Seventy-eighth session
Agenda item 69 (b)
Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action


Note by the Secretariat*

Summary

The Secretary-General has the honour to transmit to the General Assembly the report of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action on its eighth session, submitted pursuant to Human Rights Council resolution 48/18.

* The present report was submitted after the deadline owing to circumstances beyond the control of the submitting office.
I. Introduction

1. The Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action held its eighth session, including private and public meetings, from 8 to 12 August 2022 at the United Nations Office at Geneva. Public meetings were held in hybrid format, allowing for remote participation. The present report is submitted in accordance with paragraph 8 of Human Rights Council resolution 48/18.

II. Organization of the eighth session

A. Opening of the session

2. The Officer-in-Charge of the Anti-Racial Discrimination Section in the Office of the United Nations High Commissioner for Human Rights (OHCHR) welcomed the experts and briefed them on recent developments in the field of anti-racism. She informed them of the establishment of two new mechanisms, namely, the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement and the Permanent Forum on People of African Descent, and the proclamation of 31 August as the International Day for People of African Descent. She recalled the publication of the report of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers (A/HRC/47/53), in which an agenda towards transformative change for racial justice and equality was introduced. She mentioned the recent launch of a two-year OHCHR outreach campaign to fight against racism entitled “Learn, Speak Up, Act!” She indicated that Member States had regularly underlined the importance of coordination among anti-racism mechanisms to avoid unnecessary duplication. Moreover, she encouraged the experts to consider all these developments when discussing their work and future activities.

B. Organization of work

3. The Group of Independent Eminent Experts discussed the issue of its coordination, noting that the incomplete membership of the Group complicated the rotation of functions. For that reason, the Group decided to extend the tenure of Edna Maria Santos Roland as Chair on an exceptional basis until the ninth session in 2023.

4. Ms. Roland insisted on the importance of full membership of the Group and suggested that the concerned regional groups hold consultations with a view to finding an urgent solution to the issue. Hanna Suchocka recalled that the structure of the Group was rooted in the Durban Declaration and Programme of Action and that its composition had been an issue since its establishment. She expressed concern about the apparent lack of political will to reactivate the Group, noting that the creation of new mechanisms seemed to be easier. Saied A. Ashshowwaf shared his colleagues’ concerns regarding the membership of the Group, stating that the lack of support from Member States and the political stigma associated with the Durban Declaration and Programme of Action represented great obstacles. He said that the Group should be reorganized if its membership could not be completed.

5. The Group adopted the agenda and programme of work of the eighth session. Mr. Ashshowwaf suggested that the review of past decisions and recommendations be added to the agenda as a standing item in the future. Ms. Roland insisted on the importance of re-establishing the value and significance of the Durban Declaration.
and Programme of Action. She added that it was crucial to take into consideration the mechanisms that had been established after the adoption of the Durban Declaration and Programme of Action and redefine the focus areas of the Group to ensure complementarity. She suggested that experiences with the new mechanisms be exchanged. Ms. Suchocka agreed that the Group had to seek for closer cooperation within the context of the new mechanisms to ensure coherence.

6. Ms. Roland noted that limited resources prevented the Group from following up on all available information and data. She suggested that the members of the Group think about a set of priorities by region, noting that in Latin America those priorities would include inequality and violence. Ms. Suchocka noted that in Europe generally the situation of migrants represented a major challenge, with important racial and ethnic dimensions. She added that it would be important to identify priority issues and set out specific objectives for the next period of work of the Group. Mr. Ashshowwaf proposed the establishment of guidelines or a road map for possible activities, which should take into consideration the specific issues faced by different regions, and a communication plan. He noted that there was no support for activities and that this situation was likely to continue unless the Group was reorganized. Mr. Ashshowwaf proposed that a strategy and plan of action be prepared, which would include a vision for the future of the Group and actionable items. While noting that the Group could not take on every item, he stated that data collection would be an important item to follow up on.

C. Coordination with other mechanisms

7. During its session, the Group held a private meeting with the Secretary of the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, during which it was apprised of the latest developments in the work of the Committee and engaged in an exchange of views on issues of common interest. The Group held an informal private meeting with Frans Viljoen, a member of the Advisory Committee of the Human Rights Council and Rapporteur of the drafting group for the study on patterns, policies and processes contributing to incidents of racial discrimination and the advancement of racial justice and equality, requested by the Council in its resolution 48/18, for the exchange of views.

III. Thematic discussions

A. Continued relevance of the Durban Declaration and Programme of Action, follow-up to the twentieth anniversary of the Durban Declaration and Programme of Action and the road towards the seventy-fifth anniversary of the Universal Declaration of Human Rights

8. At the second meeting, the Group held a discussion on agenda item 6. The Chair introduced the two presenters: former Permanent Representative of Sierra Leone to the United Nations Office at Geneva, former Chair-Rapporteur of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action and Executive in Residence at the Geneva Centre for Security Policy, Yvette Stevens; and 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, Jan Lönn.
9. Ms. Stevens connected online and announced that her presentation would focus on the relevance of the Durban Declaration and Programme of Action for the implementation of the 2030 Agenda for Sustainable Development. She recalled that negotiations at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance had given rise to some controversies at the initial stages, causing two States to leave the conference. She noted, however, that the outcome document, the Durban Declaration and Programme of Action, had struck a delicate balance among the requirements of all parties and provided a blueprint for action to address racism and racial discrimination. She recalled that in the document, inter alia, the principles of equality and non-discrimination as core human rights and the primary responsibility of States to combat racism, racial discrimination and related intolerance were reasserted; a victim-oriented approach was advocated; the importance of preventive and concerted action was underlined; and States were called on to adopt comprehensive action plans including measures for affirmative action and effective remedies, recourse and redress. In the Durban Declaration and Programme of Action, slavery and the slave trade were recognized as constituting crimes against humanity; it was recalled that the Holocaust should never be forgotten; and the details of a number of strategies for achieving full and effective equality through international action were spelled out.

10. Turning to the 2030 Agenda and the Sustainable Development Goals, Ms. Stevens remarked that, while they did not mention racial discrimination, they did promise to leave no one behind. She said that since some of the Sustainable Development Goals and objectives of the Durban Declaration and Programme of Action were interrelated, it was therefore important for achieving the Goals to take the Durban Declaration and Programme of Action into account. She added that evidence had shown that based on their race, certain groups of people had been disproportionately affected by the coronavirus disease (COVID-19) pandemic, including because of other underlying factors affecting their health, such as economic status, access to health care and exposure related to their work or occupation, which attested to this interrelationship.

11. Ms. Stevens referred to a report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/50/60), which presented a racial justice and equality analysis of the 2030 Agenda and the Sustainable Development Goals. In that report, the Special Rapporteur had recommended that, with the assistance of human rights mechanisms, Member States should collect, analyse and publish reliable statistical data disaggregated by race or ethnicity for each relevant Sustainable Development Goal, target and indicator; identify racism and racial discrimination as key barriers to development and create national action plans against racism that are not isolated from their development commitments under the 2030 Agenda; and respect the right to self-determination of all racially marginalized peoples affected by major development projects and ensure that racial and ethnic minorities and Indigenous Peoples were granted adequate consultation, participation and control in relation to development projects. The Special Rapporteur had also recommended that the Inter-agency and Expert Group on Sustainable Development Goal Indicators should refine its global Sustainable Development Goal indicator framework to call for indicators disaggregated by race and lead discussions with custodian agencies on developing concrete plans to incorporate data disaggregated by race and ethnicity. Ms. Stevens concluded by stating that the implementation of the Durban Declaration and Programme of Action was vital for the successful achievement of the Sustainable Development Goals.

12. Mr. Lönn started his presentation by deploring the disinformation circulating about the Durban Declaration and Programme of Action and the boycott by nearly 40 States of the high-level meeting of the General Assembly to commemorate the
twenty-ninth anniversary of its adoption. He recalled that the Durban Declaration and Programme of Action had been adopted by consensus and endorsed by the Assembly with only two votes against and two abstentions. He noted that the current United Nations human rights system was in many central aspects the result of the efforts in the fight against racism and colonialism.

13. Mr. Lönn explained that the decolonization process had been a defining factor in the escalation of United Nations action against racism and apartheid. The Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa, which started its work in 1963, had been a driving force behind United Nations action to isolate the apartheid regime of South Africa and support the anti-racist democratic movement. In 1967, upon request from the Special Committee, the Commission on Human Rights established an Ad Hoc Working Group of Experts on violations of human rights in Southern Africa and a Special Rapporteur on apartheid and racial discrimination in Southern Africa, which gave birth to the first special procedures. In 1997, despite some opposition, the General Assembly decided to convene the third World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Mr. Lönn recalled that the World Conference had been a major democratic event, with the large participation of a diversity of groups, including victims of racism, which had influenced its outcome.

14. Mr. Lönn said that the Durban Declaration and Programme of Action, the outcome of the Conference, was a visionary document in which, for the first time, the historical and economic roots of racism were analysed to produce a comprehensive framework for international action against racism. Thanks to the advocacy of movements of Africans and people of African descent, enslavement and the transatlantic slave trade were declared crimes against humanity.

15. Mr. Lönn insisted on not forgetting that the international campaign for the abolition of the slave trade and enslavement had been the first global human rights movement. He concluded by noting that recognition of and education about the role played by the anti-racism movement since the creation of the United Nations in building the human rights system would be important in approaching the seventy-fifth anniversary of the Universal Declaration of Human Rights. He recommended that the Group, as well as other mechanisms, include such endeavours in their programme of work.

16. During the discussion, participants reiterated their commitment to combating racism, racial discrimination, xenophobia and related forms of intolerance and their strong support for the full implementation of the Durban Declaration and Programme of Action and the mandate of the Group. They noted that systemic racism had continued to prevail, as explained in a 2021 report of the United Nations High Commissioner for Human Rights (A/HRC/47/53). They referred to a prevalent lack of accountability, which, in turn, denied justice to victims of systemic racism. Participants noted that the process of dismantling systemic racism and removing the vestiges of colonialism across the world was the responsibility of all, but especially of States.

17. Participants agreed it was the duty of everyone, including the Group, to continue promoting the full implementation of the Durban Declaration and Programme of Action and to combat disinformation wherever and whenever it arose. They also agreed that the Durban Declaration and Programme of Action was more relevant than ever today, when so many of the world’s challenges, including, for instance, climate change, were being magnified and amplified because of systemic inequalities rooted in colonialism, racism and xenophobia. Ms. Suchocka thanked the participants for their strong support. She noted that the world had changed in 20 years and that new challenges and new phenomena had emerged. She also noted that new mechanisms had been established, generating new complications in terms of cooperation.
Ms. Roland highlighted that the Declaration and Programme of Action was still relevant because it reflected the real experiences of people.

18. Ms. Stevens acknowledged the immense task entrusted to the Group and insisted that the members of the Group be provided with the resources needed to discharge their duties. She encouraged everyone to be advocates of the Durban Declaration and Programme of Action and its full implementation. Mr. Lönn noted that the disinformation circulating around its content had deterred some people and States from making use of the Declaration and Programme of Action. He reiterated the opportunity offered by the seventy-fifth anniversary of the Universal Declaration of Human Rights, as well as the next Sustainable Development Goals Summit and the Summit of the Future, to highlight the contribution of the fight against racism to the human rights system and promote the importance of combating racism and racial discrimination.

B. Implementation of the Durban Declaration and Programme of Action 20 years after its adoption: positive examples from Latin America

19. At the third meeting, the Group held a discussion on agenda item 7. The Chair introduced the two presenters: herself and community activist and youth leader, international consultant on issues related to persons of African descent and Commissioner of the Washington, D.C. Mayor’s Office Commission on Latino Community Development, Hernando Viveros Cabezas.

20. Ms. Roland said that her presentation would focus on advances made in Brazil after the adoption of the Durban Declaration and Programme of Action. Noting the development and implementation of affirmative action programmes to benefit people of African descent, Indigenous Peoples and people from other ethnic minorities, as well as persons earning low incomes, she stated that in her opinion, Brazil provided one of the best examples of the positive effect of the Durban Declaration and Programme of Action on the promotion of racial equality. For instance, the affirmative action programme on access to university established by federal law considered both the ethnic origin and economic status of candidates in determining beneficiaries. She explained that integrating these two factors – which was a broader means of conceptualizing affirmative action – had been not only important to securing large pools of candidates, but also fundamental to overcoming resistance to affirmative action in Brazilian society, as poverty was condemned more largely than racial discrimination. She added that the engagement and efforts of civil society and, at some level, the media had been instrumental in creating an environment favourable to the buy-in by society. In the end, the implementation of this programme had dramatically improved access to university for ethnic minorities and persons earning low incomes.

21. Ms. Roland emphasized the importance of producing and diffusing reliable information regarding inequalities, including data and statistics, to convince people that affirmative action policies were needed and would improve the whole of society.
She said that collecting data and information disaggregated by race and ethnicity, as well as other factors, was fundamental, as it allowed for the establishment of diagnostics on the basis of which informed decision could be made. She noted the advantage enjoyed by Brazil in this regard, since the country had already been collecting data disaggregated by race and ethnicity before the adoption of the Durban Declaration and Programme of Action. Ms. Roland concluded by recognizing that despite the advances she had described, many issues remained and had been exacerbated by the COVID-19 pandemic, such as the increase of violence and hunger which affected people of African descent and Indigenous Peoples in particular.

23. Mr. Viveros noted that Colombia was going through a historic moment, with the election of a woman human rights activist of African descent, Francia Márquez Mina, to the Vice-Presidency of the country. He said that not only was this moment contributing to strengthening Colombia’s democracy, but it also represented a landmark moment in the Americas, as only two women of African descent had previously attained the vice-presidency, namely, Epsy Campbell Barr in Costa Rica and Kamala Harris in the United States of America.

24. Mr. Viveros indicated that shortly after her inauguration, the Vice-President had held a meeting with Colombian leaders of African descent on the theme of reparations and had announced the creation of the National Intersectoral Commission on Historical Reparations, to be led by the Vice-Presidency. This initiative followed existing examples of progress in this area, especially from within the Caribbean Community (CARICOM). He explained that Colombia had established a directorate for black communities under the umbrella of the Ministry of the Interior. He said that an initiative was under way to criminalize acts of racism.

25. Mr. Viveros noted that it would be important to adopt a strategic agenda of cooperation to stifle the demonization surrounding the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Declaration and Programme of Action. He insisted on the importance of harnessing multilateralism and building strategic alliances to address obstacles to the full implementation of the Durban Declaration and Programme of Action. He noted, for instance, that the issues of systemic racism, diversity and inclusion were part of the regional multilateral agenda in the Americas.

26. Mr. Viveros remarked that, despite – or maybe because of – the election of Ms. Márquez to the Vice-Presidency, discourses had become more entrenched and in turn had exacerbated hate speech on social media and the Internet, placing, once again, defenders of the rights of people of African descent under attack. He said that it was essential to have tools such as the Durban Declaration and Programme of Action to address such complex situations. He concluded by recommending the creation of an assessment mechanism for States’ implementation of the Declaration and Programme of Action, which would include indicators and measurable goals.

27. During the discussion, participants expressed their appreciation for the opportunity to hear about and share good practices, as this was encouraging and allowed them to learn from successful examples. They agreed that collecting reliable data and statistics and mapping risks were important not only for fighting racial discrimination, but also for preventing it. The representative of Mexico recalled that, in 2015, the country had held a first survey to identify the population of African descent. This exercise had aimed at raising awareness about racial discrimination and revealing specific human rights violations. It led to the adoption of a constitutional reform and other measures to address racism and specific challenges faced by Mexicans of African descent, including in the field of access to justice. The representative of Colombia recognized that the election of Ms. Márquez had been significant for the fight against racism in the country.
28. Participants expressed interest regarding the examples of affirmative action in Brazil. Ms. Suchocka asked if Ms. Roland had examples of affirmative action programmes in the field of political life and government. Some participants wished to know how to ensure that affirmative action programmes would help bring equity for marginalized groups into society, while not leaving out groups that had not faced the same historical disadvantages. Participants expressed interest in learning about the new initiative on reparations in Colombia and asked for more information.

29. Ms. Roland emphasized that gathering data was fundamental to shedding light on inequalities and demonstrating the relation between racial discrimination and poverty. She explained that influencing public opinion had been a process. Diffusion of the tremendously positive results of the programme, which had a positive impact not only on the lives of the beneficiaries who went on to secure better jobs and opportunities but also on their families and their neighbourhoods, contributed to convincing people. In her opinion, in order for an affirmative action programme to work, both government actions and community activism were necessary. She concluded that affirmative action could be seen as constituting a component of reparations, as it aimed towards reducing the negative consequences of historic harm.

30. Mr. Viveros said that, in the Americas, reparations were clearly understood as a historical debt arising from the transatlantic slave trade and its aftermath. He noted that the report of the Truth Commission of Colombia had included a specific chapter on ethnicity, detailing how, in certain areas of the country, Colombians of African descent and Indigenous populations had been disproportionately affected by the internal armed conflict. He said that Colombia was focusing on – and learning from – other countries’ experiences with reparations. He also said that, on the institutional front, the Ministry of Culture would soon become the Ministry of Cultures, Arts and Knowledge in an effort to reflect the multi-ethnicity and diversity of cultures in Colombia. He concluded by underlining the importance of reparations and affirmative action in breaking the historically rooted cycle of poverty for new generations.

C. Implementation of resolutions of the General Assembly and the Human Rights Council in which the Assembly and the Council requested the development of outreach programmes and a public information campaign to mobilize support for racial equality and the Durban Declaration and Programme of Action

31. At the fourth meeting, the Group held a discussion on agenda item 8. The Chair introduced the presenter: Chief of the Communications Section of the Office of the United Nations High Commissioner for Human Rights, Victor Fernández.

32. Mr. Fernández connected online and started his presentation by recalling previous awareness-raising activities led by OHCHR. He mentioned the ongoing worldwide campaign against racism called #FightRacism, which had been launched in 2020 to foster a global culture of tolerance, equality and anti-discrimination. He said that the Communications and Anti-Racial Discrimination sections of OHCHR, together with the Department of Global Communications, had developed a public information campaign for the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, which had been launched in the lead-up to the commemorative high-level meeting of the General Assembly. Public information products had included a special graphic design; a dedicated web page on the OHCHR website and a banner on its home page; an animated video; and a booklet entitled “Fighting racism and discrimination: the Durban Declaration and Programme of Action at 20”, available in print and online in the six official languages of the United
Nations and distributed to permanent missions in Geneva and New York, OHCHR field presences and United Nations information centres.

33. Mr. Fernández explained that to implement Human Rights Council resolution 48/18, in which the Council had requested OHCHR to establish a two-year comprehensive communications strategy and an outreach programme to raise awareness about and mobilize global public support for racial equality, OHCHR had developed the Learn, Speak Up, Act! campaign under the wider umbrella of the #FightRacism campaign. This new campaign was launched on Nelson Mandela International Day, on 18 July 2022, with a video statement by the High Commissioner and in partnership with the Nelson Mandela World Human Rights Moot Court Competition. The underlying strategy of the new campaign was to communicate in a direct, simple and appealing manner regarding the history, persistence and consequences of racism and the solutions offered at the international level, especially through the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and its follow-up mechanisms, and the programme of activities for the implementation of the International Decade for People of African Descent, with an emphasis on the urgent need for transformative change towards racial equality.

34. Mr. Fernández noted that the campaign would be activated at many levels, including through a multimedia communication plan; a revamped social media campaign and streamlined web presence; the production and dissemination of youth-friendly promotional materials; increased engagement with educational institutions and the production of educational tools; increased partnerships with relevant stakeholders, such as activists, civil society and local field offices; the wider dissemination of more accessible key documents; regular communications with Member States and constituents in Geneva; a Trello board (communications tool kit) for local dissemination and reproduction of materials; and the engagement of OHCHR field presences, United Nations information centres and other partners. He indicated that, to date, the campaign’s products had performed well on OHCHR social media. He also indicated that more products and activities would be developed, including a report identifying social media trends and challenges relating to racial discrimination, online awareness-raising materials in the six official languages of the United Nations, educational materials targeting youth, video stories showcasing positive examples, web stories, engagement with social media companies to discuss problematic algorithms, and cooperation with high-profile personalities.

35. During the discussion, participants acknowledged that lack of public knowledge of the existence and content of the Durban Declaration and Programme of Action constituted a serious obstacle to generating the political will necessary for its full and effective implementation. They noted that efforts should be made to further publicize the Durban Declaration and Programme of Action. Participants deplored delays in the publication of information promoting the twentieth anniversary of the Durban Declaration and Programme of Action, noting that online material had been published only a few days prior to the commemorative event held by the General Assembly and that printed material had been published after the event had taken place. They said that more events relating to the twentieth anniversary should have been organized, especially in States that did not participate in the official celebration. They added that, beyond OHCHR, States and other stakeholders had a responsibility to publicize the Durban Declaration and Programme of Action.

36. Participants insisted on the importance for communications campaigns to reach leaders, communities and people who face racism, including systemic racism, and were most in need of receiving information. They asked for more detail regarding the audience of the campaign’s social media products. Participants expressed concern about the reliance of the campaign on digital tools, noting the existence of an
important digital divide within and between States. They asked for more print material that was easily readable and easily understandable to be widely disseminated. Ms. Suchocka acknowledged that public campaigns had to consider the important changes in communication technologies seen worldwide since the adoption of the Durban Declaration and Programme of Action. She expressed appreciation for the new forms of dissemination of information employed by OHCHR, especially as young people had adopted more modern habits with respect to keeping themselves informed and learning.

37. Mr. Fernández confirmed that all the messages and core products of the Learn, Speak Up, Act! campaign would be drawn from the content of the Durban Declaration and Programme of Action, the International Convention on the Elimination of All Forms of Racial Discrimination and other foundational documents. He noted that different products had been and would be used to target different audiences. He explained that, for the general public, it was more productive to use simpler messages and user-friendly materials as an introduction to the topic of racism and, hopefully, thereby generate further interest rather than to focus on complex documents. He indicated that printed materials had a relatively limited reach and that the Office had to rely on local partners, such as OHCHR field presences, United Nations information centres and civil society organizations, for their distribution to concerned communities. He added that the number of copies depended on available resources. He explained that, while not all communities had access to the digital world, the level of outreach of digital material was staggeringly higher than the level of outreach of printed material. He announced that to extend the reach of the campaign, OHCHR would partner with hosts of radio shows and podcasters. He concluded by noting how important it was to reach out to young people with the appropriate tools, as they represented the future.

D. **Links between racism, racial discrimination, xenophobia and related intolerance and global emergencies, such as climate change, natural disasters and health and humanitarian crises**

38. At the fifth meeting, the Group held a discussion on agenda item 9. The Chair introduced the two presenters: Vice-Chair of the Working Group of Experts on People of African Descent and former Deputy Vice-Chancellor at the University of Guyana, Barbara Reynolds; and Assistant Professor of Public International Law, Grotius Centre for International Legal Studies (Leiden University), and Adjunct Senior Lecturer in Environmental Law, Pacific Centre for Environment and Sustainable Development (University of the South Pacific), Margaretha Wewerinke-Singh.

39. Ms. Reynolds connected online and informed the Group that she would present the findings of a recent report of the Working Group of Experts on People of African Descent (A/HRC/48/78), which focused on environmental justice, the climate crisis and people of African descent. She noted that historical and structural factors had forced many people of African descent to live in areas vulnerable to environmental degradation. Consequently, the enjoyment of their fundamental rights by people of African descent – including their rights to life, an adequate standard of health, adequate housing, home life, education, development, an adequate standard of living and a safe, clean, healthy and sustainable environment, and their cultural rights – had been compromised. She identified the following causes of environmental degradation largely practised in regions or countries with a significant concentration of people of African descent and Africans: extractive mining and ensuing air, water and land pollution; activities of industrial plants; dumping of industrial waste; destruction of the environment; and large-scale monocultures (such as sugar cane, rice, tobacco, tropical fruit, coffee, cocoa and cotton monocultures).
40. Ms. Reynolds noted that those causes were usually associated with the following consequences: inadequate pay; inhuman conditions of work; inadequate or no social protection; compromised health and immune systems; the hardening of an imposed artificial class system which included the use of degrading and derogatory labels directed towards host communities; and attendant social challenges associated with these activities, including elevated levels of prostitution, illegal gambling, substance abuse, and kidnapping and human trafficking. Those consequences had resulted in cumulative losses for people of African descent and other host communities, such as the losses of ancestral land, including sacred and burial sites, history, land rights or titles, livelihood, traditional means of environmental protection and biodiversity; negative changes in food consumption levels and patterns, with consequences for the maintenance of culture, nutrition and economic stability; and inadequate preparedness for and response to shocks and crises.

41. Ms. Reynolds observed that small island States and coastal populations were particularly vulnerable to the effects of climate change. She said that, at the same time, these populations faced many constraints, such as inadequate legal preventive and protective measures, inadequate access to information about harmful and toxic products and practices, inadequate education, the criminalization of community activists and defenders, and limited or no restitution for damages. She noted that those constraints were grounded in the legacy of the enslavement of Africans and colonization, which, post-emancipation, had been followed by the unequal treatment of various peoples in former colonies, housing and zoning laws, and unfit-for-purpose education and health systems. She added that these ills were often produced by transnational corporations and, in some instances, although often inadvertently, by international organizations.

42. Ms. Reynolds explained that the net loss from this situation was that people of African descent were seemingly invisible, voiceless, absent from decision-making and inadequately represented by their own Governments. She noted, however, that there were caveats. First, people of African descent were not monochromatic or monolithic. Their diversity had led to complexities and intersectionalities, such as on the grounds of colour, social and economic standards, geography and education. This meant, she added, that there was no single solution for meeting the needs of all people of African descent. Rather, continued dialogue and discussions would be needed to advance a common agenda. She concluded by recalling that the Working Group of Experts on People of African Descent had been advocating continuously for reparatory justice, which meant recognition of historical and contemporary wrongs, remorse for loss and harm, material restitution, return of artifacts and assets and reform of laws, policies, structures, systems and practices.

43. Ms. Wewerinke-Singh connected online and started her presentation by noting that racism, inequality and climate change ranked among the greatest challenges of the twenty-first century and were closely related. Despite having generally very low carbon footprints, people of colour in the global South were the most impacted by the adverse effects of climate change. She explained that black and Indigenous communities and communities of people of colour around the world were more vulnerable to environmental health risks, including climate risks, than white communities owing to historical and ongoing injustices. At the global level, the poorest States were the most severely affected by the effects of climate change, yet developing States, she observed, were often underrepresented at international climate change negotiations.

44. Ms. Wewerinke-Singh said that Indigenous Peoples and nomadic tribes tended to be particularly vulnerable to climate impacts. She insisted, however, that the problem was systemic. The effects of extractive colonialism were still felt today and influenced decisions about climate change. She said that the fundamental tenet of the
global economic system was that some people could be sacrificed for the sake of capital accumulation from profits and that, historically, those people had primarily been those in the global South. Addressing the relationship among slavery, colonialism and racialized capitalism which fostered the climate crisis was therefore fundamental to achieving climate justice.

45. Ms. Wewerinke-Singh explained that disproportionate amounts of excess carbon emissions were caused by former European colonial powers and settler colonies, while the global South was disproportionately affected by climate change. She noted, however, that international climate negotiations still reflected these power dynamics, with States from the global North moulding climate policies first and foremost around their own national interests. In this sense, she explained, racial inequality was exacerbated by the setting of unambitious rules that protected the economic status quo rather than the climate. To this day, no money directed towards dealing with loss and damage due to climate change in the global South had been paid, except for humanitarian aid or charity. Ms. Wewerinke-Singh said, however, that reparations for climate harm were necessary to address the racial injustices uncovered and exacerbated by climate change.

46. Ms. Wewerinke-Singh highlighted that the Charter of the United Nations and international human rights law provided a legal basis for international solidarity and cooperation. In turn, international environmental law provided that international cooperation on climate change had to be guided by the principle of common but differentiated responsibilities and respective capabilities. She explained that this principle emphasized the historical responsibility of developed States, obliging them to provide technical and financial support to developing States for addressing climate change and dealing with its impacts. She added that, under the general law on State responsibility, States might, at least in some instances, have an obligation to stop causing harm and provide full reparations. She concluded by saying that racial injustice caused by climate change would, if left unaddressed, only become starker. She recommended that the issue of climate change feature permanently in the agenda of the Group.

47. During the discussion, participants noted that understanding the link between development and racism, especially institutional racism, was essential, particularly in the context of the 2030 Agenda. They observed that the COVID-19 pandemic had clearly exposed discrimination among States with respect to accessing vaccines. When it came to climate change, they affirmed that States of the global North had been pushing back against differentiated treatment, while States of the global South had been facing the brunt of the impact of climate change. Participants regretted that the negotiations on a legally binding instrument to regulate the activities of transnational corporations and other business enterprises, which would hold transnational corporations accountable for the environmental damages they cause, had been going on for almost a decade without a result.

48. Participants highlighted the importance of democratic participation for defending the livelihoods and survival of all communities. Some underlined the importance of recognizing the fundamental role and unique contributions of Indigenous Peoples, who have a wealth of traditional knowledge to be used to fight against climate change and protect the environment and biodiversity. Participants expressed particular interest in reparatory justice, noting that, despite some progress, much remained to be done in that domain. Ms. Suchocka asked about possible steps to be taken at national and international levels towards reparatory justice, adding that a common political agreement would first be necessary.

49. Ms. Reynolds remarked that the concept of reparatory justice was not new, as it had resonated with black and Indigenous communities for years. She added that the
premise of reparatory justice was that the injustice caused had not been limited to a particular time and place but had had a cumulative effect on the lives of affected people up to the present. This meant that achievement of any type of justice would require an examination of the historical antecedents and the cumulative effects of the damage done and should entail an attempt, in some shape or form, to reverse the resulting situation. Ms. Reynolds said that there was no blanket response to the question of what reparatory measures should be adopted, as the affected communities were not monolithic. Progress would come through trial and error. She concluded by insisting on the importance of embracing and building on current efforts towards reparatory justice.

50. Ms. Wewerinke-Singh reaffirmed the importance of international cooperation and solidarity for addressing structural discrimination among States. She said that the international trade and financial system had to be reformed to ensure that it would serve people in the global South and better protect the environment. She indicated that the human rights community and international human rights mechanisms had an important role to play in pushing for reform initiatives, especially when those initiatives were met with reservations or even hostility. She mentioned that the resolutions on the right to live in a clean, healthy and sustainable environment adopted by the Human Rights Council and the General Assembly could serve as a tool for fostering discussions between the global North and the global South on the transition to inclusive sustainable societies.

E. Racism, racial discrimination, xenophobia and related intolerance against refugees, asylum-seekers, migrants and internally displaced persons

51. At the seventh meeting, the Group held a discussion on agenda item 10. The Chair introduced the two presenters: Swiss parliamentarian, intercultural mediator, film producer, artist-activist and former fellow of the OHCHR fellowship programme for people of African descent, Yvonne Apiyo Brändle-Amolo; and PhD candidate at the Geneva Graduate Institute of International and Development Studies, teaching assistant at the Geneva Centre of Humanitarian Studies and member of the International Law Association Committee on International Migration and International Law, Mariana Ferolla Vallandro do Valle.

52. Ms. Brändle-Amolo stated that ongoing concerns and problems faced by refugees, migrants and asylum-seekers were resulting from colonialism and the refusal of the global North to acknowledge the need for reparatory justice. She said her presentation would highlight the racism, racial discrimination, xenophobia and related intolerance experienced by refugees, asylum-seekers, migrants and internally displaced persons, especially people of African descent. She explained that, in Europe, colonial tropes were used persistently to erase or silence migrants from the global South and portray social injustices as natural.

53. Ms. Brändle-Amolo referred to the war in Ukraine, which had not only shone a light on the human rights violations faced by refugees, asylum-seekers, migrants and internally displaced persons but also brought to the fore underlying disparities in the treatment of black and brown persons. She noted that in the global North, Ukrainian refugees had received immediate support and protection, while the same treatment had not been extended to most refugees from other war-torn countries. Ms. Brändle-Amolo said that the disparities she had observed in the case of Switzerland had led her to draft a 15-point resolution with recommendations for the equal treatment of all war refugees.
54. First, Ms. Brändle-Amolo said that all war refugees should be granted equal rights and equal prospects. Second, she called for the proposal of the Swiss Federal Council of 2017 for a new protection status to be implemented. Third, she called for the implementation of an automatic right of residence after a period of five years in the country, regardless of status (protection status, refugee status, provisional admission). Fourth, she said that the cantons should make use of and appropriately redistribute the integration funds of the Confederation to ensure a smoother and more rapid integration into society. Fifth, she called for the immediate and equal access to work of all refugees, regardless of status. Sixth, all refugees should be enabled to participate in social and economic life through the recognition of diplomas and access to education. Seventh, the integration of all refugees should always be favoured even if they could later be subjected to voluntary repatriation. Eighth, placement with host families should be available to all refugees. Ninth, the distribution of refugees across the cantons should be carried out based on incentives, not coercion. Tenth, all refugees should have access to travel documents and should be allowed to travel abroad. Eleventh, family reunification rules should be the same for all refugees. Twelfth, all refugees should have access to social assistance on the same footing. Thirteenth, offices of ombudspersons should be established to ensure the respectful treatment of all refugees by the authorities. Fourteenth, embassies in war-torn countries should provide more support for refugees in obtaining travel or civil status documents. Fifteenth, all refugees should have access to psychological support.

55. Ms. Vallandro do Valle connected online and indicated that she would focus her presentation on some legal aspects of the duty of non-discrimination in relation to non-nationals, especially States’ positive duties to eliminate de facto discrimination against non-nationals in the enjoyment of their human rights. She said that even when a State’s legal framework formally granted those rights to non-nationals, there were obstacles to the full realization of those rights, such as lack of information, the non-adaptation of basic services to the needs of non-nationals and the prevalence of prejudices and intolerance in host countries.

56. Ms. Vallandro do Valle noted that the relationship between non-discrimination and migration seemed to be one of constant tension. On the one hand, States’ sovereign right to control their borders was a basic precept of international law. On the other hand, as established under international and regional human rights law, States had a legal obligation to ensure that all persons on their territory could enjoy their human rights regardless of their nationality, lack of nationality or migratory status. She explained that the duty of non-discrimination came into play at all stages of the migration process, but that not every form of distinction in treatment necessarily amounted to discrimination. She underlined that, while human rights law acknowledges that distinctions may be made to accommodate people with special needs and vulnerabilities or to limit certain rights in the interests of the State or society, States still had a duty to justify the differential treatment of non-nationals by demonstrating that it fulfilled three conditions, namely, that it was provided in law; that it was carried out in pursuit of a legitimate goal; and that it was reasonable and proportionate.

57. Ms. Vallandro do Valle explained that while States were not legally required to eliminate all occurrences of discrimination, international human rights bodies, such as the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, had clarified that States had the obligation to combat de facto discrimination, first, by taking adequate measures to prevent discriminatory attitudes by private actors if they knew or should have known about them, and, second, by ensuring that the provision of services and benefits was adapted to the needs of particular groups, thereby allowing them to enjoy their rights on an equal footing.
58. Ms. Vallandro do Valle noted that some issues arose from these considerations. First, to comply with their positive obligations, States had to establish proper channels of communication to enable people to report discriminatory attitudes and to collect information on the concrete obstacles to enjoying their rights that were faced by non-nationals. She explained that only through this preliminary data collection would States be able to determine in which areas to act and according to which priorities. Second, she observed that positive measures to promote human rights were often associated with significant public expenditures and that some States could claim not to have the resources to adopt those measures. She said that the Committee on Economic, Social and Cultural Rights had clarified that the elimination of discrimination, including substantive discrimination, was an immediate obligation which was not subject to progressive realization and had to be addressed as a matter of priority. Third, she mentioned that there was limited guidance for defining what kind of distinctions were legitimate, reasonable and proportionate when referring to States’ positive obligations to eliminate de facto discrimination. In the field of migration, the vagueness of these terms was particularly concerning since there already existed a pre-assumption that States could treat nationals and non-nationals differently. The Committee on Economic, Social and Cultural Rights and the Committee on Migrant Workers had attempted to clarify the limits of these distinctions under some specific scenarios, stating that States had to ensure, for example, that non-nationals had access to at least basic health services in conditions equal to those of nationals and that there should be firewalls between health and education providers and immigration authorities. She noted, however, that further clarification on the limits of States’ obligations to eliminate discrimination in relation to non-nationals was still needed.

59. During the discussion, participants said that people did not know the differences between refugees, migrants and asylum-seekers. Ms. Suchocka underlined the importance of distinguishing between refugees and migrants because of their different legal status, as indicated in the presentations. She noted that in certain circumstances refugees could be treated differently but that the general international principles of legality, necessity and proportionality had to be respected. This could be manifested differently depending on each State’s specific situation. Participants agreed that the reality was complex, involving many considerations, both legal and moral. Ms. Roland warned against the possible manipulation of definitions and categories to serve political purposes or fuel prejudices.

60. Participants observed that migrants had been disproportionately affected by the COVID-19 pandemic, especially because of the closure of borders, movement restrictions and limited access to health services. They noted that often people forced out of countries from the global South were referred to as migrants instead of as refugees who needed protection. They wished to know how to educate people and leaders regarding what constituted refugee status and regarding the fact that their status was not related to their skin colour or region of origin; how to change racist perceptions of refugees; and how to prevent refugees from becoming targeted by racially motivated hatred. Participants expressed concern about the use of digital technologies at borders and by immigration services in the absence of proper regulations, as they were not always equipped to deal with people of colour.

61. Ms. Brändle-Amolo noted that racial tropes stemming from colonialisms were still used to define what black and brown bodies should signify. She said Governments should be educated and held accountable. She also advised people to take their narratives into their own hands and not count on mainstream media to portray their reality. With regard to the repercussions of the pandemic, she agreed that it had left migrants and people from the global South particularly vulnerable. She deplored the myth of the “strong” migrant or refugee which, just like the myth of the strong black
woman, accounted for the fact that many refugees and migrants had not been accorded the same level of medical care, as they were expected to be able to endure greater pain.

62. Ms. Vallandro do Valle noted that one of the most pressing concerns was the issue of definitions and how to distinguish correctly among the different situations of people on the move who are in need of protection. She said that sometimes the assessment through which people are placed in one category or another did not apply the same standards. She recalled that certain situations constituted persecution, while other situations merited the granting of some type of humanitarian visa or temporary protection and that assessments might not always be consistent, leading to situations of discrimination among people whose actual situations might be similar. She added that the distinction between refugees and migrants was not always clear and often reflected certain political considerations and the biases of State authorities, the media or even the host population. She concluded by saying that States had an obligation to guarantee the core human rights of people on the move, regardless of their legal status or other considerations.

F. Racism, racial discrimination, xenophobia and related intolerance, global economic justice and the implementation of the Sustainable Development Goals

63. At the eighth meeting, the Group held a discussion on agenda item 11. The Chair introduced the two presenters: Professor and Senator William McMaster Chair in Global Human Rights and Director of the Centre for Human Rights and Restorative Justice, McMaster University, Canada, and Expert-Rapporteur of the Expert Mechanism on the Right to Development, Bonny Ibhawoh; and 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, Jan Lönn.

64. Mr. Ibhawoh connected online and announced that he would centre his presentation on how the Expert Mechanism on the Right to Development had addressed the question of racism and racial discrimination as it intersects with the right to development and the Sustainable Development Goals. He referred to a recent report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination (A/HRC/50/60), in which she had presented three important conclusions: first, that the 2030 Agenda was characterized by a shallow commitment to racial justice and equality and had failed to adequately address the systemic racism and xenophobia that remained barriers to the attainment of the Goals; second, that, notwithstanding the identified shortcomings, the 2030 Agenda had an untapped potential to advance human rights law and the principles of racial equality and non-discrimination; and third, that, although progress had been made, the 2030 Agenda as conceptualized and operationalized failed to fundamentally disrupt the dynamic of racially discriminatory underdevelopment embedded within the international economic order.

65. Mr. Ibhawoh noted that the conclusions of the Special Rapporteur were largely aligned with the findings of a study conducted by the Expert Mechanism on racism, racial discrimination and the right to development (A/HRC/51/37). In that study, the Expert Mechanism had examined racism and racial discrimination as barriers to the operationalization of the right to development in the context of State obligations, international cooperation and global partnerships. He underscored that to address racism more robustly one first had to acknowledge the limitations of the 2030 Agenda
in which questions of racism and racial discrimination were barely mentioned. He explained that this omission in the 2030 Agenda was not surprising since the right to development and the question of racism had been identified as two of the most overlooked areas of human rights advocacy.

66. While observing that the operationalization of the Declaration on the Right to Development had been hampered since its adoption in 1986 by the indecisiveness of States, geopolitical polarization and a lack of international consensus on implementation, Mr. Ibhawoh noted that the Declaration had provided a road map for promoting justice and dignity for all and combating racism in all its manifestations through the principle of equality of opportunity for development, which was a prerogative both of nations and of individuals. He explained that central to the right to development was the elimination of historical and systemic obstacles that had impeded development in some regions of the world and among certain populations. He added that although racism had not been foregrounded in the 2030 Agenda, the issue had historically been part of discussions on international development. For instance, the Declaration enjoined States to take resolute steps to eradicate the violations of the human rights of people affected by racism and racial discrimination as essential actions towards fulfilling the development agenda.

67. Mr. Ibhawoh referred to a 2021 report of the United Nations High Commissioner for Human Rights (A/HRC/47/53), in which she introduced an agenda towards transformative change for racial justice and equality. He recalled that, in that report, the High Commissioner had noted that the worldwide mobilization of people calling for racial justice had forced a long-delayed reckoning with racism and had shifted debates towards a focus on the systemic nature of racism and the institutions that perpetuated it. He lamented the tendency by some political leaders to minimize the impact of racism on communities, noting that in its report, the Expert Mechanism had concluded that racism had a tremendous impact on the right to development and affected the lives of millions of people around the world, as well as the overall well-being of society.

68. Mr. Ibhawoh explained that the pervasive culture of denying or minimizing the impacts of racism on development and its ramifications represented a challenge with respect to effectively addressing racism in the context of the implementation of the 2030 Agenda. He added that inadequate legal and policy frameworks represented another challenge and that confronting past legacies of racism and delivering redress through institutional reforms constituted a third important challenge. He concluded by noting that civil society organizations would play a crucial role in holding Governments and international organizations accountable in the context of their human rights obligations and commitment to non-discrimination and equality of opportunity for development, including by using United Nations human rights mechanisms.

69. Mr. Lönn said that the 2030 Agenda and the Sustainable Development Goals represented a great advancement, as they had been adopted following intergovernmental negotiations and broad consultations with civil society. He observed that efforts to include racism and racial discrimination in the 2030 Agenda had failed and stated that the downgrading of the Durban Declaration and Programme of Action had in all likelihood contributed to that failure. He noted that, as the Sustainable Development Goals were currently guiding development thinking at the United Nations, there was a critical need to reaffirm the importance of the Durban Declaration and Programme of Action through engagement in development processes, including the 2023 Sustainable Development Goals Summit.

70. Mr. Lönn said that Sustainable Development Goal 10 on reducing inequalities within and among countries had been described as the orphan goal by the President
of the Economic and Social Council because it was the least reviewed. He added that very little had been done to reduce inequalities between States, especially at institutional level, because international financial institutions were not guided by United Nations principles and political positions in the conduct of their work. He said, however, that in the Charter of the United Nations, it was clearly stated that the General Assembly and the Economic and Social Council were to coordinate global economic cooperation and the work of the related specialized agencies.

71. Mr. Lönn noted that the possibility that many African States could meet the Sustainable Development Goals would likely evaporate owing to continued demands for austerity from international financial institutions. He suggested a possible review of relationship agreements between the United Nations and international financial institutions. He underlined the particular importance of the Durban Declaration and Programme of Action, as this was the first programme in which enslavement, the slave trade and colonialism had been identified as the root causes of global racism and inequalities, adding that the establishment of the current economic order had been founded on these historical injustices which, undeniably, had contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affected many people in different parts of the world, especially in developing countries. He recalled that the Durban Declaration and Programme of Action recognized the need to develop programmes for the social and economic development of these societies and the diaspora, within the framework of a new partnership based on the spirit of solidarity and mutual respect.

72. Mr. Lönn said that recognizing the legacies from the past formed the basis of arguments in favour of reparations. He explained that during the period of the transatlantic slave trade, many economic transactions had been conducted around the world on the back of Indigenous Peoples and enslaved Africans, whose forced labour contributed to the construction of the current global economic system. He added that the absence of such a recognition in the 2030 Agenda meant that its implementation would be more difficult. He recommended that the Group engage in and contribute to the process towards the 2023 Sustainable Development Goals Summit and the 2024 Summit of the Future, as well as engage with the High-level Advisory Board on Effective Multilateralism, an initiative of the Secretary-General.

73. During the discussion, participants expressed their recognition of the importance of linking the Durban Declaration and Programme of Action and the Sustainable Development Goals so as to leave no one behind. Participants acknowledged the importance of Sustainable Development Goal 10 and its relevance to the issue of racial discrimination in all its forms and contemporary manifestations. They deplored the pushback against this specific Goal in different United Nations forums. Ms. Roland wondered whether talking about racial and gender inequalities could help amplify the discussions on racism. She asked how better results could be obtained in the promotion of the development agenda and the Durban Declaration and Programme of Action under the current conjuncture. Ms. Suchocka supported the suggestion that the Group engage more closely in discussions concerning the 2030 Agenda. She noted the relevance of the concept of multilateralism and the importance of building trust, emphasized in the declaration on the commemoration of the seventy-fifth anniversary of the United Nations, adopted by the General Assembly in its resolution 75/1. Some participants proposed that the Group, together with other anti-racism mechanisms and civil society organizations, advocate for the organization of a fourth world conference against racism.

74. Mr. Ibhawoh agreed on the importance of building linkages between gender-based discrimination and racism. He noted that it was fundamental to recognize and address the question of intersectionality, since most people faced discrimination on the basis of more than one aspect of their identity. He agreed that discussions built
around the right to development and the Durban Declaration and Programme of Action had been highly polarized and noted that there was a tendency to see these initiative as reflecting the concerns only of the global South. He recommended moving beyond polarizing politics and finding and building on common ground. He remarked that community, national and international leadership would be essential to pursuing this objective. Mr. Lönn insisted on the necessity for building back a broader constituency in defence of the Durban Declaration and Programme of Action, one that included all of the groups of victims identified in the document. He agreed that linking racism and gender-based discrimination could help achieve that purpose.

IV. Conclusions and recommendations

75. The Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action expressed concern at the lack of political will and dedicated resources, at national, regional and international levels, to effectively implement the Durban Declaration and Programme of Action over 20 years after its adoption.

76. The Group reiterated its deep concern about the level of disinformation on the content of the Durban Declaration and Programme of Action, noting that this constituted a major obstacle to its implementation. The Group expressed concern that the Durban Declaration and Programme of Action was one of the lesser-known United Nations programmes, which made its promotion much less effective.

77. The Group reiterated its previous calls for a major United Nations outreach programme to inform and educate the public and all stakeholders on the content of the Durban Declaration and Programme of Action and actively counter disinformation.

78. The Group called on all stakeholders, including Member States and observer States, United Nations funds, bodies and agencies, national human rights institutions and equality bodies, and civil society, to seize the opportunity offered by the seventy-fifth anniversary of the Universal Declaration of Human Rights and the Summit of the Future to highlight the contribution of the fight against apartheid and racism to the development of the international human rights system and promote the importance of combating racism, racial discrimination, xenophobia and related intolerance as integral to upholding the Universal Declaration of Human Rights and the principles of the Charter of the United Nations.

79. The Group recommended that the sixtieth anniversary of the commencement of work of the Special Committee on the Policies of Apartheid of the Government of the Republic of South Africa be commemorated during 2023 to ensure that stakeholders could learn from its work and to inspire broad action against racism.

80. The Group recommended that the central issues of systemic racism and the historical roots of racism and inequalities be fully integrated in the preparations for the 2023 Sustainable Development Goals Summit and the 2024 Summit of the Future, given their importance for securing the full implementation of the United Nations development agenda.

81. The Group called on Member States to support its mandate and work, particularly in mobilizing political will and effective action to implement the Durban Declaration and Programme of Action.
82. The Group urged regional groups to propose candidate experts to the President of the Human Rights Council for their appointment by the Secretary-General to fill vacant seats.

83. The Group emphasized the importance of collaboration and coordination among United Nations anti-racism mechanisms and in this regard recommended that regular coordination meetings be organized for the exchange of information, to avoid duplication and to facilitate joint endeavours.

84. The Group called on all stakeholders, including Member States and observer States, United Nations funds, bodies and agencies, other international organizations, national human rights institutions and equality bodies, and civil society, to reassert the fundamental role of the Durban Declaration and Programme of Action in guiding efforts to combat racism, racial discrimination, xenophobia and related intolerance, promote its implementation and combat any related misinformation and disinformation.

85. The Group will follow up on the themes, conclusions and recommendations of the present session and previous sessions and will continue to develop its vision, objectives, priorities and working strategy to implement its mandate.
Annex I

List of participants at the eighth session of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action

Members of the Group of Independent Eminent Experts

Saied A. Ashshowwaf (online)
Edna Maria Santos Roland
Hanna Suchocka

Member States

Algeria, Angola, Barbados, Bolivia (Plurinational State of), Brazil, Burkina Faso, Burundi, Chile, Colombia, Costa Rica, Cuba, Egypt, El Salvador, Eswatini, Haiti, Iran (Islamic Republic of), Iraq, Liberia, Luxembourg, Maldives, Mali, Marshall Islands, Mexico, Morocco, Myanmar, Namibia, Nepal, Niger, Nigeria, Panama, Peru, Philippines, Portugal, Russian Federation, Senegal, South Africa, South Sudan, Spain, United Arab Emirates, United Republic of Tanzania, Venezuela (Bolivarian Republic of)

National human rights institutions

Commission nationale indépendante des droits de l’homme du Burundi
Human Rights Commission of Malaysia
National Human Rights Commission of the Sudan
Uganda Human Rights Commission

Non-governmental organizations

Africans in America for Repatriation and Repatriation
Afro-Colombian Global Initiative
Afro-European Medical and Research Network
Association Ma’onah for Human Rights and Immigration
Black Alliance for Just Immigration
Centre for Human Rights and Climate Change Research
Collectif lobaye-ombella m’poko maboko oko (clomo)
Friends World Committee for Consultation
Geneva International Centre for Justice
Global Environmental Watch
Habitat International Coalition
Haitian Bridge Alliance
Human Rights Focus
International Human Rights Council
International Organization for the Elimination of All Forms of Racial Discrimination
International Youth and Student Movement for the United Nations
Liberian United Youth for Community Safety and Development
National Conference of Black Lawyers
Pan African Women’s Association (PAWA)
Rencontre africaine pour la défense des droits de l’homme
Tiye International
World Jewish Congress
Annex II

Agenda for the eighth session

1. Opening of the session.
2. Election of the Chair.
3. Adoption of the agenda and programme of work.
4. Organizational and procedural matters, including the Group’s membership, the next session and the review of activities undertaken and contributions made by the Independent Eminent Experts.
5. Meeting with other mechanisms.
6. Continued relevance of the Durban Declaration and Programme of Action, follow-up to the twentieth anniversary of the Durban Declaration and Programme of Action and the road towards the seventy-fifth anniversary of the Universal Declaration of Human Rights.
7. Implementation of the Durban Declaration and Programme of Action 20 years after its adoption: positive examples from Latin America.
8. Implementation of resolutions of the General Assembly and the Human Rights Council in which the Assembly and the Council requested the development of outreach programmes and a public information campaign to mobilize support for racial equality and the Durban Declaration and Programme of Action.
9. Thematic discussion on links between racism, racial discrimination, xenophobia and related intolerance and global emergencies, such as climate change, natural disasters and health and humanitarian crises.
10. Thematic discussion on racism, racial discrimination, xenophobia and related intolerance against refugees, asylum-seekers, migrants and internally displaced persons.
11. Thematic discussion on racism, racial discrimination, xenophobia and related intolerance, global economic justice and the implementation of the Sustainable Development Goals.
12. Discussion on conclusions and recommendations.