

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

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Agenda items 2 and 9

**Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General****Racism, racial discrimination, xenophobia and related  
forms of intolerance, follow-up to and implementation of  
the Durban Declaration and Programme of Action****Promotion and protection of the human rights and  
fundamental freedoms of Africans and of people of African  
descent against excessive use of force and other human rights  
violations by law enforcement officers through  
transformative change for racial justice and equality****Report of the United Nations High Commissioner for Human Rights***Summary*

Pursuant to Human Rights Council resolution 47/21, in the present report, the United Nations High Commissioner for Human Rights unpacks key elements of intersectionality as an essential framework to combat systemic racism and confront legacies of enslavement and colonialism. The High Commissioner draws on data and lived experiences exposing systemic racism and multiple and intersecting forms of discrimination faced by Africans and people of African descent in different regions, while showing how groups – and individuals within those groups – experience discrimination in qualitatively different ways, considering their diverse identities. The present report includes measures taken by States and others aimed at integrating an intersectionality analysis, lens or perspective and other actions to advance racial justice and equality.

The High Commissioner finds that long-standing leadership and advocacy, notably by women of African descent, has resulted in some Governments and others increasingly seeking to apply an intersectionality framework in responses to discrimination and inequalities. However, significant challenges prevail and comprehensive implementation of all components of the intersectionality framework is lacking.

The High Commissioner concludes that a holistic application of that framework can be a game changer and calls upon States to adopt multi-pronged approaches towards its implementation. He calls for a full shift in mindset, urging States to seize upcoming opportunities with renewed vigour and stronger political will to achieve transformative change for racial justice and equality for Africans and people of African descent. That can only be realized by responding to the full spectrum of lived experiences; alongside tackling the root causes and drivers of multiple and intersecting forms of discrimination, including structures, institutions, laws, policies and behaviours that perpetuate such discrimination.



## I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 47/21. It builds on three previous reports of the High Commissioner and the agenda towards transformative change for racial justice and equality.<sup>1</sup> In its resolution 47/21, the Human Rights Council recognized that systemic racism was intersectional by nature as it spread in a variety of societal sectors and that, in order to tackle systemic racism and discrimination, response measures should also be intersectional. The High Commissioner unpacks key elements of intersectionality as an essential framework to combat systemic racism, and highlights data and lived experiences exposing systemic racism and multiple and intersecting forms of discrimination faced by Africans and people of African descent in different regions. The present report includes measures taken by States and others aimed at integrating an intersectionality analysis, lens or perspective and other actions to advance racial justice and equality.

2. The report was informed by 41 contributions, which were received in response to a call for submissions,<sup>2</sup> and in-person and virtual consultations with more than 160 individuals, mostly people of African descent, in 22 countries in Europe, Latin America and the Caribbean and North America. The Office of the United Nations High Commissioner for Human Rights (OHCHR) thanks those who submitted information and participated in the consultations.

## II. Intersectionality

### A. Intersectionality: an essential framework to combat systemic racism

3. Intersecting forms of discrimination occur when a combination of two or more grounds interact with one another to produce distinct, unique and compounding experiences of discrimination. Grounds may include race, colour, descent, or national or ethnic origin; age; sex; gender; sexual orientation; gender identity; gender expression; sex characteristics; socioeconomic status; migration status; disability; minority status; Indigenous origin; health status; political or other opinion; religion or belief; or other status.<sup>3</sup>

4. Building on decades of activism by feminist women of African descent seeking notably to confront racism and sexism, Kimberlé Crenshaw coined the term “intersectionality” to describe “the combined effects of practices which discriminate on the basis of race, and on the basis of sex”, which can result in experiences of discrimination “as Black women – not the sum of race and sex discrimination, but as Black women”.<sup>4</sup> Intersectionality can be understood as a “concept and a theoretical framework that facilitate comprehension of the ways in which social identities overlap and create compounding experiences of discrimination and concurrent forms of oppression”.<sup>5</sup>

5. Various elements have been put forward as components of that concept and framework. An intersectionality analysis, lens or perspective considers diverse identities within groups and communities that are often portrayed as homogenous; and recognizes that identities, experiences and needs are multidimensional, fluid, and context- and time-specific. It also helps to uncover and address how institutions, structures, systems, practices and behaviours in all spheres; sociocultural norms and stereotypes; and historical, social and

<sup>1</sup> A/HRC/47/53, annex, and the accompanying conference room paper, available at <https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans>; and A/HRC/51/53 and A/HRC/54/66.

<sup>2</sup> See [www.ohchr.org/en/calls-for-input/2024/call-inputs-preparation-2024-report-united-nations-high-commissioner-human](https://www.ohchr.org/en/calls-for-input/2024/call-inputs-preparation-2024-report-united-nations-high-commissioner-human).

<sup>3</sup> Committee on Economic, Social and Cultural Rights, general comment No. 20 (2009); and Committee on the Rights of Persons with Disabilities, general comment No. 6 (2018). For a fuller examination of prohibited grounds, see <https://www.ohchr.org/en/publications/policy-and-methodological-publications/protecting-minority-rights-practical-guide>.

<sup>4</sup> See <https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1052&context=uclf>.

<sup>5</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/minorities/30th-anniversary/2022-09-22/GuidanceNoteonIntersectionality.pdf>.

political contexts shape these experiences, notably as several identities or status intersect within power structures and multiple and interlinking layers of privilege, oppression and subordination. Such an analysis, lens or perspective exposes patterns of discrimination that may be hidden or overlooked in legal and policy frameworks and approaches for combating discrimination. It can also help to identify shortcomings in legal, institutional and policy frameworks. Furthermore, it places the lived experiences and solutions of those affected at the heart of policymaking and the evaluation of its effectiveness.<sup>6</sup>

6. An intersectionality framework can thus inform decision makers to tailor policymaking that is fully grounded in a comprehensive understanding and recognition of the lived experiences of those facing intersecting forms of discrimination and more effectively respond to the needs of people of African descent in all their diversity. Such a framework goes hand in hand with ensuring the meaningful, inclusive and safe participation of people of African descent in public affairs and the collection and use of data disaggregated by race or ethnic origin and other factors to illuminate intersecting and systemic forms of discrimination.<sup>7</sup>

## B. International human rights framework

7. The prohibition of discrimination is central to the Universal Declaration of Human Rights and all international human rights treaties. United Nations and regional human rights mechanisms have clarified that that encompasses multiple, aggravated or intersecting forms of discrimination; emphasized numerous grounds of discrimination; and integrated aspects of intersectionality into their reporting processes.<sup>8</sup>

8. The Durban Declaration and Programme of Action devotes attention to multiple, aggravated or intersecting forms of discrimination.<sup>9</sup> In the programme of activities for the implementation of the International Decade for People of African Descent, the General Assembly highlights that people of African descent can suffer from multiple, aggravated or intersecting forms of discrimination based on numerous grounds. It calls upon States to adopt and implement policies and programmes that provide effective protection for, and review and repeal all policies and laws that could discriminate against, people of African descent facing multiple, aggravated or intersecting forms of discrimination.<sup>10</sup>

9. The High Commissioner's agenda towards transformative change for racial justice and equality offers a holistic vision, anchored in intersectionality analysis, for dismantling systemic racism and confronting the legacies of enslavement and colonialism.<sup>11</sup> Furthermore, OHCHR and United Nations agencies have produced guidance to embed intersectional

<sup>6</sup> See, for example, <https://ajph.aphapublications.org/doi/10.2105/AJPH.2012.300750>, <https://www.ohchr.org/sites/default/files/documents/issues/minorities/30th-anniversary/2022-09-22/GuidanceNoteonIntersectionality.pdf> and <https://www.unwomen.org/sites/default/files/2022-02/Intersectionality-resource-guide-and-toolkit-large-print-en.pdf>.

<sup>7</sup> See A/HRC/54/66; and <https://www.ohchr.org/sites/default/files/documents/aboutus/hc-visionstatement-2024.pdf>, <https://www.ohchr.org/en/documents/tools-and-resources/how-effectively-implement-right-participate-public-affairs-spotlight>, <https://www.ohchr.org/en/documents/tools-and-resources/disaggregated-data-advance-human-rights-people-african-descent> and <https://www.ohchr.org/sites/default/files/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf>.

<sup>8</sup> Committee on the Elimination of Racial Discrimination, general recommendations No. 25 (2000), No. 32 (2009), No. 34 (2011) and No. 36 (2020); Committee on the Elimination of Discrimination against Women, general recommendations No. 28 (2010), No. 33 (2015) and No. 34 (2016); Committee on the Rights of Persons with Disabilities, general comment No. 6 (2018); and A/HRC/30/56. See <https://www.ohchr.org/en/publications/policy-and-methodological-publications/protecting-minority-rights-practical-guide>, <https://achpr.au.int/en/node/871>, <https://www.oas.org/en/iachr/reports/pdfs/ViolenceWomenGirls.pdf> and <https://hudoc.echr.coe.int/eng?i=001-112459>.

<sup>9</sup> See [https://www.ohchr.org/sites/default/files/Documents/Publications/Durban\\_text\\_en.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/Durban_text_en.pdf).

<sup>10</sup> General Assembly resolution 69/16, annex, paras. 5 and 26.

<sup>11</sup> A/HRC/47/53, annex, and accompanying conference room paper.

analyses and approaches in planning, programming, policy development and project implementation.<sup>12</sup>

## C. Systemic racism: multiple and intersecting forms of discrimination against Africans and people of African descent

### 1. Intersecting forms of discrimination against specific groups

10. During consultations, a man of African descent stated that “intersectionality is something we live”. A survey of people of African descent, published in 2023 by the European Union Agency for Fundamental Rights, found that in the five years preceding the survey, 63 per cent of respondents had felt discriminated against because of their skin colour and their ethnic or immigrant background.<sup>13</sup>

#### *Women*

11. Women of African descent experience life at the intersections of race, colour, descent, or national or ethnic origin and gender, and other factors. Deep disparities in access to sexual and reproductive health services, including maternal health, for women and girls of African descent were highlighted in the Americas, with high rates of maternal deaths and maternal health disparities across income levels and national and regional borders.<sup>14</sup> Women of African descent also experienced mistreatment in health care, such as obstetric violence, including in the Plurinational State of Bolivia, in which those living in rural and isolated areas were particularly affected.<sup>15</sup> In the United States of America, reportedly, they are among those who cannot choose to freely have an abortion<sup>16</sup> and those with the highest rates of maternal mortality.<sup>17</sup> In a resolution adopted in 2022, the European Parliament noted that, in some European countries, “Black women are four times as likely ... to die in childbirth compared with White women, and women of African descent have a higher risk of dying from life-threatening diseases even though these are less prevalent among them”.<sup>18</sup>

12. Reportedly, in Guyana, women of African descent were more exposed to the risk of domestic violence or sexual abuses than other Guyanese women.<sup>19</sup> In Mexico, they faced high rates of violence.<sup>20</sup> They faced, or were at risk of, gender-based violence in numerous countries, including Yemen.<sup>21</sup>

13. Women of African descent also faced higher risks of being silenced or excluded online and offline,<sup>22</sup> and experienced under- or low representation in leadership and decision-making positions in the public and private sectors in some Latin American countries.<sup>23</sup> In

<sup>12</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/minorities/30th-anniversary/2022-09-22/GuidanceNoteonIntersectionality.pdf>, <https://www.unwomen.org/sites/default/files/2022-02/Intersectionality-resource-guide-and-toolkit-large-print-en.pdf>, <https://migrationnetwork.un.org/resources/intersectionality-resource-guide-and-toolkit> and <https://www.fao.org/3/cc2823en/cc2823en.pdf>.

<sup>13</sup> Submission by the European Union Agency for Fundamental Rights.

<sup>14</sup> See [https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA\\_MM\\_Analysis-July2023.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA_MM_Analysis-July2023.pdf).

<sup>15</sup> See A/HRC/54/34, CAT/C/BRA/CO/2 and CERD/C/BOL/CO/21-24; and <https://www.ohchr.org/en/press-releases/2024/05/colombia-must-be-accountable-people-african-descent-conditions-risk-and>.

<sup>16</sup> A/HRC/56/68/Add.1.

<sup>17</sup> CCPR/C/USA/CO/5.

<sup>18</sup> See [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.pdf).

<sup>19</sup> See communication GUY 1/2023. All communications mentioned in the present report are available at <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

<sup>20</sup> CERD/C/MEX/CO/22-24.

<sup>21</sup> E/C.12/YEM/CO/3, A/HRC/45/44/Add.1, CEDAW/C/GTM/CO/10, CCPR/C/USA/CO/5 and CAT/C/BRA/CO/2; and submissions by Groundation Trinidad Tobago and Centro de Estudios Afrodiaspóricos, Universidad ICESI.

<sup>22</sup> A/HRC/53/25.

<sup>23</sup> CERD/C/MEX/CO/22-24, CERD/C/URY/CO/24-26, CEDAW/C/NIC/CO/7-10 and CCPR/C/PER/CO/6.

Mauritania, insufficient representation of Haratin and Black African women in the judiciary, diplomacy and high public office was noted.<sup>24</sup>

14. Reports, consultations and submissions highlighted the inequalities faced by women of African descent in education, employment, generational wealth, economic independence and empowerment, law enforcement, the criminal justice system and access to justice in different countries.<sup>25</sup> In some countries, limited access to information on available remedies to complain about intersecting forms of discrimination was noted.<sup>26</sup>

*Children, youth and older persons*

15. Intersecting grounds of race, age and other factors have shaped the lives of children and youth of African descent. A 2022 United Nations report highlighted racial discrimination and inequality faced by children of African descent in all areas of life, including administration of justice, law enforcement, education, health, family-regulation systems, and development.<sup>27</sup>

16. In Australia, young South Sudanese Australians, and particularly dark-skinned youth of African descent, reported severe stigma, racial abuse in public spaces, racial profiling, vilification in the media, increased surveillance at school from teachers, the presumption of belonging to a gang and acting unlawfully.<sup>28</sup> In Brazil, in 2022, reportedly, 67.1 per cent of victims of intentional violent deaths aged up to 11 years were Black, and 85.1 per cent of 12- to 17-year-old victims of such deaths were also Black.<sup>29</sup> In Ireland and Sweden, the need to strengthen measures to eliminate discrimination against children of African descent was noted.<sup>30</sup> In Norway, the separation of children of African descent from their parents by child welfare services was reported.<sup>31</sup> Consultations noted similar concerns in other countries, alongside violence and racial bias in the foster care and adoption systems. Consultations also highlighted challenges faced by Haitian children in some countries.

17. Discrimination against children of African descent in education and school settings was reported in Italy and Mauritius, with high dropout rates in some Latin American countries and high failure rates and diversion towards vocational education in Portugal.<sup>32</sup> In Jamaica and Panama, some schools reportedly continued to impose restrictions on the admission of students with natural or certain hairstyles with disparate impacts on students of African descent.<sup>33</sup> In the United States, reportedly, Black children were disproportionately disciplined, suspended or expelled from school, leading some into the criminal legal system.<sup>34</sup> Girls of African descent suffered disproportionately from limited access to education and high levels of illiteracy.<sup>35</sup>

18. Older persons of African descent faced intersecting forms of discrimination based on race, age and other factors.<sup>36</sup>

<sup>24</sup> CCPR/C/MRT/CO/2.

<sup>25</sup> See CAT/C/BRA/CO/2, CEDAW/C/CRI/CO/8, CEDAW/C/VEN/CO/9, A/HRC/56/52/Add.2, A/HRC/54/67 and A/HRC/55/21; submissions by Geledés – Instituto da Mulher Negra, Race & Equality and REVA University; and [https://www.un.org/sites/un2.un.org/files/2020/07/women\\_and\\_girls\\_of\\_african\\_descent\\_web.pdf](https://www.un.org/sites/un2.un.org/files/2020/07/women_and_girls_of_african_descent_web.pdf) and [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.pdf).

<sup>26</sup> CEDAW/C/BRA/CO/8-9 and A/HRC/56/52/Add.2.

<sup>27</sup> A/HRC/51/54.

<sup>28</sup> A/HRC/54/67/Add.2. See also the submission by the Australian Human Rights Commission.

<sup>29</sup> See <https://forumseguranca.org.br/wp-content/uploads/2023/07/anuario-2023.pdf> (in Portuguese).

<sup>30</sup> CRC/C/IRL/CO/5-6 and CRC/C/SWE/CO/6-7.

<sup>31</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/statements/20240312-eom-stm-wgepad.pdf>.

<sup>32</sup> CERD/C/ITA/CO/21, A/HRC/52/31/Add.1, CERD/C/BOL/CO/21-24, E/C.12/BRA/CO/3, CEDAW/C/NIC/CO/7-10 and E/C.12/PRT/CO/5.

<sup>33</sup> CERD/C/JAM/CO/21-24 and the submission by Voces de Mujeres Afrodescendientes en Panama.

<sup>34</sup> Submission by Southern Poverty Law Center.

<sup>35</sup> A/HRC/54/71.

<sup>36</sup> See A/HRC/52/49 and CERD/C/ZAF/CO/9-11; and <https://www.oas.org/en/iachr/reports/pdfs/descafro-en.pdf>.

*Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) persons*

19. LGBTIQ+ persons of African descent faced unique forms of discrimination when race intersected with sexual orientation and gender identity, gender expression and sex characteristics – for example, in Trinidad and Tobago.<sup>37</sup> It was noted that, where it existed, data strongly suggested that “the intersection of anti-Blackness and LGBT-phobia” created “additional barriers to the full inclusion of Black LGBT persons in society”.<sup>38</sup> LGBTI persons of African descent reportedly suffered high rates of violence in the Americas.<sup>39</sup> In Brazil, a high level of gender-based violence, including killings, against lesbian, bisexual, transgender and intersex women, particularly women of African descent, was reported.<sup>40</sup> In Cuba, LGBTI+ persons of African descent reportedly faced mistreatment, harassment, discrimination, violence, including by the police, hatred and exclusion.<sup>41</sup>

*Persons with disabilities*

20. Persons of African descent with disabilities experienced intersectional discrimination and exclusion due to their race and disability and other factors, while a lack of information was highlighted in some countries.<sup>42</sup>

*People on the move*

21. Consultations and submissions highlighted challenges faced by African migrants and migrants of African descent, with undocumented migrants facing additional precarity.<sup>43</sup> Spain reported complaints indicating institutional racism, including regarding immigration procedures, while reports alleged deprivation of liberty, overcrowding and unhealthy conditions faced by asylum-seekers.<sup>44</sup> Concerns were raised regarding alleged human rights violations and abuses against persons of Haitian origin on the move in the Americas, and discriminatory or disproportionate treatment of migrants from sub-Saharan Africa in Morocco and Tunisia, amid increased discriminatory or racist speech.<sup>45</sup> In Egypt, hate speech and racism against Sudanese people, especially women, fleeing violence in Sudan were highlighted.<sup>46</sup> Alleged violence by border guards from Belarus and Poland reportedly most affected migrants of African descent.<sup>47</sup> In Portugal, the exploitation of African migrant farmworkers was raised.<sup>48</sup> In Qatar, structural racial discrimination against persons from sub-Saharan Africa was reported.<sup>49</sup>

22. United Nations human rights experts addressed Colombia, Costa Rica and Panama regarding violence and other concerns faced by migrant women and girls of African descent in the Darién Gap; while they were reportedly at particular risk of violence in Libya.<sup>50</sup> In the Dominican Republic, denial of medical services to, and mass detentions and deportations of, Haitian migrant women, including pregnant and post-partum women, was reported.<sup>51</sup> In

<sup>37</sup> See communication GUY 1/2023 and the submission by Groundation Trinidad and Tobago. See also the submission by Geledés – Instituto da Mulher Negra.

<sup>38</sup> See [www.ohchr.org/en/statements-and-speeches/2023/05/states-must-tackle-racism-and-stigma-against-lgbt-persons](http://www.ohchr.org/en/statements-and-speeches/2023/05/states-must-tackle-racism-and-stigma-against-lgbt-persons).

<sup>39</sup> See [www.oas.org/en/iachr/reports/pdfs/desca-afro-en.pdf](http://www.oas.org/en/iachr/reports/pdfs/desca-afro-en.pdf).

<sup>40</sup> CEDAW/C/BRA/CO/8-9.

<sup>41</sup> Submission by Race & Equality.

<sup>42</sup> See <https://www.naacpldf.org/disability-rights-and-racial-justice>; and CEDAW/C/NIC/CO/7-10 and CRPD/C/PER/CO/2-3.

<sup>43</sup> Submissions by the Elizka Relief Foundation and Southern Poverty Law Center. See also Committee on the Rights of the Child, *C.C.O.U., C.C.A.M. and A.C.C. v. Denmark* (CRC/C/94/D/145/2021); and communication GRC 2/2023.

<sup>44</sup> Submission by Spain and communication ESP 2/2024 (in Spanish).

<sup>45</sup> See [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FSWA%2F9755&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FSWA%2F9755&Lang=en) and CERD/C/MAR/CO/19-21.

<sup>46</sup> Submission by a non-governmental organization (name on file).

<sup>47</sup> A/HRC/53/26/Add.1 and A/HRC/53/26/Add.2.

<sup>48</sup> A/HRC/52/33/Add.1.

<sup>49</sup> CERD/C/QAT/CO/22-23.

<sup>50</sup> See communications PAN 1/2023, CRI 1/2023 and COL 8/2023 (in Spanish); and A/HRC/53/36/Add.2.

<sup>51</sup> See communication DOM 1/2023 (in Spanish).

South Africa, the need to protect Black South African and migrant women domestic workers and farmworkers from abuse and exploitation was emphasized.<sup>52</sup>

#### *Human rights defenders*

23. In Colombia, between January 2023 and May 2024, OHCHR verified 18 killings of human rights defenders of African descent (14 men, 2 women and 2 LGBTIQ+ persons) – including by non-State armed groups – and alleged attacks against authorities and leaders of people of African descent, negatively affecting their physical and cultural survival.

24. In Honduras, between June 2023 and April 2024, OHCHR documented incidents against 15 human rights defenders of African descent (10 men and 5 women) defending land, territory and the environment. Nine of the incidents related to attempted homicides; others concerned detention, physical assault, intimidation or harassment, and allegedly unfounded criminal charges. In at least 10 of those cases, OHCHR observed patterns indicating that the violence had been directly related to racial discrimination. Furthermore, inadequate protection measures and the risk to the safety of Miriam Miranda, who defends the rights of the Garífuna people, including land rights, were highlighted.<sup>53</sup>

25. In Brazil, reports indicated widespread risks and violent attacks by State and non-State actors against Quilombola defenders and Black women human rights defenders.<sup>54</sup> Concerns were raised in France regarding alleged harassment, surveillance, intimidation and defamation of journalist and human rights defender Rokhaya Diallo, reportedly linked to her work on the rights of women and people of African descent.<sup>55</sup> In Guatemala, Garífuna and Afro-Guatemalan women’s organizations highlighted the persistent discrimination, exclusion and invisibility they experience.<sup>56</sup> In Nicaragua, reports indicated criminalization, reprisals and threats against women environmental activists of African descent.<sup>57</sup>

26. Consultations affirmed the immense burdens and challenges faced by civil society activists of African descent, exacerbated by insufficient funding. A 2023 non-governmental review of the funding of Black feminist organizations globally exposed a pattern of underresourcing and short-term projects rather than core funding. For example, in 2018, Black feminist movements received between 0.1 and 0.35 per cent of annual grant dollars from foundations globally.<sup>58</sup>

#### *Persons exercising their freedom of religion or belief*

27. In Europe, some Muslim women of African descent wearing religious dress reported “inappropriate staring”, offensive gestures or comments, verbal insults and physical attacks.<sup>59</sup> Discrimination against Afro-Brazilian religious leaders, Black women and girls and Quilombolas practising traditional religions in Brazil, and against Rastafari people of African descent in Guyana were noted.<sup>60</sup> In Uruguay, religious intolerance, fuelled by discriminatory depictions of the religions and beliefs of people of African descent, was reported.<sup>61</sup>

<sup>52</sup> CERD/C/ZAF/CO/9-11.

<sup>53</sup> A/HRC/55/22 and communication HND 3/2023 (in Spanish).

<sup>54</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/defenders/statements/20240419-Brazil-eom-statement.pdf>.

<sup>55</sup> See communication FRA 11/2023 (in French).

<sup>56</sup> A/HRC/52/23.

<sup>57</sup> CEDAW/C/NIC/CO/7-10.

<sup>58</sup> See [www.hrfn.org/resources/the-dire-state-of-funding-for-black-feminist-movements-and-what-donors-can-do-about-it](http://www.hrfn.org/resources/the-dire-state-of-funding-for-black-feminist-movements-and-what-donors-can-do-about-it) and <https://static1.squarespace.com/static/63e021d24b58945e72d0b01c/t/6455c25b760af64b44a3a2f9/1683341918324/Where+is+the+Money+for+Black+Feminist+Movements.pdf>.

<sup>59</sup> See [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.pdf).

<sup>60</sup> CCPR/C/BRA/CO/3, A/HRC/55/74 and communication GUY 1/2023.

<sup>61</sup> CERD/C/URY/CO/24-26.

## 2. Specific contexts and factors

### *Socioeconomic status*

28. Socioeconomic status plays a critical role in experiences of discrimination, with poverty intersecting notably with race. A 2023 United Nations report noted that, in Ecuador, people of African descent were disproportionately affected by poverty, with higher rates for women than men.<sup>62</sup> In Jamaica, persistent socioeconomic disadvantages were reported, affecting mainly Jamaicans with darker skin.<sup>63</sup> In the United States, non-governmental data revealed disproportionate numbers of Black people experiencing food insecurity in 2022, with one “in three Black children without reliable access to food”.<sup>64</sup> The intersection of race and poverty was highlighted as an important factor affecting other issues, including mass incarceration, police violence and suppression of voting rights.<sup>65</sup>

### *Climate change and land*

29. Reportedly, environmental injustice and climate disasters disproportionately affected people of African descent, including in the Caribbean.<sup>66</sup> In Costa Rica, Guatemala and the Bolivarian Republic of Venezuela, women of African descent were reportedly disproportionately affected by climate change and the loss of natural resources.<sup>67</sup> In Nicaragua, reportedly, State concessions to exploit natural resources adversely affected the livelihoods of and the climate risk faced by women and girls of African descent.<sup>68</sup> A submission noted issues regarding land, livelihoods and development affecting coastal inhabitants, notably Creoles and Garífuna.

30. Consultations highlighted environmental degradation and long-standing issues of land tenure, titling and recognition and their impacts on health, food security and livelihood, particularly for women and girls of African descent.<sup>69</sup> In some countries, women of African descent were reportedly forcibly evicted from lands traditionally occupied or used by them and those lands were then used by private actors.<sup>70</sup> In 2023, the Inter-American Court of Human Rights ordered reparations measures for the Garífuna community of San Juan, Honduras, and its members. Its findings included that Honduras had failed to comply with its obligation to title, delimit and demarcate its territory and to guarantee the use and enjoyment of its territories.<sup>71</sup>

## 3. Multiple and intersecting forms of discrimination in law enforcement and the criminal justice system

### *Law enforcement*

31. Concerns continued to be raised regarding law enforcement interactions with Africans and people of African descent in some countries,<sup>72</sup> in particular racial profiling, including in Italy, Mexico and the Russian Federation.<sup>73</sup> In Ecuador, Afro-Ecuadorian males aged 15 to

<sup>62</sup> A/HRC/56/61/Add.2.

<sup>63</sup> CERD/C/JAM/CO/21-24.

<sup>64</sup> See <https://www.feedingamerica.org/hunger-in-america/black-communities>.

<sup>65</sup> Submission by Southern Poverty Law Center.

<sup>66</sup> See A/HRC/55/41 and <https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA%20Climate%20Change%20Brief.pdf>.

<sup>67</sup> CEDAW/C/CRI/CO/8, CEDAW/C/GTM/CO/10 and CEDAW/C/VEN/CO/9. See also A/HRC/53/41.

<sup>68</sup> CEDAW/C/NIC/CO/7-10.

<sup>69</sup> See also A/HRC/52/33.

<sup>70</sup> CEDAW/C/CRI/CO/8, CEDAW/C/GTM/CO/10 and CEDAW/C/VEN/CO/9.

<sup>71</sup> See [www.corteidh.or.cr/docs/casos/articulos/seriec\\_496\\_esp.pdf](http://www.corteidh.or.cr/docs/casos/articulos/seriec_496_esp.pdf) (in Spanish).

<sup>72</sup> Submission by the International Communities Organisation, Limited.

<sup>73</sup> See <https://www.ohchr.org/en/press-releases/2024/05/italy-un-experts-racial-justice-law-enforcement-warn-racial-profiling-risk>; CERD/C/MEX/CO/22-24, CERD/C/RUS/CO/25-26, CERD/C/ARG/CO/24-26, CERD/C/BOL/CO/21-24, CERD/C/PRT/CO/18-19, CERD/C/QAT/CO/22-23, CCPR/C/IRL/CO/5, CCPR/C/PAN/CO/4 and CCPR/C/USA/CO/5; and <https://www.ohchr.org/en/press-releases/2023/07/statement-france-un-committee-elimination-racial-discrimination>.



30 years old were reportedly particularly affected; and, in Spain, 16- to 40-year-old males, including those “perceived as ... Black”, were reportedly most affected.<sup>74</sup> In 2024, the European Court of Human Rights found that Switzerland had violated the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as there was a presumption, which Switzerland had failed to rebut, that the complainant had been subjected to discriminatory treatment during an identity check and subsequent judicial proceedings, noting that he had an arguable claim of discrimination on the ground of his skin colour.<sup>75</sup>

32. According to a survey of immigrants and descendants of immigrants from countries in Africa south of the Sahara conducted in 2022 by the European Union Agency for Fundamental Rights, the prevalence of police stops was considerably higher for men than women and for younger persons than older persons.<sup>76</sup> In France, in 2023, in response to a class action by non-governmental organizations, the Conseil d’État considered that identity checks carried out on the basis of physical characteristics, associated with a real or supposed origin, could not be considered to be limited to isolated cases and amounted to a blatant disregard of the prohibition on discriminatory practices. The Conseil d’État, however, dismissed the action, considering that the measures requested by the applicants did not fall within its remit.<sup>77</sup> Also in 2023, the Cour des Comptes found that, despite identity checks being central to police and gendarmerie action related to public security, general inspectorates did not have the tools to monitor whether or not identity checks were discriminatory, noting that that shortcoming was all the more detrimental to the task, especially given that ethnic statistics are prohibited in France.<sup>78</sup> In the United Kingdom, 79 per cent of respondents to a non-governmental survey of more than 10,000 Black Britons believed that the police still used stop and search unfairly against them.<sup>79</sup>

33. In Brazil, long-term closures of schools, businesses and health clinics during police operations reportedly affected women who were generally responsible for care work.<sup>80</sup> In Canada, in 2023, the Ontario Human Rights Commission concluded that “Black people are subjected to systemic racial discrimination, racial profiling, and anti-Black racism ... [during] interactions with the Toronto Police Service” – with multiple and intersecting identities potentially compounding the causes, frequency and intensity of that racism.<sup>81</sup> In Colombia, women and individuals with diverse gender identity and expression interacting with law enforcement officials reported feeling voiceless, overpolicing of certain public spaces, harassment, rejection and denial of the identity of individuals with diverse gender identity and expression, insults of a racist, misogynistic nature, and psychological violence.<sup>82</sup> In some countries, children of African descent, particularly girls, suffered from “adulthoodification”, whereby discrimination and bias resulted in being perceived as older, which affected treatment by law enforcement and criminal justice actors.<sup>83</sup> Moreover, in a submission it was noted that, when race intersected with other factors, the risk of torture or other forms of ill-treatment, including physical and psychological violence, unlawful detention or death while in contact with law enforcement officials was magnified.<sup>84</sup>

<sup>74</sup> Submissions by Fundación de Desarrollo Social Afroecuatoriana AZÚCAR and Rights International Spain.

<sup>75</sup> See <https://hudoc.echr.coe.int/eng?i=001-231080> (in French).

<sup>76</sup> See [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2024-addressing-racism-in-policing\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2024-addressing-racism-in-policing_en.pdf).

<sup>77</sup> See <https://www.conseil-etat.fr/actualites/controles-d-identite-discriminatoires-la-determination-d-une-politique-publique-ne-releve-pas-du-juge-administratif> (in French).

<sup>78</sup> See [https://www.ccomptes.fr/sites/default/files/2023-12/20231206\\_controles-identite.pdf](https://www.ccomptes.fr/sites/default/files/2023-12/20231206_controles-identite.pdf) (in French). See also <https://www.defenseurdesdroits.fr/controles-d-identite-que-dit-le-droit-et-comment-mettre-fin-aux-controles-discriminatoires-565#content-nav-target-8> (in French).

<sup>79</sup> See <https://www.cam.ac.uk/stories/black-british-voices-report>.

<sup>80</sup> Submission by Amnesty International.

<sup>81</sup> See <https://www.ohrc.on.ca/en/book/export/html/33461>.

<sup>82</sup> Submission by Ilex Acción Jurídica, Temblores ONG and Asociación de Economistas Negras.

<sup>83</sup> See submission by Harm Reduction International and Release; and <https://www.prisonpolicy.org/reports/pie2024women.html>.

<sup>84</sup> Submission by the Association for the Prevention of Torture.

34. Concerns regarding the discriminatory and disproportionate impacts of the use of facial recognition and other technologies by law enforcement officials on people of African descent were highlighted. Testing showed that face recognition algorithms notably misidentified Black people at higher rates; and that computer vision models, the basis for facial recognition technology, were more likely to mislabel and mischaracterize Black men and women.<sup>85</sup>

#### *Criminal justice system*

35. In a United Nations report published in 2024, the disproportionate impact of drug laws, policies and policing on persons facing multiple and intersecting forms of discrimination, including Black persons, was highlighted.<sup>86</sup> Africans and people of African descent were reportedly arrested and sentenced disproportionately for drug offences in some countries.<sup>87</sup> In Canada, disproportionate incarceration of people of African descent, including youth, and differential treatment in detention and during the legal process were reported.<sup>88</sup> In the United Kingdom, children of African descent, many of whom live in poverty, were reportedly overrepresented in the criminal justice system.<sup>89</sup> In the United States, people of African descent reportedly experienced disproportionate rates of pretrial detention and severe sentencing – including the death penalty – as well as overrepresentation in the prison system, and forced and exploitative labour of inmates, perpetuating historical injustices.<sup>90</sup>

#### *Deaths at the hands of law enforcement officials and related accountability*

36. In its analysis, carried out in 2021, of more than 190 deaths of Africans and people of African descent during or following contact with law enforcement officials, OHCHR found that most victims were men (80 per cent), particularly young men (under 30 years old), approximately 16 per cent were women, 11 per cent were children and 4 per cent were LGBTIQ+ persons.<sup>91</sup>

37. In previous reports, the High Commissioner has provided updates on accountability measures regarding seven cases to illustrate key contexts in which police-related fatalities occur.<sup>92</sup> The latest updates are outlined below, according to information received at the time of finalizing the present report. All States concerned responded to a request by OHCHR for updates and their responses and comments are reflected below.

38. In the United States, the murder of George Floyd in 2020 became emblematic of use of force-related violations by law enforcement against people of African descent, notably men. All four officers involved have been found guilty of offences related to his death in federal and state courts and sentenced. In November 2023 and January 2024, respectively, the Supreme Court denied two officers' petitions for further review. Regarding broader accountability measures, following the findings of the Department of Justice in June 2023<sup>93</sup> in its civil investigation into the City of Minneapolis and the Minneapolis Police Department, negotiations on a federal court-enforceable consent decree are under way. The state court-enforceable settlement between the Minnesota Department of Human Rights and the City of

<sup>85</sup> Submission by the International Network of Civil Liberties Organisations. See also [A/HRC/53/45](#) and [A/HRC/54/71](#); and [https://www.hrw.org/sites/default/files/media\\_2023/10/AI%20Letter%20to%20Congress\\_0.pdf](https://www.hrw.org/sites/default/files/media_2023/10/AI%20Letter%20to%20Congress_0.pdf).

<sup>86</sup> [A/HRC/56/52](#).

<sup>87</sup> Submission by Harm Reduction International and Release.

<sup>88</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/detention-wg/statements/20240524-wgad-eom-ca-pf.pdf>.

<sup>89</sup> [CRC/C/GBR/CO/6-7](#).

<sup>90</sup> [CCPR/C/USA/CO/5](#); communication USA 12/2023; and submissions by REVA University, Southern Poverty Law Center and Worth Rises.

<sup>91</sup> Conference room paper of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers, available on the OHCHR website at [https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/A\\_HRC\\_47\\_CRP\\_1.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/A_HRC_47_CRP_1.pdf).

<sup>92</sup> *Ibid.*, [A/HRC/47/53](#), [A/HRC/51/53](#) and [A/HRC/54/66](#).

<sup>93</sup> See [https://www.justice.gov/d9/2023-06/minneapolis\\_findings\\_report.pdf](https://www.justice.gov/d9/2023-06/minneapolis_findings_report.pdf).

Minneapolis, filed in March 2023 and aimed at “supporting and holding the City and Minneapolis Police Department (MPD) accountable to address race-based policing by strengthening public safety”, is being monitored by an independent evaluator.<sup>94</sup>

39. Also in the United States, the death of Breonna Taylor in 2020 is illustrative of incidents related to the ongoing “war on drugs”, where people of African descent, including women, are often caught up in related police operations with serious, and potentially irreversible, consequences. In November 2023, a jury in federal court was unable to reach a unanimous verdict regarding charges in relation to civil rights offences against an officer “for firing his service weapon into Taylor’s apartment”.<sup>95</sup> A retrial on the same charges is scheduled to open in October 2024. One officer is awaiting sentencing after pleading guilty to federal charges and two other officers are awaiting trial. Regarding broader accountability measures, in February 2024, the Department of Justice, Louisville Metro Government and Louisville Metro Police Department began negotiations to reach a court-enforceable consent decree to remedy the findings of the Department of Justice that the Metro Government and Police Department had engaged in “a pattern or practice of conduct that violates the U.S. Constitution and federal law”.<sup>96</sup> The United States indicated that the Civil Rights Division of the Department of Justice currently had 13 open investigations into law enforcement agencies.

40. In France, the death of Adama Traoré in 2016 has been an illustrative example of the death of a young man of African descent in a deprived neighbourhood in the context of a stop-and-search. In May 2024, a higher court upheld an August 2023 judicial decision that there was no ground for prosecution against the gendarmes involved. In the same month, the victim’s family filed an appeal against that decision before the Court of Cassation.

41. In the United Kingdom, the death of Kevin Clarke in 2018 illustrates situations in which police act as first responders in response to a person suffering from a mental health crisis, which raises intersecting issues of race and disability. In May 2023, the Independent Office for Police Conduct completed its reinvestigation into the circumstances surrounding Mr. Clarke’s death. In August 2023, it announced that it had decided not to send a file of evidence for the Crown Prosecution Service to consider any criminal charges. It also announced that two Metropolitan Police Service officers should face proceedings for gross misconduct and a third officer for gross incompetence. It further recommended that a fourth officer be subject to the Reflective Practice Review Process regarding the officer’s actions while Mr. Clarke was being walked to an ambulance.<sup>97</sup> The United Kingdom indicated that the Metropolitan Police Service was proceeding with the hearing process.

42. In Colombia, the death of Janner (Hanner) García Palomino in 2020 is an example of the death of a young man of African descent in the context of a gang-related police intervention. In June 2023, a police officer was indicted on charges of aggravated homicide. In November 2023, the preliminary legal question of whether the ordinary courts or the military criminal courts had jurisdiction in the case was referred to the Constitutional Court. Regarding the civil claim, hearings were held from March to May 2024. No further information is available regarding the current status of the police officer concerned.

43. In Brazil, the death of Luana Barbosa dos Reis Santos in 2016, which occurred during a stop-and-search, is illustrative of intersecting forms of discrimination faced by lesbian women of African descent, further compounded by poverty. In August 2023, the Superior Court of Justice reinstated aggravating circumstances to charges of homicide against three military police officers. In September 2023, the Superior Court denied the defendants’ appeal against that decision. In October 2023, a defendant appealed to the Supreme Court arguing that the matter should fall under the jurisdiction of the military justice system or, alternatively, that the aggravating circumstances should be dismissed. A decision was pending on that

<sup>94</sup> See <https://mn.gov/mdhr/mpd/monitor>.

<sup>95</sup> See <https://www.justice.gov/opa/pr/current-and-former-louisville-kentucky-police-officers-charged-federal-crimes-related-death>.

<sup>96</sup> See <https://louisvilleky.gov/news/doj-and-metro-government-begin-preliminary-consent-decree-negotiations> and <https://www.justice.gov/opa/pr/justice-department-finds-civil-rights-violations-louisville-metro-police-department-and>.

<sup>97</sup> See <https://www.policeconduct.gov.uk/news/three-met-police-officers-face-hearings-following-reinvestigation-kevin-clarkes-death>.

appeal. An administrative disciplinary process against the officers was archived due to insufficient evidence. Regarding the civil claim, execution of the ruling in August 2022 to award the mother and son of Ms. dos Reis Santos financial compensation for moral damages remained pending, notably while the amount to be awarded was being calculated. In October 2023, her son began receiving a monthly pension, to be paid until he turns 25 years old.

44. Also in Brazil, the death of João Pedro Matos Pinto in 2020 is illustrative of an anti-narcotics operation in an impoverished neighbourhood and of the disproportionate impact of certain public security policies on communities of predominantly African descent, including children. In January 2024, closing arguments were presented in the first phase of the trial of three civil police officers charged with double-qualified homicide. On 9 July 2024, the judge summarily acquitted the officers, notably on the ground that they had acted in self-defence. The family announced that it would appeal.<sup>98</sup> In September 2023, precautionary measures, which notably suspended the officers from their public functions, were revoked. Regarding the civil claim, in October 2023, a judge ordered the State of Rio de Janeiro to pay financial compensation for moral damages to the family, while denying the claim for non-monetary reparations in the form of an acknowledgement of responsibility, an apology and a memorial. Both parties appealed that decision in January 2024. Regarding broader accountability measures, in March 2024, a law pronounced the date of 18 May as the “Live Black Youth Day of Fight – João Pedro Matos” and provided for the State of Rio de Janeiro annually to promote events and debates, notably on issues of racism, during the month of May.<sup>99</sup>

45. Excessive use of force<sup>100</sup> and deaths of people of African descent at the hands of law enforcement officials continued to be reported in numerous countries.<sup>101</sup> In Brazil, alleged extrajudicial killings and torture during highly militarized police raids in favelas resulted in deaths and injuries of predominantly Afro-Brazilians, including pregnant women and children.<sup>102</sup> In the United Kingdom, reportedly, “Black people account for 19.5% of deaths involving police use of force despite only making up 4% of the population between 2012/13 – 2021/22 ... [with] disproportionality ... especially high for stun grenade deaths, baton deaths and taser deaths”.<sup>103</sup> In the United States, non-governmental data indicated that between 2013 and 2023, on average, Black people were almost three times “more likely to be killed by police than white people”, rising to almost four times when the victim was unarmed.<sup>104</sup>

46. A lack of accountability for victims and families for use of excessive and lethal force persisted.<sup>105</sup> Mothers and other female relatives of victims of police violence predominantly carried the burden when seeking justice and redress, with negative effects on their physical and mental health and without adequate State support.<sup>106</sup> Furthermore, investigations into

<sup>98</sup> See <https://defensoria.rj.def.br/noticia/detalhes/29947-Nota-Caso-Joao-Pedro> (in Portuguese).

<sup>99</sup> See <https://leisestaduais.com.br/rj/lei-ordinaria-n-10298-2024-rio-de-janeiro-institui-o-dia-18-de-maio-como-o-dia-de-luta-jovem-preto-vivo-joao-pedro-matos-pinto?origin=instituicao> (in Portuguese).

<sup>100</sup> See CERD/C/ITA/CO/21, CERD/C/MAR/CO/19-21, CERD/C/NIC/CO/15-21 and CERD/C/PRT/CO/18-19; and <https://www.ohchr.org/en/press-releases/2023/07/statement-france-un-committee-elimination-racial-discrimination>.

<sup>101</sup> Conference room paper of the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement on its visit to the United States of America, available on the OHCHR website at <https://www.ohchr.org/en/documents/country-reports/ahrc54crp7-international-independent-expert-mechanism-advance-racial-justice>; and submissions by Amnesty International, the International Decade for People of African Descent Assembly – Guyana, and Ilex Acción Jurídica, Temblores ONG and Asociación de Economistas Negras.

<sup>102</sup> CAT/C/BRA/CO/2. See also <https://www.ohchr.org/en/press-releases/2023/12/brazil-government-must-intensify-efforts-ensure-racial-justice-and-redress>.

<sup>103</sup> Submission by INQUEST.

<sup>104</sup> See <https://mappingpoliceviolence.org>.

<sup>105</sup> CCPR/C/BRA/CO/3, CCPR/C/USA/CO/5 and the submission by Mothers Against Police Brutality. See also <https://www.ohchr.org/en/press-releases/2023/12/brazil-government-must-intensify-efforts-ensure-racial-justice-and-redress>.

<sup>106</sup> Conference room paper of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of

State-related deaths in many countries reportedly did not address the race of the deceased nor the potential role of racism.<sup>107</sup>

#### D. Root causes and drivers

47. Systemic racism and multiple and intersecting forms of discrimination against Africans and people of African descent are rooted in legacies of enslavement and colonialism, alongside sexism, patriarchy, misogyny, xenophobia, homophobia, ableism and other systems of oppression. Furthermore, no State has fully reckoned with the past, comprehensively accounted for its impacts on the lives of Africans and people of African descent today, nor eradicated its root causes, drivers and incentives.<sup>108</sup> It was noted during consultations that reparatory justice must entail “a radical shift in power and wealth” and changes in policy and practice by States, business and others. In its submission, Costa Rica recognized that the causes and drivers of intersectional discrimination against people of African descent included historical factors, including enslavement, related structural racial discrimination, stereotypes, and persistent inequality and inequity in territories and socioeconomic conditions. Moreover, during consultations the role of actors – including those with considerable resources and connections to public officials – who stoke hate, racial tensions, divisions and violence in perpetuating racism and impeding change in some countries was highlighted.

48. For women and girls of African descent, institutionalized racialized hierarchies, resulting from the legacies of the past, combined with beliefs about and practices based on the perceived inferiority of women created “a double bind”.<sup>109</sup> It was also highlighted during consultations how harmful racial and gender stereotypes and discriminatory treatment and practices related to patriarchy, homophobia and transphobia, dating back to colonialism and enslavement, continued to shape the experiences of women and LGBTIQ+ persons of African descent – including within their communities.<sup>110</sup> It was reported that when stereotyped as hypersexual, “Black girls’ age and physical and sexual maturity are overestimated (adultification), leading adults to punish them more harshly ... and provide them with less empathy, nurturing and protection from sexual victimization than white girls”,<sup>111</sup> thereby facilitating sexual violence. Being stereotyped as strong facilitated violence against them, including by police; while being stereotyped as not credible limited their access to justice.<sup>112</sup>

#### E. Measures aimed at integrating intersectional analyses and approaches

49. In their submissions, States and others highlighted legislative and other measures seeking to incorporate an intersectional analysis or approach.<sup>113</sup> Brazil mentioned the Black Youth Alive Plan of 2024, developed through a consultative process and aiming to build cross-cutting actions to reduce lethal violence and other social vulnerabilities affecting Black youth; and the National Body Cameras Project seeking to contribute to preventing and elucidating deaths following police intervention.<sup>114</sup> Colombia recalled its guidelines for the inclusion of a differential and intersectional approach in a cross-cutting manner in data collection and dissemination and emphasized the need for implementation. Spain referred to Law No. 15/2022 on equal treatment and non-discrimination, reflecting a cross-cutting

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force and other human rights violations by law enforcement officers; submissions by Amnesty International and Mothers Against Police Brutality.

<sup>107</sup> Submissions by Amnesty International and INQUEST.

<sup>108</sup> Conference room paper of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers.

<sup>109</sup> See [https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA\\_MM\\_Analysis-July2023.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA_MM_Analysis-July2023.pdf).

<sup>110</sup> See also [A/78/227](#).

<sup>111</sup> See [https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA\\_MM\\_Analysis-July2023.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA_MM_Analysis-July2023.pdf).

<sup>112</sup> Submission by Ilex Acción Jurídica, Temblores ONG and Asociación de Economistas Negras.

<sup>113</sup> Submission by the National Human Rights Commission (Nigeria).

<sup>114</sup> See also [https://www.planalto.gov.br/ccivil\\_03/\\_ato2023-2026/2024/decreto/d11956.htm](https://www.planalto.gov.br/ccivil_03/_ato2023-2026/2024/decreto/d11956.htm) (in Portuguese).

approach for all grounds of discrimination in relevant European legislation and mentioning multiple and intersectional discrimination; and intersectional discrimination references in the Strategic Framework for Citizenship and Inclusion against Racism and Xenophobia (2023–2027).

50. In Canada, some recent strategic or action plans acknowledged the diverse experiences of Black communities and set out tailored actions to address the needs of the different groups among them.<sup>115</sup> In 2022, Scotland explored how intersectionality could be applied to policymaking and analysis, noting a lack of intersectional data on outcomes and that policymaking rarely adopted an intersectional approach.<sup>116</sup> In a resolution adopted in 2022, the European Parliament highlighted intersectional discrimination and the socioeconomic situation notably of women of African descent. It stressed that European Union policymaking should address and eliminate intersecting forms of discrimination, including through European Union legislation and policies; and that States should take steps towards collecting equality data.<sup>117</sup>

51. Some courts have conducted intersectional analysis. In a case involving Brazil, in 2020, the Inter-American Court of Human Rights found that “the intersection of factors of discrimination ... increased the comparative disadvantage of the alleged victims ... who share specific factors of discrimination that are suffered by persons in a situation of poverty, women and Persons of African Descent, but, additionally, suffer a specific form of discrimination on account of the convergence of all of these factors and, in some cases, because they are pregnant, girls, or because they are young girls and are pregnant.”<sup>118</sup> In 2020, the Constitutional Court of South Africa highlighted that domestic workers were predominantly Black women who experienced discrimination at the confluence of intersecting grounds of race, gender and class, and that intersectionality required courts to examine the nature and context of the individual or groups, as well as the social and legal history of society’s treatment of that group.<sup>119</sup>

#### *Challenges to operationalizing intersectionality*

52. Challenges persist, including different views among some States regarding the use of the term “intersecting forms of discrimination”.<sup>120</sup> OHCHR and United Nations human rights mechanisms have pointed to the absence in legislation of a definition of racial discrimination or the absence of anti-discrimination legislation, encompassing direct, indirect and intersecting forms of discrimination in the public and private spheres; and called upon States notably to adopt comprehensive anti-discrimination legislation.<sup>121</sup> Limited implementation

<sup>115</sup> See <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/anti-racism-strategy/vision.html>, <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate/anti-racism-strategy/value.html> and <https://www.toronto.ca/wp-content/uploads/2022/11/9875-EDC-TORONTO-ACTION-PLAN-TO-CONFRONT-ANTI-BLACK-RACISM.pdf>.

<sup>116</sup> See <https://www.gov.scot/publications/using-intersectionality-understand-structural-inequality-scotland-evidence-synthesis/pages/2>, <https://www.gov.scot/publications/fairer-scotland-anti-racist-employment-strategy/pages/6> and <https://www.gov.scot/publications/scottish-government-race-recruitment-retention-action-plan-instigation-change/pages/5>.

<sup>117</sup> See [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.pdf) and [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0389\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0389_EN.html).

<sup>118</sup> See [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_407\\_esp.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_407_esp.pdf) (in Spanish), cited in <https://www.oas.org/en/iachr/reports/pdfs/desca-afro-en.pdf>.

<sup>119</sup> See <https://www.saflii.org/za/cases/ZACC/2020/24.pdf>.

<sup>120</sup> A/HRC/55/75.

<sup>121</sup> See <https://www.ohchr.org/en/publications/policy-and-methodological-publications/protecting-minority-rights-practical-guide>; and CERD/C/ARG/CO/24-26, CERD/C/ITA/CO/21, CERD/C/RUS/CO/25-26, E/C.12/BRA/CO/3, E/C.12/PRT/CO/5, CEDAW/C/HUN/CO/9, CEDAW/C/JAM/CO/8, CEDAW/C/NIC/CO/7-10 and CCPR/C/KOR/CO/5. See also [https://equineteurope.org/wp-content/uploads/2022/03/Expanding-the-List-of-Grounds-in-Non-discrimination-Law\\_Equinet-Report.pdf](https://equineteurope.org/wp-content/uploads/2022/03/Expanding-the-List-of-Grounds-in-Non-discrimination-Law_Equinet-Report.pdf).

of laws and policies in place to address intersecting forms of discrimination against women was noted.<sup>122</sup>

53. The lack of data disaggregated by race or ethnic origin and other factors that allows for intersectional analyses remains a key challenge; it hinders the development of targeted policies and interventions and renders some issues invisible.<sup>123</sup> Even when data is collected on several grounds it is reportedly presented in a siloed way that hinders its analysis through an intersectional approach.<sup>124</sup> Qualitative data were emphasized as vital for accurately interpreting quantitative data.<sup>125</sup>

54. Other challenges included inadequate measures to address pervasive harmful racial stereotypes, combined with gender-based and other stereotyping against women and other groups of people of African descent;<sup>126</sup> the lack of temporary special measures, their ineffective implementation or the termination of existing measures;<sup>127</sup> and insufficient financial, human and technical resources to ensure effective implementation and monitoring mechanisms – with the effective participation of people of African descent – to assess impact.<sup>128</sup>

55. During consultations it was emphasized that many States and others continued to deny the existence and impact of systemic racism. Increased efforts to silence voices highlighting systemic racism and its historical roots, to erase the history of enslavement and colonialism and to divorce it from the lived experiences of Africans and people of African descent were noted. Participants emphasized current political and economic systems and structures as perpetuating interlocking systems of oppression and subordination. Moreover, they highlighted that decision makers often perceived intersectional approaches as a hindrance and viewed issues through one lens, with policies generally failing to account for the complex differences within a population and tending to fail to adequately serve all segments of society.<sup>129</sup>

## F. Illustrative examples of other actions to advance racial justice and equality

56. In their submissions, States highlighted legislative and other measures to address racism and racial discrimination, including in Argentina, Cuba and Morocco.<sup>130</sup> Colombia noted actions taken to address some technical errors in the 2018 census, which had adversely affected public policy formulation, resulting in an increase in persons identifying as belonging to the Black, Afro-Colombian, Raizal and Palenquera communities from 6 to more than 9 per cent of the overall population. Colombia further noted its National Development Plan (2022–2026), which proposes a change in the relationship between the State and those

<sup>122</sup> CEDAW/C/CRI/CO/8, CEDAW/C/GTM/CO/10, CEDAW/C/URY/CO/10 and CEDAW/C/VEN/CO/9.

<sup>123</sup> A/HRC/54/71; conference room paper of the International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement on its visit to the United States of America; submissions by Centro de Estudios Afrodiaspóricos, Universidad ICESI; Diáspora Africana de la Argentina; Ilex Acción Jurídica, Temblores ONG and Asociación de Economistas Negras; and Rights International Spain. See [https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA\\_MM\\_Analysis-July2023.pdf](https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA_MM_Analysis-July2023.pdf), [https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.pdf) and <https://www.canada.ca/en/canadian-heritage/campaigns/anti-racism-engagement/what-we-heard.html>.

<sup>124</sup> Submission by Harm Reduction International and Release.

<sup>125</sup> A/HRC/54/71.

<sup>126</sup> CERD/C/BOL/CO/21-24, CEDAW/C/CRI/CO/8 and CEDAW/C/VEN/CO/9.

<sup>127</sup> See CEDAW/C/GTM/CO/10, CEDAW/C/NIC/CO/7-10, CEDAW/C/URY/CO/10, CEDAW/C/VEN/CO/9 and E/C.12/YEM/CO/3; and [https://tinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/SWA/9854&Lang=en](https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CERD/SWA/9854&Lang=en).

<sup>128</sup> CERD/C/BOL/CO/21-24 and CEDAW/C/CRI/CO/8.

<sup>129</sup> See also [https://www.bosch-stiftung.de/sites/default/files/documents/2023-05/Transformative%20power%20of%20intersectionality%20\\_%20Robert%20Bosch%20Stiftung.pdf](https://www.bosch-stiftung.de/sites/default/files/documents/2023-05/Transformative%20power%20of%20intersectionality%20_%20Robert%20Bosch%20Stiftung.pdf).

<sup>130</sup> Submissions by Argentina, Brazil, Colombia, Costa Rica, Cuba, Morocco and Spain.

communities to advance guarantees of their rights, overcome structural inequalities and strengthen their participation. Costa Rica mentioned the judiciary designing a consultation and co-construction process for people of African descent in line with a law on affirmative action.

57. Regarding confronting the legacies of colonialism and enslavement, in 2023, the Accra Proclamation on Reparations contained various commitments, including the exploration of legal and judicial options for reparations.<sup>131</sup> In 2023, Heads of State or Government of the European Union and of the Community of Latin American and Caribbean States, and the Presidents of the European Council and the European Commission acknowledged and profoundly regretted “the untold suffering ... as a result of the trans-Atlantic slave trade”. They expressed “full support to the related principles and elements contained in the Durban Declaration and Programme of Action, including the acknowledgment that ... slavery and the slave trade are a crime against humanity”.<sup>132</sup>

58. Germany tendered an “apology for the suffering that the colonists brought upon” the United Republic of Tanzania.<sup>133</sup> In the United States, state-level initiatives continued while federal bill H.R.40 – seeking to establish a commission to study and develop reparation proposals for African Americans – did not advance.<sup>134</sup> In July 2023, an appeal was lodged following the dismissal of a lawsuit seeking reparations for survivors of the 1921 Tulsa Race Massacre.<sup>135</sup> In Brazil, prosecutors launched a civil investigation into the historical links to enslavement of one of the country’s banks.<sup>136</sup> In Uruguay, measures to address violations of the rights of people of African descent between 1973 and 1985 reportedly did not provide comprehensive reparations.<sup>137</sup>

59. In 2023, the Brattle report on reparations for transatlantic chattel slavery sought to quantify elements of reparations for such slavery in the Americas and the Caribbean and continuing harm post-enslavement.<sup>138</sup> Civil society organizations called for an independent commission to oversee the restitution by France of debt that formerly enslaved people had to pay in return for recognizing the independence of Haiti.<sup>139</sup> Calls for curricular reform and teaching of the histories of colonialism and enslavement, and of the history, culture and contributions of people of African descent, persisted, including in Argentina, Germany and Portugal.<sup>140</sup> Initiatives related to business enterprises, religious groups and museums continued.<sup>141</sup>

<sup>131</sup> See [https://au.int/sites/default/files/decisions/43383-Declaration\\_-\\_CIDO\\_.pdf](https://au.int/sites/default/files/decisions/43383-Declaration_-_CIDO_.pdf).

<sup>132</sup> See <https://data.consilium.europa.eu/doc/document/ST-12000-2023-INIT/en/pdf>.

<sup>133</sup> See <https://www.auswaertiges-amt.de/en/newsroom/news/mangi-meli/2647600>.

<sup>134</sup> See <https://oag.ca.gov/ab3121/report>, <https://wshfc.org/covenant>, <https://www.sf.gov/sites/default/files/2023-07/AARAC%20Reparations%20Final%20Report%20July%202023.pdf> and <https://www.nysenate.gov/legislation/bills/2023/A7691>.

<sup>135</sup> See <https://www.hrw.org/world-report/2024/country-chapters/united-states>.

<sup>136</sup> See <https://www.theguardian.com/world/2023/sep/29/brazil-banco-do-brasil-slavery-ties-reparations> and <https://www.bb.com.br/pbb/pagina-inicial/imprensa/n/67706/bb-anuncia-aco-es-para-promover-a-igualdade-etnico-racial-e-combater-o-racismo-estrutural-no-pais#/> (in Portuguese). CERD/C/URY/CO/24-26.

<sup>137</sup> See <https://www.brattle.com/insights-events/publications/brattle-consultants-quantify-reparations-for-transatlantic-chattel-slavery-in-pro-bono-paper>.

<sup>138</sup> See <https://www.theguardian.com/world/2024/apr/18/haiti-france-reparations>.

<sup>139</sup> See CERD/C/ARG/CO/24-26, CERD/C/DEU/CO/23-26, CERD/C/PRT/CO/18-19, CERD/C/ITA/CO/21, CERD/C/MEX/CO/22-24, CERD/C/QAT/CO/22-23 and CERD/C/URY/CO/24-26; submission by la Fondation MULUMBA International pour les Personnes d’Ascendance africaine; and <https://rm.coe.int/ecri-factsheet-anti-black-racism-19032024-eng/1680aef79b>.

<sup>140</sup> See <https://www.lloyds.com/news-and-insights/news/lloyds-announces-inclusive-futures-to-create-more-equitable-market-and-society>, <https://www.churchofengland.org/sites/default/files/2024-03/church-commissioners-for-england-oversight-group-report-to-the-board-of-governors.pdf>, <https://www.theguardian.com/world/2024/jan/23/spain-to-review-museums-and-enable-them-to-move-past-colonial-framing> and <https://www.theguardian.com/world/2024/jan/19/france-germany-research-provenance-african-objects-national-museums>.



### III. OHCHR work to advance racial justice and equality

60. Active listening and two-way dialogue with people of African descent remained central to OHCHR work on racial justice and equality, ensuring it was anchored in their lived experiences and reflected their knowledge and expertise. OHCHR convened in-person consultations with civil society activists of African descent from the Americas in October and December 2023 and May 2024, and virtual consultations, mostly with civil society activists of African descent, from North America, Latin America and the Caribbean, and Europe.

61. OHCHR built capacity, raised visibility and advocated for actions to advance racial justice and equality, including through regional advisers on combating racial discrimination and the protection of minorities, senior fellows of African descent and the participation of directly affected individuals from Colombia and the United Kingdom in the joint enhanced interactive dialogue at the Human Rights Council.<sup>142</sup> Tools and guidance on “How to effectively implement the right to participate in public affairs: a spotlight on people of African descent” and “Disaggregated data to advance the human rights of people of African descent: progress and challenges” were issued and promoted.<sup>143</sup>

62. OHCHR co-organized the 2023 International Contest for Minority Artists on themes relating to intersectionality.<sup>144</sup> OHCHR Guatemala ran public information campaigns<sup>145</sup> and OHCHR Honduras provided technical assistance to the State and the Honduran Black Fraternal Organization to advance towards implementing judgments of the Inter-American Court of Human Rights on the restoration and restitution of ancestral territories of several Garifuna communities.

### IV. Conclusions and recommendations

63. **Disaggregated data and lived experiences continued to expose the systemic racism faced by Africans and people of African descent in different regions. Women and different groups of people of African descent – and individuals within those groups – experienced discrimination in qualitatively different ways in the light of their diverse identities. Long-standing leadership and advocacy, notably by women of African descent, has given visibility to intersectionality as an essential framework to inform analysis and policymaking. Consequently, some Governments and others have increasingly referred to intersectionality in anti-racism or anti-discrimination responses and taken some steps towards incorporating an intersectionality analysis, lens or perspective into their work.**

64. **However, significant challenges prevail, partly because those efforts tend to be partial or simply use the term “intersectionality” without comprehensive implementation of all components of the framework. Insufficient efforts are made to identify patterns of discrimination that reflect specific experiences within already**

<sup>142</sup> See <https://www.ohchr.org/en/statements-and-speeches/2024/04/deputy-hails-permanent-forum-african-descents-formidable-convening>, <https://www.ohchr.org/en/statements-and-speeches/2024/03/turks-global-update-human-rights-council>, <https://www.ohchr.org/en/statements/2024/03/recognition-justice-and-development-people-african-descent-must-be-pursued-more>, <https://www.ohchr.org/en/stories/2024/04/podcast-breaking-racial-stereotypes>, <https://www.ohchr.org/en/stories/2024/03/reflecting-journey-towards-equality>, <https://unarc.org/news/events/black-migrants-in-europe-law-enforcement-identity-and-politics>, <https://www.ohchr.org/en/statements-and-speeches/2023/10/systemic-racism-and-use-force-policing-and-justice> and <https://www.ohchr.org/en/stories/2023/10/participation-key-ending-systemic-racism>.

<sup>143</sup> See <https://www.ohchr.org/en/documents/tools-and-resources/how-effectively-implement-right-participate-public-affairs-spotlight>, <https://www.ohchr.org/en/documents/tools-and-resources/disaggregated-data-advance-human-rights-people-african-descent>, <https://webtv.un.org/en/asset/k1t/k1tkgxjmn9>, <https://www.ohchr.org/en/statements-and-speeches/2023/10/advancing-full-participation-people-african-descent-public-affairs> and <https://webtv.un.org/en/asset/k1m/k1m5wbg5ow>.

<sup>144</sup> See <https://www.ohchr.org/en/minorities/minority-artists-voice-and-dissidence>.

<sup>145</sup> A/HRC/55/21.

marginalized groups; develop legislative and policy responses to address them; and assess whether those responses effectively result in specific changes, particularly for those who are most “invisibilized”.

65. What is clear, however, is that a holistic application of the intersectionality framework can be a game changer. It can facilitate the development of a multidimensional analysis of the interconnected nature of human rights concerns faced by Africans and people of African descent in all their diversity, ensuring that no one is left behind; and of their root causes, including institutional, structural and historical factors. Such an analysis must then drive how States respond to systemic racism and related power structures and systems of oppression.

66. Multi-pronged approaches are needed to implement that framework. Notably, States should develop and adopt legislation and policies, including comprehensive anti-discrimination legislation, which prohibits direct, indirect and intersecting forms of discrimination. Measures aimed at combating racial discrimination and inequalities should reflect the needs of Africans and people of African descent with various identities and status, which may change depending on the context and over time. Furthermore, States should collect and make public comprehensive data disaggregated by race or ethnic origin, sex, gender, age and other factors, with strict safeguards and in accordance with international human rights law and a human rights-based approach to data, as a critical means to capture multiple and intersecting forms of discrimination; and use this to inform policymaking and resource allocation. States must ensure representation of people of African descent, particularly women and youth, at every level in State institutions, and their meaningful, inclusive and safe participation in public affairs. The full spectrum of lived experiences and expertise of Africans and people of African descent must be central to decision-making processes. States must also recognize that contemporary experiences of systemic racism and its intersectional dimensions are the result of entrenched power structures and systems and harmful stereotypes, rooted in the legacies of historic injustices. Meaningful change can only be achieved by confronting those legacies and delivering reparatory justice. Actors such as courts, business and international and regional organizations also have a role to play in adopting intersectionality as their operating framework.

67. The High Commissioner’s agenda towards transformative change for racial justice and equality can support efforts to operationalize an intersectional approach. It sets out actions needed to: reverse cultures of denial, dismantle systemic racism and accelerate the pace of action; ensure that the voices of people of African descent and those who stand up against racism are heard and that their concerns are acted upon; and confront the legacies of enslavement and colonialism. Moreover, recommendations and guidance by OHCHR,<sup>146</sup> and United Nations and regional human rights mechanisms are essential tools for making progress.

68. OHCHR stands ready to assist States to apply the intersectionality framework to effectively implement their human rights obligations and commitments, notably under the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action, and to achieve sustainable development that leaves no one behind.

69. The months ahead offer new prospects. The High Commissioner urges States to proclaim a second International Decade for People of African Descent that builds on the gains made so far – and with a commitment to robustly and swiftly eliminate systemic racism and deliver reparatory justice. The Summit of the Future will be an important venue to advance on discussions on reforming and revitalizing global governance and the international financial architecture so that it works for all people, such as regarding debt relief, and ensuring that climate action responds also to the needs of communities of African descent. The elaboration of a United Nations declaration on the respect, protection and fulfilment of the human rights of people of

<sup>146</sup> See <https://www.ohchr.org/en/publications/policy-and-methodological-publications/protecting-minority-rights-practical-guide>.

**African descent is an opportunity for States to develop and adopt a powerful instrument based on an intersectional analysis and respond to pressing current concerns and demands for justice, including reparatory justice.**

70. **A full shift in mindset is needed if substantive progress is finally to be made. States must seize opportunities with renewed vigour and stronger political will to achieve transformative change for racial justice and equality for Africans and people of African descent. They must step up efforts by responding to the full spectrum of lived experiences, alongside tackling the root causes and drivers of multiple and intersecting forms of discrimination, including structures, institutions, laws, policies and behaviours that perpetuate such discrimination.**

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