluding observations and the outcomes of its early warning and urgent procedures process to be vital tools in support of her role in monitoring the situation of racial discrimination globally.

34. The Special Rapporteur would also like to express her commitment to working with other mechanisms working on issues of racism and racial discrimination. She recognizes the long-standing history of cooperation between previous mandate holders and the Working Group of Experts on People of African Descent. The Special Rapporteur thanks the Working Group for this cooperation and stresses her commitment to continuing to work together.

35. The Special Rapporteur welcomes the establishment by the Human Rights Council in 2021 of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, pursuant to its resolution 47/21. She appreciates the reference within the resolution to the need for close cooperation with the Special Rapporteur and thanks the Expert Mechanism for its collaboration to date. The Special Rapporteur also welcomes the establishment by the General Assembly in 2021 of the Permanent Forum on People of African Descent. She thanks the Permanent Forum for its invitation to its first and second sessions. The Special Rapporteur attended the inaugural session of the Permanent Forum in Geneva in December 2022 and intends to attend the second session in New York in June 2023. She expresses her commitment to ongoing cooperation with all members of the Permanent Forum.

36. Given the fundamentality of the Durban Declaration and Programme of Action to the mandate of the Special Rapporteur and the references in Human Rights Council resolution 52/36 to follow-up in the implementation of that mandate, the Special Rapporteur welcomes opportunities to collaborate with the mechanisms established to follow up on the implementation of the Durban Declaration and Programme of Action. These include the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action and 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.

37. Alongside her commitment to cooperation and collaboration with each mechanism, the Special Rapporteur is dedicated to supporting effective coordination among all such mechanisms as components of the United Nations racial justice architecture. While fully respecting the independent nature of all the mechanisms, she is of the view that coordination and collaboration among the mechanisms can help to ensure their maximum impact on the lived experiences of those subjected to racism, racial discrimination, xenophobia and related intolerance.

38. The Special Rapporteur would also like to highlight her commitment to collaboration with other special procedure mandate holders. The Special Rapporteur interprets her mandate as having significant complementarity with many special procedure mandates, including those of the Special Rapporteur on the human rights of migrants, the Special Rapporteur on minority issues, the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur on the rights of Indigenous Peoples, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, the Special Rapporteur on freedom of religion or belief, the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur in the field of cultural rights and the Working Group on the issue of human rights and transnational corporations and other business enterprises. She thanks the mandate holders for their historical cooperation with the previous holders of her mandate and expresses her commitment to continuing that cooperation, including in the preparation and transmission of joint communications to Member States on alleged violations of human rights relating to the material scope of her mandate.

39. In addition, the Special Rapporteur is committed to working collaboratively with Member States and recalls the relevant text in the most recent resolution renewing her mandate, calling upon States to fully cooperate with the Special Rapporteur in the discharge

of her mandate.¹⁵ The Special Rapporteur wishes to thank all the Member States that submitted information to inform the present report. She notes the information provided about trends in racial discrimination and the measures being taken by States, including information on national legal frameworks, data collection and awareness-raising measures.

40. The Special Rapporteur also wishes to recognize the work of the Office of the United Nations High Commissioner for Human Rights (OHCHR) on racism and racial discrimination, including the High Commissioner's agenda on transformative change for racial justice and equality and work on other forms of discrimination that fall within the scope of her mandate. While reinforcing her independence as a Special Rapporteur, she wishes to express her commitment to collaborating with OHCHR on such issues. She is aware of the appointment of anti-racial discrimination advisers in OHCHR regional field offices. She welcomes this initiative and extends her cooperation to the advisers. The Special Rapporteur is also aware of previous collaboration between other United Nations entities and previous holders of her mandate, including the General Assembly, the United Nations Educational, Scientific and Cultural Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the World Health Organization. She appreciates this cooperation and intends to continue such collaboration with entities working on racism, racial discrimination, xenophobia and related intolerance across the United Nations. She is of the view that efforts to eradicate all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance should be mainstreamed across all of the work of the United Nations. She places a high degree of importance on continuing such engagement and cooperation with a wide range of United Nations entities.

41. The Special Rapporteur is also aware of regional mechanisms addressing racism, racial discrimination, xenophobia and related intolerance, including the Rapporteur on the Rights of Persons of African Descent and against Racial Discrimination, established by the Organization of American States; the Working Group on Indigenous Populations/Communities and Minorities in Africa, established by the African Commission on Human and Peoples' Rights; and the European Commission against Racism and Intolerance. The Special Rapporteur envisages additional engagement and collaboration with these regional mechanisms and intends to include such work as one of the priorities in the fulfilment of her mandate.

42. As outlined above, the Special Rapporteur also intends to continue and expand cooperation and engagement with civil society organizations representing people of African descent; Indigenous Peoples; those experiencing descent-based discrimination, including on the basis of caste; those experiencing racism and xenophobia in the context of migration; those experiencing all forms of nationality discrimination; and those subjected to religious discrimination, including but not limited to antisemitism and Islamophobia.

43. The Special Rapporteur is aware of the important role that national human rights institutions and anti-discrimination bodies play in addressing racism, racial discrimination, xenophobia and related intolerance. She intends to work with such institutions to the greatest extent possible and encourages their cooperation during the implementation of her mandate, including through the submission of information to inform her thematic reports.

C. Intersectionality

44. In line with the relevant international human rights law instruments in which the Special Rapporteur intends to ground the fulfilment of her mandate, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action, and the approach taken by her predecessors, the Special Rapporteur intends to integrate an intersectional approach to racism, racial discrimination, xenophobia and related intolerance into all elements of her work. The Special Rapporteur recognizes that the different forms and manifestations of discrimination falling

¹⁵ Human Rights Council resolution 52/36, para. 4.

under her mandate often intersect. She is very aware that the lived experience of those subjected to discrimination often involves discrimination on multiple and intersecting grounds, which compounds their overall exclusion and marginalization. The Special Rapporteur notes that discrimination on the grounds covered by her mandate, as aligned with article 1 of the Convention, also often intersects with other forms of discrimination, including on the basis of gender; lesbian, gay, bisexual, transgender and intersex status; socioeconomic status; disability; or age. While respecting the limits of the scope of her mandate, the Special Rapporteur intends to integrate the analysis of intersectional discrimination and the ways in which it affects the different groups under her mandate, including through joint work with other special procedure mandate holders, as outlined above.

45. The Special Rapporteur has a particular interest in the intersections between racism, racial discrimination, xenophobia and related intolerance and gender. She believes that women from ethnically and racially marginalized groups, including people of African descent, Indigenous Peoples and those subject to descent-based discrimination, are among those experiencing the most severe forms of exclusion and marginalization. The Special Rapporteur intends to mainstream gender analysis into all elements of her work and may also consider reporting to the Human Rights Council and the General Assembly on the intersections between racial and gender discrimination over the course of her tenure as mandate holder. The Special Rapporteur intends to consult both the Working Group on discrimination against women and girls and the Committee on the Elimination of Racial Discrimination in the context of her work on race and gender. In addition, the Special Rapporteur is aware of prior collaboration between the previous holders of her mandate and the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity on the intersections between racial discrimination and lesbian, gay, bisexual, transgender and intersex status. The Special Rapporteur expresses her commitment to continuing to focus on such intersections and upholding the collaboration and cooperation with the Independent Expert.

D. Inclusivity

46. The Special Rapporteur would like to stress that an inclusive approach to her work is a priority in the implementation of her mandate. As elaborated above, the Special Rapporteur interprets the material scope of the mandate as covering all grounds for discrimination, as articulated in article 1 of the International Convention on the Elimination of All Forms of Racial Discrimination. She also intends to ground the implementation of her mandate in the Durban Declaration and Programme of Action, which provides an inclusive vision for the elimination of all forms of racial discrimination and the substantive realization of racial equality. Furthermore, the Special Rapporteur intends to ensure continuity with her predecessors, who effectively ensured the integration of analysis inclusive of all relevant groups across their work.

47. The Special Rapporteur intends to ensure, in the fulfilment of her mandate, the full inclusion of people of African descent; Indigenous Peoples; ethnic minorities; those experiencing descent-based discrimination; those experiencing racism and xenophobia in the context of migration; those experiencing all forms of nationality discrimination; and those subjected to religious discrimination, including but not limited to antisemitism and Islamophobia. The Special Rapporteur envisages additional scope for advocacy on the rights of those subjected to descent-based discrimination and religious intolerance, while maintaining all other groups as core constituents of her mandate.

E. Analysis of the historical roots of contemporary forms of racism, racial discrimination, xenophobia and related intolerance

48. The Special Rapporteur views analysis of the historical roots of contemporary forms of racism, racial discrimination, xenophobia and related intolerance as vital to the effective implementation of her mandate. Contemporary manifestations of these phenomena cannot be understood in a historical vacuum. The impact of the harmful legacies of colonialism and slavery on contemporary forms and manifestations of racism, racial discrimination,

xenophobia and related intolerance, including those relating to civil, political, economic, social, cultural and group rights, is abundantly clear. As included in a number of submissions received by the Special Rapporteur to inform the present report, such contemporary forms and manifestations of racism include economic exploitation, inequality within and among States, systemic racism, racism within law enforcement and criminal justice systems, violations of Indigenous Peoples' rights, including their land rights, contemporary forms of slavery and the destruction of cultural heritage. At the outset of her mandate, the Special Rapporteur recognizes the impact of the harmful legacies of colonialism and slavery on many groups, including people of African descent, Indigenous Peoples, those affected by descent-based discrimination, including on the basis of caste, and those subjected to anti-Asian racism. Given the inextricable link between colonialism and slavery and contemporary forms of racism, the Special Rapporteur intends to integrate historical analysis across all the applicable elements of her work.

49. Such an approach is in continuity with the work of her predecessors, who consistently highlighted the harmful legacies of colonialism and slavery, including in relation to global extractivism, international development paradigms, particularly the 2030 Agenda, and the climate and ecological crises. It is also aligned with the international legal framework upon which the Special Rapporteur intends to ground her work. As detailed above, the Durban Declaration and Programme of Action incorporates the recognition that colonialism has led to racism, racial discrimination, xenophobia and related intolerance. It further acknowledges that Africans and people of African descent, Asians and people of Asian descent and Indigenous Peoples are victims of colonialism and slavery and their consequences. The preamble of the International Convention on the Elimination of All Forms of Racial Discrimination contains a reference to the condemnation by the United Nations of colonialism and all practices of segregation and discrimination in whatever form and calls for their abolition wherever they exist, citing the Declaration on the Granting of Independence to Colonial Countries and Peoples of 14 December 1960.

F. Analysis of the nexus between digital technologies and contemporary forms of racism, racial discrimination, xenophobia and related intolerance

50. The Special Rapporteur has identified the nexus between digital technologies and contemporary forms of racism and racial discrimination, xenophobia and related intolerance as a priority thematic area for her mandate. She recognizes the work of her direct predecessor on this topic, including in relation to digital technologies deployed to advance the xenophobic and racially discriminatory treatment and exclusion of migrants, refugees and stateless persons.¹⁶ The Special Rapporteur wishes to continue this focus due to her concerns about the increasing impact of digital technologies on the lived experiences of those facing racism, racial discrimination, xenophobia and related intolerance and the risks posed to racial equality by the continuing proliferation of technologies in a way that is insufficiently attuned to equality and non-discrimination concerns.

51. Within the overall theme of digital technologies and contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur wishes to prioritize the exploration of online hate speech and intends to make it the focus of her report to the General Assembly at its seventy-eighth session. The Special Rapporteur is deeply concerned by the increasing proliferation of online hate speech, including on the basis of race, ethnicity, descent, religion, nationality or migration status, as reflected in information she received to inform the present report.

52. Within her forthcoming report to the General Assembly, she intends to focus on the gaps and challenges faced in addressing the different forms and manifestations of online hate speech, while ensuring full respect for freedom of expression as enshrined within international human rights law. She intends to explore the different forms and manifestations of online hate speech, including but not limited to online hate speech amounting to incitement

¹⁶ See [A/HRC/48/76](#), [A/75/590](#) and [A/HRC/44/57](#).

to racial discrimination, hatred and violence. She also plans to look at the ways in which those facing discrimination on such grounds as race, ethnicity, nationality, descent, religion, migration status and lesbian, gay, bisexual, transgender or intersex status experience online hate speech, including the experiences of those facing discrimination on multiple and intersecting grounds. The Special Rapporteur is concerned that disinformation can contribute to the development and dissemination of harmful racial and ethnic stereotypes and fear of difference in a way that feeds hate speech. She wishes to gather the views of stakeholders on this topic and include it within the scope of her report and recommendations to Member States and others. The Special Rapporteur will also explore the relationship between online hate speech, including but not limited to hate speech amounting to incitement to racial discrimination, hatred and violence, and offline hate speech, hate crimes and related human rights violations.

53. Alongside analysis of the different forms of hate speech, the Special Rapporteur intends to examine efforts to address online hate speech. In this regard, she intends to seek the views of stakeholders on the role of private companies in preventing and addressing online hate speech, the key gaps and challenges in responses to the phenomenon and any examples of good practices. Within such analysis, the Special Rapporteur will seek input on any examples of the effective application of the six-part threshold test of the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, and any challenges faced in the implementation of these criteria. Finally, the Special Rapporteur intends to explore the experiences of victims of online hate speech who seek access to remedies following experiences of hate speech.

VII. Conclusions and recommendations

54. **The Special Rapporteur, at the outset of her mandate, expresses her gratitude to the Human Rights Council for her appointment and notes her commitment to the elimination of all forms of racism, racial discrimination, xenophobia and related intolerance. In the present report, the Special Rapporteur has outlined her initial strategic vision for the implementation of her mandate over the coming months and years. She has provided a summary of the historical work of her mandate in the context of her commitment to both ensuring continuity with her predecessors and focusing on areas in which she foresees scope for additional work.**

55. **The Special Rapporteur has highlighted the importance of the International Convention on the Elimination of All Forms of Racial Discrimination, other human rights treaties and the Durban Declaration and Programme of Action to the scope and implementation of her mandate and calls upon States to continue and expand their efforts to implement such provisions. She has outlined her intended methods of work. The Special Rapporteur expresses her commitment to working collaboratively with civil society organizations and victims, including by consistently upholding the principles of consent and “do no harm”.**

56. **Finally, the Special Rapporteur has outlined some initial priority areas for the fulfilment of her mandate, relating to both her overall approach to her work and the initial thematic areas on which she intends to focus. She has expressed her commitment to undertaking visits under her mandate to countries of concern and ensuring regional balance in such work. The Special Rapporteur has also underscored the cross-cutting importance of cooperation with other mechanisms and organizations addressing racism, racial discrimination, xenophobia and related intolerance at the international, regional, national and local levels. When discussing her intended approach to the fulfilment of her mandate, the Special Rapporteur stressed the importance of both inclusivity and the consistent consideration of intersecting forms of discrimination. The Special Rapporteur has made clear that she intends to integrate the examination of the impact of the historical legacies of colonialism and slavery on contemporary forms of racism, racial discrimination, xenophobia and related intolerance into all aspects of her work. The Special Rapporteur has also discussed some initial thematic priorities, including online hate speech as an important vector for the relationship between digital**

technologies and contemporary forms of racism and racial discrimination, xenophobia and related intolerance and the relationship between gender discrimination and racism.

57. The Special Rapporteur deeply values the cooperation with a wide range of stakeholders in the implementation of her mandate. She thanks all relevant stakeholders for their engagement and collaboration to date and expresses her commitment to continuing such engagement in the fulfilment of all elements of her mandate. In that regard, the Special Rapporteur provides targeted recommendations for Member States and other stakeholders on the ways in which they can cooperate with her in the fulfilment of her important mandate.

58. The Special Rapporteur calls upon the States Members of the United Nations:

(a) To cooperate fully with her in the discharge of her mandate, as outlined in the Human Rights Council resolutions renewing the mandate of the Special Rapporteur;

(b) To respond within the 60-day period to all communications sent by the Special Rapporteur;

(c) To cooperate with the requests of the Special Rapporteur to undertake country visits;

(d) To take all steps necessary to implement the recommendations of the Special Rapporteur set out in her thematic and country visit reports;

(e) To increase efforts to implement international legal provisions providing protection from racism, racial discrimination, xenophobia and related intolerance, particularly the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action;

(f) To use the seventy-fifth anniversary of the Universal Declaration of Human Rights as an impetus to combat all forms of racism, racial discrimination, xenophobia and related intolerance.

59. The Special Rapporteur calls upon other entities, including civil society organizations, national human rights organizations and national anti-discrimination bodies:

(a) To continue and expand their cooperation with the Special Rapporteur in the discharge of her mandate;

(b) To continue to submit credible information on alleged human rights violations for the consideration of the Special Rapporteur;

(c) To continue to submit information to inform the thematic reports of the Special Rapporteur to the General Assembly;

(d) To continue to submit information to inform the reports of the Special Rapporteur to the Human Rights Council and to the General Assembly on trends in glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance;

(e) To continue to fruitfully collaborate with the Special Rapporteur on her country visits.
