

**Human Rights Council****Fifty-seventh session**

9 September–9 October 2024

Agenda item 9

Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action**Report of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action on its ninth and tenth sessions***Summary*

The Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action held its ninth session from 14 to 18 August 2023 and its tenth session from 17 to 20 June 2024, in Geneva. The present report is submitted to the Human Rights Council, pursuant to its resolution 54/27, and contains a summary of the deliberations during the ninth and tenth sessions and conclusions and recommendations.



I. Introduction

1. The Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action held its ninth session from 14 to 18 August 2023 and its tenth session from 17 to 20 June 2024 at the United Nations Office at Geneva. The Group held public and private meetings that were attended by representatives of Member States, United Nations entities, regional organizations and civil society organizations.

II. Organization of the sessions

A. Ninth session

1. Opening of the session

2. The Chief a.i. of the Rule of Law, Democracy and Non-Discrimination Branch at the Office of the United Nations High Commissioner for Human Rights (OHCHR) welcomed the experts and briefed them on recent developments in combating racism. He referred to Human Rights Council resolution 51/32, by which the Council had updated the mandate of the Group.

2. Organization of work

3. The following Eminent Experts participated in the ninth session: Edna Maria Santos Roland and Hanna Suchocka. Ms. Suchocka was elected Chair, on an exceptional basis, until the tenth session. The Group adopted the agenda and programme of work.

4. During the session, the Experts reported on the activities they had undertaken since the previous annual session. Ms. Suchocka had participated in the first session of the Permanent Forum on People of African Descent in Geneva in December 2022 and Ms. Roland in the second session of the Forum in New York in May and June 2023. In March 2023, Ms. Roland had been a panellist at a global thematic webinar on the theme of “Social justice: migration justice, racial justice and health justice”, organized by the Conference of Non-Governmental Organizations in Consultative Relationship with the United Nations. On 4 May 2023, she had also participated in an event on the theme of “Memoirs of Durban by the legends of Durban” during the thirty-second session of the Working Group of Experts on People of African Descent.

B. Tenth session

1. Opening of the session

5. José Antonio Aguilar Contreras opened the session in his capacity as the newly appointed Chair-Rapporteur of the Group. Mr. Aguilar Contreras and Joel Malesela Modiri introduced themselves as new members of the Group. During the first meeting, held in private, the Experts discussed organizational and procedural matters and agreed to revise the Group’s methods of work.¹

2. Organization of work

6. The following Eminent Experts participated in the tenth session: Mr. Aguilar Contreras, Mr. Modiri and Ms. Suchocka. Mr. Aguilar Contreras was elected Chair-Rapporteur of the Group. The Group adopted the agenda and programme of work.

7. Ms. Suchocka reported that she had participated in the twenty-first session of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and in the coordination meeting of anti-racism mechanisms organized by OHCHR in New York on 26 October 2023.

¹ See <https://www.ohchr.org/en/chr-subsidaries/group-of-experts-on-ddpa/methods-work>.

III. Summary of thematic discussions

A. Ninth session

1. Overview of current challenges to address racism and to ensure the full and effective implementation of the Durban Declaration and Programme of Action

8. At its third meeting, the Group held a general discussion on agenda item 7. The Chair introduced the three speakers, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Ashwini K.P., the Vice-Chair of the Committee on the Elimination of Racial Discrimination, Michal Balcerzak, and member of the Group of Experts, Ms. Roland.

9. Ms. Ashwini noted that, in her inaugural report to the Human Rights Council, she had emphasized the critical role of the Durban Declaration and Programme of Action in guiding the anti-racism efforts of the United Nations. The Durban Declaration and Programme of Action provided a comprehensive framework for combating racism, recognizing the deep-rooted impacts of colonialism and slavery, and advocating for reparations.

10. Ms. Ashwini expressed concern at the persistent challenges in implementing the Durban Declaration and Programme of Action, despite heightened global awareness following events such as the murders of George Floyd and Breonna Taylor, and the racial disparities exposed by the coronavirus disease (COVID-19) pandemic. She said that the lack of political will remained a significant barrier, especially from States historically implicated in colonialism and slavery. She added that mischaracterizations of the Durban Declaration and Programme of Action and a lack of data, disaggregated by race and ethnicity, further hindered progress.

11. Ms. Ashwini noted that inadequate financial and technical support for United Nations mechanisms and a lack of mainstreaming of anti-racism standards within the United Nations system were additional challenges. She concluded by urging States to recommit to the Durban Declaration and Programme of Action, using it as a blueprint for tangible improvements in combating racism and achieving racial equality.

12. In his address, Mr. Balcerzak emphasized the unwavering commitment of the Committee on the Elimination of Racial Discrimination to upholding the principles contained in the Durban Declaration and Programme of Action through continuous review of and recommendations to State parties. He then outlined four main challenges to the fight against racism.

13. First, Mr. Balcerzak noted the rise of racist hate speech, especially online, which had intensified, despite global efforts to stop it, and which necessitated robust State action in line with article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination on combating racial propaganda. Second, he called for enhanced measures and new recommendations to address the vulnerability of migrants, refugees and asylum-seekers, who faced increasing racism and xenophobia. Third, he called attention to the right to health, noting that a draft general recommendation on racial discrimination in health was under review by the Committee. Fourth, he emphasized the potential risks for perpetuating racial bias posed by the emergence of artificial intelligence and called for vigilance to prevent artificial intelligence from exacerbating discrimination.

14. Ms. Roland began by explaining that the Durban Declaration and Programme of Action had been fundamental in recognizing people of African descent as victims of racism, among other groups of victims. That was then reflected in other documents and led to the creation of the Working Group of Experts on People of African Descent and, later, the Permanent Forum on People of African Descent. The Durban Declaration and Programme of Action also put important concepts, such as reparations and affirmative action, at the centre of discussions.

15. Ms. Roland recalled that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban in 2001, had taken place shortly before the 9/11 terrorist attacks in the United States of America, which had

created a difficult environment for the promotion and implementation of the newly adopted document. She added that to overcome the difficulties and barriers faced within and outside the United Nations system for implementation of the Durban Declaration and Programme of Action, it was important to understand why it had been demonized and attacked for over 20 years.

16. Ms. Roland recalled that the Durban Declaration and Programme of Action had placed a lot of emphasis on social problems, such as racism and racial discrimination in the education, health and labour sectors. She also acknowledged the emergence of new issues needing to be analysed, such as the use of artificial intelligence and how new technologies might deepen already existing racial discrimination.

17. During the discussion, participants reaffirmed their support for the Group of Eminent Experts, the Durban Declaration and Programme of Action and the fight against racism and racial discrimination, including work on reparations for the historic harms caused by enslavement, the trade in enslaved Africans and structural racism. They highlighted several issues in relation to combating racism and racial discrimination, including lack of progress on remedies; racial discrimination against asylum-seekers; hate speech; the rise in Islamophobic acts; and the excessive use of force by police against people of African descent. They also called for efforts to finalize complementary standards to the International Convention on the Elimination of All Forms of Racial Discrimination to be accelerated. They reiterated that countering the disinformation campaigns against the Durban Declaration and Programme of Action should be given high priority by the United Nations and by all actors dedicated to the fight against racism.

2. Ensuring the integration of racism, racial discrimination, xenophobia and related intolerance into United Nations processes and events, and the contribution of the treaty bodies to combating racial discrimination

18. At the fourth meeting, the Group first held a discussion on agenda item 8. The Chair introduced the speaker, Secretary of the World Against Racism Network, Secretary-General of the International Youth and Student Movement for the United Nations and President of the NGO Committee on Development, Geneva, Jan Lönn.

19. Mr. Lönn noted that, with the end of apartheid in South Africa, some believed that the attention that the United Nations and the international community paid to the issue of racism could be reduced. Instead, many civil society organizations had intensified their campaign to fight racism, and their advocacy efforts had led to the inclusion of a strong commitment to eliminate racism and racial discrimination in the 1993 Vienna Declaration and Programme of Action. Civil society had also advocated for the organization of a third world conference against racism, with a broader analysis of racism, including its historical, social and economic root causes, which was reflected in the Durban Declaration and Programme of Action.

20. Mr. Lönn noted it was important to reflect on this process when discussing how to ensure the integration of the fight against racism, as articulated in the Durban Declaration and Programme of Action, in current United Nations processes, including the 2030 Agenda for Sustainable Development and the Summit of the Future to be held in 2024. He recalled the rather weak inclusion of the issue of racism in the Sustainable Development Goals and noted that unfortunately the outline papers for the Summit of the Future did not include strong references to the content of the Durban Declaration and Programme of Action. However, preparations for the Summit of the Future and other high-level events offered opportunities for civil society, United Nations experts and States to raise racism-related matters and reverse the apparent trend of lack of interest.

21. Mr. Lönn said that such an endeavour would take a lot of effort, including decolonizing international relations. He concluded by underlining the importance of the different anti-racism mechanisms cooperating to better advance matters of racial justice and the full and effective implementation of the Durban Declaration and Programme of Action.

22. The Group then held a discussion on item 9 of the agenda. The Chair introduced the speaker, Professor of Law at Adam Mickiewicz University, Poznan, Poland, and former member of the Committee on Economic, Social and Cultural Rights, Zdzislaw Kedzia.

23. Mr. Kedzia recalled that in the Durban Declaration and Programme of Action participants had urged States to cooperate with the Committee on the Elimination of Racial Discrimination and other treaty bodies to promote the effective implementation of relevant instruments and recommendations relating to racism, racial discrimination, xenophobia and related intolerance. He noted that when looking at the current efforts of the treaty bodies to combat racism, one could see an evident asymmetry. Mr. Kedzia said that the Committee on the Elimination of Racial Discrimination obviously had the most impressive legacy in this area, but that other treaty bodies had also made contributions to combating racism, although less regularly. He emphasized that there were opportunities for each treaty body to address racism and racial discrimination. He pointed out that a third of almost 350 detailed recommendations encapsulated in the concluding observations of the treaty bodies over the previous 18 months had addressed various aspects of racism, without counting the general references to the principles of equality and non-discrimination.

24. Mr. Kedzia mentioned four issues often addressed in the concluding observations of the treaty bodies that could significantly impact racial discrimination. First, the Committees regularly called on States parties to adopt comprehensive anti-discrimination legislation, including race as a prohibited ground of discrimination. Second, they firmly rejected racial profiling. Third, they recognized the phenomenon of multiple and intersectional discrimination. Fourth, the Committees made recommendations on the adoption and implementation of multisectoral plans to eliminate racism and racial discrimination. Mr. Kedzia called for a comprehensive study to be conducted to verify those observations. He concluded that there was room for a more significant and focused impact of the treaty bodies through seeking greater synergy between them, both substantively and procedurally.

25. During the discussion, participants agreed with the importance of having the treaty bodies combat racism and welcomed the idea of the study proposed by Mr. Kedzia. Some participants noted that it would be important to find ways to strengthen anti-racism advocacy and to encourage civil society organizations to include such information in their shadow reports to the treaty bodies.

3. Seventy-fifth anniversary of the Universal Declaration of Human Rights: learning from anti-slavery and anti-apartheid mobilizations

26. At the fifth meeting, the Group of Experts held a discussion on agenda item 10. The Chair introduced the speakers: the Permanent Representative of South Africa to the United Nations Office at Geneva and other international organizations in Switzerland, Mxolisi Nkosi, and Mr. Lönn.

27. The meeting started with a keynote address, via video message, by the Minister of Foreign Affairs and International Cooperation of Guyana, Hugh Hilton Todd. Mr. Todd emphasized that anti-slavery and anti-apartheid mobilizations had been important expressions of the struggle for human rights and freedom, equality and justice. He noted that his own country was one of the descendants of victims of the colossal human tragedy that had been the dehumanization, enslavement and transatlantic trade of millions of African men, women and children.

28. Mr. Todd explained that Guyana was haunted by two of the largest rebellions of enslaved Africans in the history of slavery in the Americas, the Berbice revolt in 1763 and the Demerara rebellion in 1823, which were eventually brutally suppressed. He said a spirit of resistance to oppression and domination was manifested in both rebellions, as well as a quest for freedom. The Minister concluded by noting that the lessons from the rebellions were many and were fundamentally encapsulated in the Universal Declaration of Human Rights.

29. In his presentation, Mr. Nkosi emphasized that the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action had profoundly influenced the global pursuit of justice and equality. He also reflected on the anti-slavery and anti-apartheid movements, underscoring their role in affirming the inherent dignity and worth of every human being. He noted that these movements exemplified humanity's refusal to accept subjugation and dehumanization, using collective action and international solidarity to confront these injustices.

30. Mr. Nkosi also discussed the critical role of the Universal Declaration of Human Rights and its principles in challenging the apartheid regime in South Africa. Activists and organizations had leveraged those principles to garner international support and condemn the discriminatory policies of apartheid. Despite early resistance and vetoes from powerful States with economic interests, persistent advocacy and dramatic events, such as the Sharpeville massacre, had eventually led to decisive action by the Security Council. In its resolutions, the Security Council had recognized apartheid as a threat to international peace and security, culminating in comprehensive international sanctions that put significant pressure on the apartheid regime. Mr. Nkosi stressed that these historic struggles taught valuable lessons about the importance of perseverance and global cooperation in the fight for human rights.

31. Mr. Nkosi called for renewed commitment to the principles of the Universal Declaration of Human Rights as the world faced contemporary challenges, such as globalization, technological advancements and climate change. In conclusion, he encouraged the audience to draw lessons from the anti-slavery and anti-apartheid movements, to persist in their efforts for justice and equality, and to ensure that the principles of the Universal Declaration of Human Rights became a lived reality for everyone.

32. Mr. Lönn started his presentation by recalling that the first people to resist the slave trade were the enslaved people themselves. They refused slavery from the time they were captured; there were uprisings on the ships and after they had arrived at the slave plantations in the Americas, and it did not take long for resistance and rebellion to become the order of the day. Mr. Lönn referred, among other things, to the rebellion which had started in Haiti in 1791 and is now commemorated every 23 August as the International Day for the Remembrance of the Slave Trade and its Abolition, designated by the United Nations Educational, Scientific and Cultural Organization (UNESCO). That revolution ultimately led to the independence of Haiti.

33. Mr. Lönn insisted on the duty to tell the history of the long global struggle against slavery, the slave trade, the transatlantic slave trade, apartheid and racism, which was a foundation for the commitment to universal human rights. He said that it was important to tell the stories of the resistance and rebellion of enslaved Africans, and emphasize their contribution. He particularly mentioned the Quilombo of Palmares in Brazil, which was the largest and longest experience of resistance to slavery in the Americas during the seventeenth century. The global campaign against the slave trade was the world's first global human rights movement and should be recognized as such.

34. Mr. Lönn recalled that the anti-apartheid movement had had a tremendous effect on the building of the United Nations human rights system and had been at the core of the campaign against racism at the United Nations since its formation. The Special Committee against Apartheid had spearheaded United Nations efforts against apartheid and accelerated the fight against racism. It had also established a close cooperation with non-governmental organizations, setting new standards of cooperation with civil society. He also emphasized the role of the South African freedom movement, which had adopted a freedom charter in 1955 – a commitment to a non-racial, democratic society inclusive of all South Africans – which became a source of inspiration not only in South Africa but also globally.

35. During the discussion, participants underlined the importance of learning from history and recognizing that the struggles against slavery and apartheid were instrumental in ensuring the fight against racism, not only in South Africa but worldwide. They also recalled that the Universal Declaration of Human Rights was drafted at a time when Black people were not free. Participants also noted the strong relation between human rights and labour rights and recalled that the International Labour Organization had supported the struggle against apartheid and continued to work on racial discrimination.

4. Migration and racism, racial discrimination, xenophobia and related intolerance

36. At the sixth meeting, the Group held a discussion on agenda item 11. The Chair noted that the use of racist and xenophobic rhetoric in the public sphere had become more widespread and acceptable. She recalled that the Durban Declaration and Programme of Action included a specific section devoted to migrants and provided guidelines and recommendations for States. The Chair then introduced the speakers: the Special Rapporteur

on racism, Ms. Ashwini, and a member of the Human Rights Council Advisory Committee, Frans Viljoen, who connected remotely.

37. Ms. Ashwini emphasized the significant intersections between migration and racism, stressing the recognition in the Durban Declaration and Programme of Action of racism and racial discrimination against migrants. She pointed out that discriminatory immigration laws and enforcement mechanisms often had colonial origins, leading to migrants facing discrimination based on race, ethnicity, national origin and religion. Access to citizenship, refugee protection and visa mobility were frequently determined by these discriminatory practices.

38. Ms. Ashwini emphasized that low- and middle-income countries hosted the majority of the world's refugees, while countries in the global North, which had benefited most from colonialism and slavery, were increasingly securitizing their borders instead of sharing the migration burden. She also emphasized the persistent racism faced by migrants in destination countries, often perpetuated by ethno-nationalist ideologies and racial stereotypes. She also mentioned the role of digital technology in exacerbating racism and discrimination against migrants. Technologies, such as machine learning, big data, automated decision-making systems and biometric databases, were increasingly used in border control and amplified racial discrimination against refugees and migrants.

39. Ms. Ashwini concluded by emphasizing the importance of addressing systemic racism in the governance of migration to effectively implement the Durban Declaration and Programme of Action. She urged the alignment of mechanisms addressing racial discrimination with relevant United Nations processes on migration, stressing that a human rights-based approach was crucial to tackling the global migration crisis.

40. Mr. Viljoen reported that the Advisory Committee had recently prepared a general report on advancing racial justice and equality by uprooting systemic racism, which would be presented at the fifty-fourth session of the Human Rights Council. In that study, the Committee had looked at the manifestations of racism across a broad array of areas and brought together insights from various United Nations entities and mechanisms.

41. Mr. Viljoen explained that most of the general insights in the report could be applied more specifically to the interface between systemic racism and the movement of persons. In the report, the Advisory Committee had referred to non-nationals as a group particularly at risk of being affected by systemic racism. He added that in the report, the Committee had further noted the overlap between xenophobia, religious intolerance and racialization, which made racialized migrants particularly vulnerable to abuse.

42. Mr. Viljoen said that the Advisory Committee could undertake a study on the issue of the movement of persons and systemic racism, which could link the notion of systemic racism to migration; identify the extent of racial discrimination in policies related to non-nationals; and present measures to address the issue. He concluded by recalling that for this study to become a reality the Advisory Committee needed to receive a mandate from the Human Rights Council.

43. During the discussion, participants emphasized the prevalence of hate speech against people migrating to seek better opportunities, or because they were forced to do so for other reasons. They stressed that visas were often used as a political tool and noted that harsh visa conditions impeded the full participation of civil society in the meetings of the United Nations and other international bodies. They also called for the positive impact of migrants on the economies of their countries of destination to be recognized.

5. Mobilizing political will for the full and effective implementation of the Durban Declaration and Programme of Action, including updates on United Nations outreach

44. At the seventh meeting, the Group held a discussion on agenda item 12. The Chair introduced the speakers: Public Information Officer at OHCHR, Gabriela Gorjón, and member of the European Network of People of African Descent and former OHCHR Fellow of African Descent, Haja Salifu.

45. Ms. Gorjón outlined the OHCHR two-year comprehensive communications strategy aimed at raising awareness and mobilizing global support for racial equality, with a focus on

young people. The “Learn, Speak Up, Act” campaign to fight racism had been launched on Nelson Mandela International Day in 2022. The strategy involved communicating the history, persistence and consequences of, and possible solutions to, racism in a direct, simple and comprehensible manner. Ms. Gorjón noted that the key messages of the campaign had been disseminated in all United Nations languages and Portuguese.

46. Ms. Gorjón informed the participants that the campaign had a dedicated web page, which included key resources and information on relevant international instruments and anti-racism mechanisms. Turning to specific products, she said that the campaign included statements and web stories, which were also promoted on social media. The campaign’s digital and social media outreach had been extensive, with over 2 million engagements across various platforms. She also highlighted the development of five videos, an e-communications tool, a theatre-based “train the trainer” initiative and various print publications and promotional materials. Collaboration efforts had been significant, engaging universities, news media, thought leaders and high-profile anti-racism champions.

47. Ms. Salifu said that she was disappointed, but not surprised, by the lack of support for the Durban Declaration and Programme of Action within the European region. She deplored the fact that members of civil society – especially from the African continent – were being denied visas to participate in United Nations meetings, including the Human Rights Council. She highlighted the need to tackle the root causes of structural, institutional and systemic racism, and address the multiple and intersecting forms of discrimination that people like her, a Muslim woman of African descent with an invisible disability, faced.

48. Ms. Salifu deplored the fact that little was done to talk about the Durban Declaration and Programme of Action and familiarize people with its contents. She insisted on the need to ensure that people understood it. She noted that she was grateful to the members of the Working Group of Experts on People of African Descent, who had visited the United Kingdom of Great Britain and Northern Ireland, thereby allowing grass-roots organizations from every corner of the country to be mobilized so that the Working Group could hear about their experiences of racism.

49. During the discussion, some participants asked questions as to why the decisions by the Human Rights Council on an active outreach programme to promote the Durban Declaration and Programme of Action had not been implemented, including the requests to OHCHR to reprint it, with its follow-up declarations, and to publish the programme of activities for the International Decade for People of African Descent in brochure form for wide dissemination. Participants stated that no effective mobilization had been undertaken prior to the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, leading to a boycott by 38 States of the high-level General Assembly meeting to mark the anniversary. They called for new initiatives to ensure the wide dissemination of the Durban Declaration and Programme of Action and, ultimately, the mobilization of political will for its implementation. Participants also called for a balanced promotion by OHCHR of relevant international days. They insisted on the need to invest more in dialogues between cultures and civilizations, and in education, dissemination and exchanges between young people, to address misunderstandings and prevent hate speech and violence. They also emphasized the importance of informing and educating the media.

6. Affirmative action for advancing racial equality: progress and setbacks

50. At its eighth meeting, the Group held a discussion on agenda item 13. The Chair introduced the speakers: Ms. Roland and Ravi Barbosa Franco Liberato of the Federal University of Sergipe, Brazil.

51. Ms. Roland pointed out that in the case of Brazil, the Durban Declaration and Programme of Action had played a crucial role in supporting the development of affirmative action programmes. The main focus of affirmative action had been on access to public universities for socially and ethnically marginalized groups. Numerous discussions, debates and advocacy had taken place and in the end federal legislation that created mandatory affirmative action policies in all federal higher education institutions had been adopted, which was a direct result of the Durban Declaration and Programme of Action.

52. Ms. Roland said affirmative action had also been applied in other areas, such as competition for posts in the public services. She emphasized that the understanding of the concept of affirmative action in Brazil might be different to that of other countries, as it included a broad understanding of the principle of equality and the unequal socioeconomic conditions preventing people from competing on an equal footing. She acknowledged that there was still resistance to affirmative programmes in Brazilian society, but that progress continued.

53. Mr. Barbosa said that racism and racial inequality in Brazil became the centre of attention in 1995. That was accompanied by the first public policies specifically aimed at the Black population. In 2003, federal law No. 10639, which made the teaching of African and Afro-Brazilian history and culture mandatory in all public and private schools, was signed. In 2009, the national policy of integral health of the Black population, was adopted. In 2012, a law establishing quotas at federal universities reserved for public high school students of African descent and Indigenous students was adopted. The issue of affirmative action remained controversial, despite the adoption of these and other measures, and two decisions of the Supreme Court confirming the constitutionality of affirmative action quotas in universities and the public services.

54. Mr. Barbosa emphasized the fundamental importance of the principle of non-discrimination and noted that the conventions and treaties which prohibited any form of discrimination also prescribed the adoption of specific policies to promote equality, including special measures to ensure equality of opportunities.

55. Mr. Barbosa recalled that 4.9 million enslaved Africans had been brought to Brazil, causing irreparable damage to human dignity. It was important to recognize Africans and people of African descent as the victims of the crimes against humanity that were slavery and the trafficking in enslaved human beings. He concluded his presentation by proposing the creation of a reparation fund for the victims of slavery, prioritizing countries and regions with the largest populations of people of African descent.

56. During the discussion, participants agreed that affirmative actions contributed to ensuring the representation of marginalized people, including in public office, and to rectifying the ills of the past. Participants also expressed concern at the current pushback against affirmative action, such as the recent decision of the Supreme Court of the United States,² which had set a dangerous precedent in relation to the proportional representation of marginalized communities. They also called on United Nations mechanisms to engage with Member States to pursue stronger positions on affirmative action.

B. Thematic discussions held at the tenth session

1. Does artificial intelligence reinforce racism and racial discrimination?

57. At the second meeting, the Group held a discussion on the theme: “Does artificial intelligence reinforce racism and racial discrimination?” The Chair opened the session and introduced the speakers: Human Rights Officer, Special Procedures Branch, OHCHR, Eleanor Robb, and Adjunct Professor at the School of Engineering Design and Teaching Innovation, University of Ottawa, Channarong Intahchomphoo. The Chair showed video footage entitled “Revolution against the algorithm” produced by UNESCO and RacismoMX, a civil society organization, from an awareness-raising campaign illustrating the racist impact of artificial intelligence.³ He noted that the success of the campaign illustrated the importance of this topic from both a human rights and a corporate perspective.

58. The Chair emphasized that the Committee on the Elimination of Racial Discrimination had a special role in consistently highlighting that all such technological advancements should be developed without deepening the inequalities that racialized

² See *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*, No. 20-1199 and *Students for Fair Admissions, Inc. v. University of North Carolina*, No. 21-707.

³ Available at <https://youtu.be/iHL-QxAS5Sc?si=iLJsQIZASVF7k9xJ>.

minorities, and majorities in the case of Latin America, diverse ethnic groups and migrants faced.

59. The Chair recalled that, in its general recommendation No. 36, the Committee on the Elimination of Racial Discrimination had addressed the way in which certain algorithmic decision-making and artificial intelligence tools were explicitly used by law enforcement officials in relation to the generation of racial profiles that guided the fulfilment of their responsibilities.

60. The Chair added that the Committee had identified the opacity in the production of these analytics and decision-making tools as one of the structural reasons behind their biased implementation by law enforcement officers. The Committee had also identified the precise way in which already biased institutions implemented tools produced in a biased manner as a risk in furthering racist dynamics.

61. The Chair pointed out that these two lessons could be extrapolated to other applications beyond law enforcement, such as in housing. In a report in 2021, the National Fair Housing Alliance in the United States had shown that the use of artificial intelligence tools perpetuated housing discrimination in the assessment of potential tenants. The Chair stated that in another report of the same year by the American non-profit organization, Upturn, it was found that artificial intelligence tools incorporated into hiring methods reproduced the same racist bias present in traditional hiring selection procedures.

62. The Chair pointed to the experience in Latin America as having revealed the errors in the predictive algorithms built by biased databases and the problematic applications that the technology had had in its implementation. He stated that the Mexican digital human rights organization, R3D, had noted several problems in the implementation of facial recognition algorithms, such as the 2021 case, in which the local government of Coahuila had used video surveillance technology to persecute Black Lives Matter activists. The Chair also referred to the case of the Government of the State of Bahia in Brazil, which in 2018 had installed a facial recognition system built using informal databases, whose mistakes had produced several wrongful arrests since its implementation.

63. The Chair noted that the use of artificial intelligence tools had hampered economic security and systematized the profiling of already marginalized groups that had long dealt with systemic discrimination. He emphasized that the discussion surrounding the implementation of artificial intelligence tools was insufficient and that there was a need for clearer guidelines, both in the construction and implementation of the different technologies, in order to prevent and combat the racist actions that could derive from them.

64. Ms. Robb referenced the extensive work carried out on this topic by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance. She quoted a report on emerging digital technologies by the then mandate holder noting that “technology is never neutral – it reflects the values and interests of those who influence its design and use, and is fundamentally shaped by the same structures of inequality that operate in society”.⁴ She explained that the work carried out by the mandate had found that there was a predominant presumption that technology was objective and neutral, and that this presumption of neutrality contributed to artificial intelligence being rapidly integrated into everyday life and into applications across different societal domains, such as law enforcement, health care, migration management and education. Ms. Robb noted that serious human rights concerns had arisen from this, including about racial discrimination. She pointed out that algorithmic bias can be introduced into the design of an algorithm when data is not representative of the population, either through underrepresentation, overrepresentation or non-representation.

65. Ms. Robb highlighted the importance of the International Convention on the Elimination of All Forms of Racial Discrimination, including articles 2 and 5, which deal with the comprehensive prohibition of racial discrimination, which also applies to the design and application of artificial intelligence technologies. She also noted the particular relevance of article 17 of the International Covenant on Civil and Political Rights to the collection and

⁴ [A/HRC/44/57](#), para. 12.

use of data and privacy concerns. She added that the Guiding Principles on Business and Human Rights were pertinent safeguards regarding the role of companies and business entities in the development and deployment of artificial intelligence. Furthermore, she recalled that the Durban Declaration and Programme of Action recognized the need to develop programmes to address the digital divide.

66. Mr. Intahchomphoo noted that artificial intelligence could unintentionally reinforce unfairness, bias and discrimination. He expressed his belief that artificial intelligence engineers did not intentionally integrate discrimination but, rather, discrimination was the result of the competitive rush to get the technology to market, given that high returns were part of the first-mover advantage. He noted that although mathematics was important for artificial intelligence, understanding the human aspect was crucial, given the existing bias among humans. He noted that artificial intelligence development needed regulation, but emphasized that companies should not self-regulate. Lawmakers should focus on the levels of risk associated with artificial intelligence development, meaning fewer legal frameworks for low-risk applications and stringent rules for high-risk artificial intelligence systems. He stated that regulation required the involvement of a global body such as the United Nations.

67. Mr. Intahchomphoo provided examples of incidents regarding artificial intelligence and racism that had occurred between 2016 and 2024. He was of the view that engineers had not intended to cause racist consequences, but rather that they had not thoroughly considered how their artificial intelligence systems would be used in real-world situations; and they had not undertaken rigorous testing before deployment because it would delay the production process. Examples provided included Microsoft Tay chatbot, an artificial intelligence system for criminal sentencing, a Microsoft artificial intelligence facial recognition tool, and the Google Gemini image generator.

68. Mr. Intahchomphoo also presented his research, which highlighted four types of issues in regard to relationships between artificial intelligence and the human race: artificial intelligence causes unequal opportunities for people from certain racial groups; artificial intelligence helps to detect racial discrimination; artificial intelligence is applied to study the health conditions of specific racial population groups; and artificial intelligence is used to study demographics and the facial images of people from different racial backgrounds.

69. Mr. Intahchomphoo noted that artificial intelligence and robotics impacted various job sectors differently and it was important to consider equity and fairness. He stressed that Governments and businesses needed to address potential job displacement and stated that future collaboration between human labour and artificial intelligence was essential.

70. In conclusion, Mr. Intahchomphoo set out two policy recommendations: (a) advocate for local and national governments to engage in the development of international guidelines that establish best practices, ensure that artificial intelligence remains fair, unbiased and non-discriminatory, and is deployed responsibly; and (b) promote collaboration among technology companies, local and national governments, civil society organizations and vulnerable populations to embed fairness, a lack of bias and non-discrimination in artificial intelligence as “a core societal and industrial framework”.

71. During the subsequent discussion, one participant emphasized that the principles of international law, including the sovereignty of States must be respected within the realm of artificial intelligence. Recognition of digital sovereignty and a balanced approach to the rights and duties of governments would ensure that each country could govern its digital space in line with its values and legal frameworks. All countries were urged to work towards regulating artificial intelligence to eliminate racial bias and promote fairness and equality, and international cooperation and training were essential in that regard. It was noted that cooperation would help build a global artificial intelligence framework that was ethical, fair and inclusive. Artificial intelligence algorithms and their designers must prioritize the prevention of racial discrimination. Diverse themes and inclusive data sets were critical to developing unbiased artificial intelligence systems. Artificial intelligence training data must represent diverse populations to eliminate bias. Developers should perform impact assessments to prevent racial stereotypes being reinforced and should integrate ethical considerations into their work, ensuring that artificial intelligence technologies did not perpetuate or exacerbate racial bias. It was noted that the inclusion of social norms and ethical

considerations should be incorporated into the design phase of artificial intelligence tools at the very beginning of the process and not at the end.

2. Anti-racism in education and public discourse

72. At the fifth meeting, the Group held a discussion on the theme of “Anti-racism in education and public discourse”. Mr. Modiri moderated the discussion and explained that the aim was to consider broadly the dynamics of racism and combating racism within the educational sphere, and focus on how to mobilize and advance human rights and anti-racist education in the formal education system and in public discourse, in order to better educate society on the history, meaning and effects of racism and associated concepts; raise awareness of racism and racial discrimination; and galvanize social and political efforts by individuals, States, civil society organizations and educators to eradicate racism. The discussion was intended to enhance understanding of the role of racism in education and of some of the challenges and limitations facing anti-racist educators in different jurisdictions. Those challenges would include, most seriously, all forms of political repression and censorship targeting anti-racist scholarship and teaching, as well as some of the structural impediments facing marginalized students and teachers.

73. Mr. Modiri noted that oppressive racial regimes either denied or underserved the educational needs of racially oppressed and colonized peoples within racial regimes. At the same time, those resisting racial subjugation had developed alternative modes of education and discourse to challenge racist and racial knowledge. More recently, a new dynamic had changed the question of the relationship between education and racism. Anti-racist pedagogies, especially those espousing critical race theory or decolonial or post-colonial approaches, had come under immense political pressure in racially divided societies, raising the question of whether existing educational institutions and practices were up to the challenge of confronting and dismantling racism.

74. Mr. Modiri noted that the Durban Declaration and Programme of Action had triangulated the main focus on education and racism as follows: access to education and educational opportunities to reverse the economic and social legacies of racial oppression and discrimination; the education of young people on the history and effects of racism and on the contribution of racialized communities to world knowledge; and the dissemination of anti-racist themes and messages in public discourse to encourage social transformation against racism.

75. Mr. Modiri presented three speakers: Head of Human Rights and Development at the Geneva office of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), Adriana Quiñones; Director of the Centre for Critical Social Research, Birmingham City University, and founder of the Harambee Organisation of Black Unity, Kehinde Andrews; and independent researcher and teacher, member of the European Race and Imagery Foundation and of the committee of the Fédération des Association d’Afrodescendant.e.x.s. et de Noir.e.x.s de Genève, Noémi Michel.

76. Ms. Quiñones emphasized that addressing racism required a critical examination of the structural factors that perpetuated gender inequality. Structural racism might be embedded in societal institutions – educational, legal, economic and media – that systematically discriminated against certain racial groups. She pointed out that educational institutions must be models of gender equality and inclusion. That entailed revising policies and practices that might inadvertently reinforce structural inequalities, diversifying teaching staff and creating safe, supportive environments for students of all backgrounds and diversities. She stressed that a gender perspective was crucial in anti-racist education, as it brought to light the specific experiences and struggles of women and girls.

77. Ms. Quiñones noted that education systems should incorporate gender-sensitive approaches, ensuring that discussions of racism also addressed issues such as gender-based violence, economic inequality and access to education. She emphasized that gender perspectives also demanded that traditional gender roles and stereotypes that intersect with racial bias be challenged. That involved promoting gender equality in educational content, encouraging diverse role models and supporting policies that advanced the rights and opportunities of women and girls, particularly those from marginalized communities. She

noted that racism, in all its forms, continued to undermine human dignity, perpetuated gender inequality and eroded the social fabric of the global community. Addressing that systemic issue required a holistic and gender-transformative approach to education and public discourse, involving all local, national and international actors.

78. Ms. Quiñones stated that policies should cultivate critical thinking, empathy and a commitment to gender equality and social justice. Integrating women's human rights and anti-racist education into the educational curricula at all levels was crucial for empowering learners in all their diversity to recognize and challenge gender inequalities and racism, fostering a culture of inclusion and equity. Additionally, promoting exchanges between women from different ethnic groups and minorities to disseminate good practices and lessons learned was key to advancing awareness-raising about anti-racist policies and promoting gender equality and sustainable peace.

79. Ms. Quiñones provided an overview of several projects implemented by UN-Women in Latin America. In Brazil, it had provided key support for the organization and creation of the National Network of Organizations of Afrodescendant Women. It had also implemented a project focused on public policies for gender and race equality, comprising key results, such as the development of systems and platforms to disseminate gender- and race-sensitive indicators; the development of the portrait of gender and race equality, developed in partnership with the Institute of Applied Economic Research, which brings together gender- and race-sensitive indicators produced from the national household survey every year; and the incorporation of gender and race equality into the United Nations Development Assistance Framework for Brazil, with the creation of a thematic group on gender and race.

80. Ms. Quiñones noted that UN-Women in Brazil had also implemented a regional programme incorporating gender and race perspectives into poverty eradication programmes in four Latin American Countries, the Plurinational State of Bolivia, Brazil, Guatemala and Paraguay. Some of the key results included gender and ethnic equality approaches being established in poverty studies in Latin America; the incorporation into and promotion of gender, race and ethnicity dimensions in public policies, especially those aimed at combating poverty; enhancement of the capacity of government entities and national statistical systems to collect disaggregated statistical information by gender, race/colour and ethnicity. More recently, the focus of the UN-Women Brazil country office had been on strengthening the *quilombola* women's movement.⁵

81. Ms. Quiñones stated that in Guatemala, UN-Women had focused on promoting women's access to justice, namely supporting the Grandmothers of Sepur Zarco in monitoring and evaluating the implementation of the Sepur Zarco sentence, which was the only sentence in the world handed down by a domestic tribunal for sexual violence in armed conflict. The 18 measures of reparation in the case addressed systemic discrimination and racism from the perspective of access to justice and racism in public discourse and in education, which has underscored the key role of transformative reparations in building sustainable peace.

82. In Colombia, UN-Women had supported women's organizations whose role was key in ensuring the success of the peace negotiations between the Government of Colombia and the Fuerzas Armadas Revolucionarias de Colombia, which had resulted in the most gender-responsive peace agreement to date. Ms. Quiñones concluded by urging all stakeholders to commit to a comprehensive approach to anti-racist education that was inclusive, intersectional and gender-transformative.

83. Mr. Andrews delivered a presentation entitled "Keeping the focus on racism in education". He differentiated schooling from education. With regard to schooling, he noted that colonial frameworks still prevailed. He stated that nowadays the problem for Black students was not so much about access to education, as it used to be in the past, but rather about the content of that education. He pointed out that data could be used to shift the focus from racism. The impact of racism varied among the different racialized groups. Racism

⁵ *Quilombola* are people from afro-rural communities and descendants of African slaves.

intersected with migration and some communities had more financial resources and enjoyed a greater degree of support, including with regard to their languages.

84. Mr. Andrews emphasized that in the United Kingdom, more robust language about racial inequality in schools, which referred to structural and institutional racism, had been eroded to refer to disparities rather than racial inequalities. He stressed that the reality showed that structural racism was still very much alive, including in the school system, where a “new racial science” was aiming to prove that racism no longer existed. That view had also been proposed in government reports, such as the report of the Commission on Race and Ethnic Disparities of 2021 (the Sewell report), which concluded that institutional racism did not exist.

85. Mr. Andrews pointed out that Black people were still not treated as human beings. Many Black children were considered as educationally subnormal. They were much more likely to be policed and strip-searched at schools, fuelling the school-to-prison pipeline. Teachers could seriously affect the performance of Black children by being openly prejudiced and patronizing, and by having low expectations of their abilities. The education curriculum, which included only negative examples and stereotypes about Black people, created inferiority complexes and eroded the motivation of Black children to succeed academically. It was noted that universities could be even more racist than the police.

86. Mr. Andrews stressed the importance of having Black Studies in schools and universities that focused on the contributions, perspectives and experience of Africa and the African diaspora. He stated that his experience in teaching Black Studies showed that Black students did very well, which was attributed to having a curriculum that was reflective of the students taking it and hence increasing their interest and performance.

87. Mr. Andrews highlighted the importance of Black supplementary schools, where parents, churches, community organizations and others spontaneously created programmes. They predominantly taught maths and English, in addition to the Black Studies element. He stated that it was important to understand that communities had developed centuries of educational practice that was more powerful than what was happening in schools. Local education boards in places like London and Birmingham provided funding to Black supplementary schools.

88. With regard to policy recommendations, Mr. Andrews first highlighted the importance of understanding the problem as structural racism; second, he underscored the importance of considering the whole education system, from early years to higher education; third, he stressed the importance of transforming the Eurocentric curricula in schools and supporting Black Studies at related university courses; fourth, he highlighted the need to train more Black teachers; and fifth, he called for more funding for community education initiatives.

89. Ms. Michel reviewed racist and anti-racism policies in Switzerland and in other Western European States. She emphasized that the fight against racism depended fundamentally on a thorough understanding of it among the general public from a very young age. In that regard, educational institutions – ranging from schools to universities and museums – played a vital role. All stakeholders that impacted the public discourse, such as political parties, the media and civil society organizations, had a responsibility to cultivate and enhance a comprehensive understanding of racism and combating racism. Ms. Michel highlighted key points for the enhancement of such an understanding: first, the issue of defining racism – she emphasized that it was fundamental that educational institutions and public discourses increasingly use a definition of systemic racism. She noted that the term systemic refers, on the one hand, to the fact that racism operates in all spheres of human life, from the most private to the most public and from interpersonal to international relations. On the other hand, the term systemic refers to the systematicity of racialization processes, their irremediable functioning and their constant renewal and reinvention over centuries. Ms. Michel stated that only in March 2023 had the Swiss authorities recognized the existence of racism, defined as “structural”, and proposed, for the very first time, a definition close to the understanding of systemic racism.

90. In the context of Switzerland, Ms. Michel mentioned three examples of racism that tended to be minimized due to the non-systemic definition of racism that still prevailed. First,

there was the question of representation – images of Black people in stereotypical roles, which were widespread in the virtual and material public sphere, through political posters, advertising, media and the arts. Second, the difficulty the public and also judicial institutions had in understanding the racial dimension of death or violence experienced by Black men in the context of police intervention. Third, a non-systemic definition of racism allowed members of the majority groups in Western Europe to define themselves as victims of racism by evoking the notion of “anti-white racism”, which was becoming increasingly popular due to the rise of far-right political parties in Europe.

91. Ms. Michel emphasized that it was essential that educational institutions and the public discourse cultivated narratives of racism that explained its past, local and global, colonial history in its effects on the present. She stated that colonial history still affected life in the present and continued to produce asymmetric power relations between groups that were considered different and therefore less human, or even not human, vis-à-vis other groups and territories considered to be human. She noted that colonial amnesia was recently shattered in Switzerland and Europe, where public funding was provided to institutional projects to look into colonial history, although seemingly focused on the colonial past only as history and not in connection with present inequalities.

92. Ms. Michel also stressed that it was essential that educational institutions and the public discourse cultivated an anti-racist stance that was primarily oriented towards care, namely the repair of the past and of the present destructive effects, which had affected the physical and mental health of victims and, more broadly, their entire lives. She noted that private and public institutions had capitalized on anti-racist discourses on the value of diversity, but not with the aim of taking care, but rather to forge an image of themselves as being good and moral. Ms. Michel emphasized that it was imperative that Eurocentric and hierarchical approaches to knowledge be renounced, as they had been born in the context of colonial and racial domination, which continued to delegitimize the sources of knowledge held by colonized groups and their descendants.

93. During the discussion, participants emphasized the need to address multiple and intersecting forms of discrimination. They noted that the thematic discussion on education could be very helpful for drafting the article on education in the draft United Nations declaration on the promotion, protection and full respect of the human rights of people of African descent. Participants also pointed out that universities very often did not allocate resources for courses and studies focusing on racism. They underscored the importance of ensuring increased funds for such activities, as well as for civil society organizations fighting racism in education and community education initiatives.

IV. Conclusions and recommendations of the ninth session

94. **The Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action expresses concern over the manifestations of a lack of political will and insufficient dedicated resources, at national, regional and international levels, to effectively implement the Durban Declaration and Programme of Action more than 20 years after its adoption. It calls on Member States, the United Nations system and all stakeholders, including civil society representatives, to redouble their efforts for the full and effective implementation of the Durban Declaration and Programme of Action.**

95. **The Group reiterates the importance of the global outreach programmes led by the United Nations on public information on and mobilization in support of the Durban Declaration and Programme of Action and its full and effective implementation, as requested in resolutions of the General Assembly and the Human Rights Council, including countering disinformation about the content of the Durban Declaration and Programme of Action.**

96. **The Group affirms that the teaching of history, in particular the role that the resistance and uprisings by enslaved Africans played in the abolition of the trade in enslaved Africans, and the fact that the anti-slavery movement constituted the first**

global human rights movement, is fundamental to the fight against contemporary forms of racism, especially systemic racism.

97. The Group calls on Member States, the United Nations system and all stakeholders, including civil society, to observe publicly the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade on 25 March and the International Day for the Remembrance of the Slave Trade and its Abolition on 23 August.

98. The Group urges Member States and all stakeholders, including civil society representatives, to ensure that considerations relating to the eradication of racism, racial discrimination, xenophobia and related intolerance be fully integrated into the implementation of the 2030 Agenda for Sustainable Development and other United Nations processes, including the 2023 Sustainable Development Goals Summit and the Summit of the Future.

99. The Group recalls that the fundamental human rights principles contained and developed in the Durban Declaration and Programme of Action were also enshrined in different international human rights treaties that gave rise to legal obligations for their respective State parties.

100. The Group encourages increased coordination and cooperation between all international human rights mechanisms working on combating racism, racial discrimination, xenophobia and related intolerance. In that context, it recommends that particular attention be paid by all relevant actors to enhancing the contribution of the treaty bodies to the fight against racism, racial discrimination, xenophobia and related intolerance. That could be achieved by the treaty bodies, individually and through a systemic approach, cooperating more intensively regarding the dialogue with States parties, coordinating follow-up for concluding observations and consistently interpreting the relevant treaty provisions.

101. The Group recommends that OHCHR prepare an expert study, taking stock of how the work of the treaty bodies has contributed to the implementation of the Durban Declaration and Programme of Action and making recommendations on how to address the challenges identified.

102. The Group proposes that it meet annually in session in Geneva at an opportune moment to ensure visibility for its role and work, and good participation by all stakeholders, including Member and Observer States and civil society representatives. It also proposes that the annual session continue to be webcast and, from now on, be held in a hybrid format to allow for remote participation.

103. The Group proposes to conduct two annual advocacy visits of two working days each to opportune places and at opportune moments, to raise awareness of the need to enhance the fight against racism, racial discrimination, xenophobia and related intolerance, and to increase political support for the implementation of the Durban Declaration and Programme of Action.

104. The Group proposes that it report annually on its sessions and activities to the Human Rights Council, and that the present report be also presented to the General Assembly.

105. The Group invites the five regional groups to nominate candidates for appointment to the Group, as requested by the Human Rights Council in resolution 51/32 and General Assembly resolution 77/205, thereby ensuring that the Group can fulfil its mandate.

V. Conclusions and recommendations of the tenth session

106. The Group recalls that the Durban Declaration and Programme of Action provides a comprehensive United Nations framework and solid foundation for combating racism, racial discrimination, xenophobia and related intolerance, and

encourages States and other stakeholders to increase their commitments and actions for its full and effective implementation.

107. The Group emphasizes that effective and sustainable initiatives towards recognition, justice and development for people of African descent must be pursued vigorously beyond 2024, and joins other stakeholders in calling on States to consider proclaiming a second international decade for people of African descent, starting in 2025.

108. The Group continues to encourage increased coordination and cooperation among all international human rights mechanisms addressing racism, racial discrimination, xenophobia and related intolerance, and welcomes the meeting of the Chairs of those mechanisms that was held in New York in 2023. The Group is of the view that regular coordination meetings have an important added value and should be pursued in the future.

109. The Group expresses its strong interest and motivation to contribute to the collective efforts to advance the elaboration of the United Nations draft declaration on the promotion, protection and full respect of the human rights of people of African descent.

110. The Group recalls that the Durban Declaration and Programme of Action recognizes both the positive contribution of and the risks posed by new technologies, as they have an important impact on the fight against racism, racial discrimination, xenophobia and related intolerance.

111. The Group emphasizes that although artificial intelligence can contribute to combating racism, racial discrimination, xenophobia and related intolerance, the digital divide is still an important issue that disproportionately affects racialized communities around the world, especially Indigenous Peoples, people of African descent, migrants and other marginalized groups. The Group encourages States and technology companies to take prompt and effective measures to eliminate the current digital divide.

112. The Group emphasizes that human rights obligations to achieve racial equality and ensure non-discrimination extend to all areas of government policy and influence, including the design and application of artificial intelligence technologies.

113. The Group emphasizes that discrimination, including racial discrimination, does not have to be intentional and intent is irrelevant for establishing that discrimination has occurred and for its impact on victims. The Group recalls that the prohibition against racial discrimination is deeply entrenched in international law and has been recognized as having the exceptional character of *jus cogens*, which creates obligations *erga omnes*, an obligation from which no derogation is acceptable.

114. The Group points out that artificial intelligence is not a neutral modern technology – it often incorporates the interests, values, perceptions and bias of the individuals who contribute to its design, production and use.

115. The Group notes that artificial intelligence may contribute to different manifestations of racial discrimination in various domains, including law enforcement, health care, migration management, education and employment.

116. In line with paragraph 147 (g) of the Durban Programme of Action, the Group invites States to identify and submit to the Group up-to-date information regarding the positive contribution of artificial intelligence to efforts, at all levels, to combat racism, racial discrimination, xenophobia and related intolerance.

117. The Group encourages technology companies to increase efforts to diversify staff recruitment and ensure that representatives of various racialized communities contribute substantially to the conceptualization, development and testing of artificial intelligence products. It also encourages government sectors that use artificial intelligence products developed by private technology companies to request, at the very beginning of the development process, detailed information regarding consultations

and the substantive contributions of representatives of racialized communities to the conceptualization, development and testing of artificial intelligence products.

118. The Group expresses concern that generative artificial intelligence carries the potential to drastically alter labour markets, which could have a negative and disproportionate impact on the employment of racialized groups. The Group urges States to prepare preliminary impact assessments and develop mitigation strategies that would be discussed in a timely manner with representatives of racialized communities.

119. The Group highlights its commitment to continue discussing and analysing the interlinkages between artificial intelligence and racism, racial discrimination, xenophobia and related intolerance during its upcoming sessions.

120. The Group notes that the Durban Declaration and Programme of Action triangulates the main focus on education and racism as follows: access to education and educational opportunities to reverse the economic and social legacies of racial oppression and discrimination; the education of young people on the history and effects of racism and on the contribution of racialized communities to world knowledge; and the dissemination of anti-racist themes and messages in public discourse to encourage social transformation against racism.

121. The Group expresses concerns about the increasing spread of the “new racial science” that aims to prove that racism, including institutional racism and racial discrimination, do not exist. It notes that universities often reflect structural racism in societies and can be vehicles for the circulation and legitimization of racist ideas. Offices for equality and diversity, and those with similar responsibilities and functions, at schools and universities must be regularly monitored and assessed, including by representatives of racial groups.

122. Many children from racialized communities are deemed educationally subnormal in schools. The Group points out that teachers can seriously affect the performance of racialized children by being openly prejudiced and by having low expectations of their abilities. The Group encourages educational institutions to observe relevant human rights norms with respect to the rights of children and the elimination of racial discrimination.

123. The Group notes that educational curricula can also play a negative role by including textbooks and materials that contain incorrect facts about enslavement and colonialism; minimizing their harm and omitting analysis of interlinkages with today’s structural racism; reinforcing negative stereotypes about racialized groups; and excluding positive examples and representations of racialized groups in education, both in terms of content and teaching staff. In addition to revising the educational curricula, the Group recommends that States train and equally employ more teachers from racialized groups and increase funding for community education initiatives.

124. The Group encourages States to ensure that they undertake effective anti-racist education from early years through to higher education. The Group emphasizes that Indigenous and Black studies at universities, and related courses, should be made mandatory for all students. The Group also emphasizes that a gender and economic inequality perspective is crucial in anti-racist education, as it brings to light the specific experiences and struggles of women, LGBTIQ+ persons and people living in poverty.

125. The Group recommends that the Human Rights Council request that a United Nations accountability framework be developed and implemented, which would be designed to measure, monitor and drive progress towards a common set of standards to which to aspire and adhere for the achievement of racial equality and the empowerment of racialized groups, and which would apply to all entities, departments and offices of the United Nations system. The Group recommends that the new racial equality accountability framework take into consideration the existing UN-SWAP 2.0 accountability framework on gender mainstreaming in the United Nations system and build on its experience, lessons learned and good practices.