



Human Rights Council**Fifty-sixth session**

18 June–12 July 2024

Agenda item 9

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action**Costa Rica and Gambia*: draft resolution****56/... Mandate of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement***The Human Rights Council,*

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and the promotion and encouragement of respect for human rights and fundamental freedoms for all,

Recalling the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

Recalling also the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling further its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and the International Decade for People of African Descent as proclaimed by the General Assembly in its resolution 68/237 of 23 December 2013,

Recalling Human Rights Council resolution 43/1 of 19 June 2020 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,

Recalling also Human Rights Council resolution 47/21 of 13 July 2021 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 through transformative change for racial and equality, in which the Council decided to establish an international independent expert mechanism, in order to further transformative change for racial justice and equality in the context of law enforcement globally, especially where relating to the legacies of colonialism and the transatlantic slave

* On behalf of the States Members of the United Nations that are members of the Group of African States.



trade in enslaved Africans, to investigate Governments' responses to peaceful anti-racism protests and all violations of international human rights law and to contribute to accountability and redress for victims,

Noting the work of the Office of the United Nations High Commissioner for Human Rights 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, and taking note of the agenda towards transformative change for racial justice and equality,

Welcoming the work of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement,

Stressing that 2024 marks the final year of the International Decade for People of African Descent with the theme "People of African descent: recognition, justice and development", and recognizing calls for the extension into a second Decade for People of African Descent,

Recalling the adoption on 9 December 2020 by the Working Group of Experts on People of African Descent of operational guidelines on the inclusion of people of African descent in the 2030 Agenda for Sustainable Development,

Acknowledging that slavery and the slave trade, including the transatlantic slave trade, were appalling tragedies in the history of humanity not only because of their abhorrent barbarism but also in terms of their magnitude and organized nature, and especially their negation of the essence of the victims, acknowledging also that enslavement is a crime against humanity and should always have been a crime, and noting that the transatlantic slave trade is among the major sources and manifestations of racism, racial discrimination, xenophobia and related intolerance, and that Africans and people of African descent, Asians and people of Asian descent and Indigenous Peoples were victims of these acts and continue to be victims of their consequences,

Recognizing that the dehumanization of people of African descent – a practice rooted in false social constructions of race historically created to justify enslavement, pervasive racial stereotypes – has sustained and cultivated a tolerance for racial discrimination, inequality and violence,

Acknowledging that there is an increasing willingness and emerging practice to acknowledge the need to repair the continuing impact of enslavement, the transatlantic trade in enslaved Africans and colonialism, and inviting States to seize opportunities to advance the anti-racism agenda, to prioritize attaining racial equity in implementing the 2030 Agenda, and to ensure that people of African descent are not left behind,

Recognizing that systemic racism, particularly against Africans and people of African descent, needs a systemic response to rapidly reverse denial and alter structures, institutions and behaviours leading to direct or indirect discrimination against Africans and people of African descent in every part of life,

Recognizing also that systemic racism is intersectional by nature as it spreads in a variety of societal sectors, and that in order to tackle systemic racism and discrimination, response measures should also be intersectional,

Recognizing further that changing the unwritten, tacit rules governing the culture of policing, including by fostering an internal culture of accountability and providing for proper training and recruitment processes, are all essential to building the necessary trust and ensuring that the police and the criminal justice system serve and protect all members of society without discrimination,

Stressing that law enforcement officials, in the performance of their duties, shall respect and protect human dignity and maintain and uphold the human rights of all persons, recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and bearing in mind the numerous other international standards and norms in the field of the administration of justice,

Expressing deep concern at the extent of the challenges that victims and families of victims report in their pursuit of justice, and underscoring that the independence and impartiality of the judiciary, the integrity of the judicial system and an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy,

Stressing that the implementation of robust measures to end impunity and ensure accountability and redress for victims and their families of excessive use of force and other human rights violations by law enforcement officers, in accordance with international human rights law, is critical,

Stressing also that everyone, including people and communities of African descent, should be able to participate in an inclusive manner and guide the design and implementation of processes that contribute to halting, reversing and repairing the lasting consequences and ongoing manifestations of systemic racism, and notably acknowledging the important role that young people have played and should continue to play in these processes,

1. *Decides* to renew the mandate of the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, comprising three experts with law enforcement and human rights expertise, until the sixty-sixth session of the Human Rights Council to enable the Expert Mechanism to continue its work in accordance with the terms of reference contained in Human Rights Council resolution 47/21;

2. *Requests* the three members of the Expert Mechanism to participate in all of its country visits and consultations, given the complementary nature of their expertise;

3. *Calls upon* all States and other relevant stakeholders to cooperate fully with the Expert Mechanism towards the effective fulfilment of its mandate, including by responding promptly to its requests for information and by providing it with any information or documentation it may require, as well as any other forms of assistance pertaining to its mandate;

4. *Requests* the Expert Mechanism to prepare, on an annual basis, a report and to present it to the Human Rights Council jointly alongside that presented by the United Nations High Commissioner for Human Rights pursuant to Council resolution 47/21 during an enhanced interactive dialogue that prioritizes the participation of directly affected individuals and communities, including victims and their families;

5. *Also requests* the Expert Mechanism to present its annual report also to the General Assembly, engaging in an interactive dialogue with the Assembly under the agenda item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance”;

6. *Further requests* the Expert Mechanism to submit all reports on its country visits as addenda to its annual report to the Human Rights Council;

7. *Requests* the Secretary-General, through the Office of the United Nations High Commissioner for Human Rights, to strengthen the administrative and substantive support to the Expert Mechanism, and to provide the resources necessary for it to effectively fulfil its mandate to investigate government responses to peaceful anti-racism protests and all violations of international human rights law and to contribute to accountability and redress for victims, including by adopting a victim-centred approach throughout its work, in accordance with the mandate described in Human Rights Council resolution 47/21;

8. *Calls upon* all States and all relevant stakeholders to cooperate fully with the High Commissioner in the preparation of the annual reports;

9. *Also calls upon* all States and all relevant stakeholders to ensure the accountability of law enforcement officials for human rights violations and crimes against Africans and people of African descent, to close trust deficits and to strengthen institutional oversight;

10. *Further calls upon* all States and all relevant stakeholders to ensure that Africans and people of African descent and those who stand up against racism are protected, that their voices are heard and that their concerns are acted upon;

11. *Invites* all treaty bodies, special procedure mandate holders and international and regional human rights mechanisms, within their respective mandates, to pay due attention to all forms of racism, racial discrimination, xenophobia and related intolerance, including against Africans and people of African descent, and to bring them to the attention of the Human Rights Council;

12. *Decides* to remain seized of the matter.
