



General Assembly

Distr.: Limited

7 October 2021

Original: English

Human Rights Council

Forty-eighth session

13 September–8 October 2021

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

Cameroon,* Chile, Turkey** and Yemen**:** draft resolution

48/... From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations, including those of promoting and encouraging respect for human rights and fundamental freedoms for all, and reaffirming also the Universal Declaration of Human Rights,

Recalling the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination,

Emphasizing the relevance of the International Convention on the Elimination of All Forms of Racial Discrimination as an important international instrument to combat the scourge of racism, and in this regard noting with concern that the commitment made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of this primary instrument by 2005 was regrettably not fulfilled, and recalling the need to elaborate complementary international standards as recommended in paragraph 199 of the Durban Declaration and Programme of Action,

Acknowledging the importance of the Durban Declaration and Programme of Action as a milestone in the common fight against racism, racial discrimination, xenophobia and related intolerance, as it addresses the deep historical roots of contemporary racism, acknowledges that slavery and the slave trade are – and should always have been – crimes against humanity, takes into account the legacy of some of the most appalling chapters of human history, and constitutes a holistic call to action that encompasses measures to deliver remedies to victims of racism, to strengthen education and awareness-raising, to fight poverty and marginalization and to secure inclusive sustainable development,

Noting with concern that the lack of public knowledge about the content of the Durban Declaration and Programme of Action has constituted a serious obstacle in generating political will for its full and effective implementation,

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

** State not a member of the Human Rights Council.



Recognizing that racism, racial discrimination, xenophobia and related intolerance have a deep negative impact on the enjoyment of human rights, and therefore require a united and comprehensive response from States,

Recognizing also the importance of the full implementation of the Durban Declaration and Programme of Action, and emphasizing the need to streamline and enhance the effectiveness of existing follow-up mechanisms, and of increasing public awareness of and support for it,

Noting the efforts made at the international, regional and national levels, welcoming the progress made since the adoption of the Durban Declaration and Programme of Action in the implementation of its provisions, and welcoming with appreciation all the positive steps and successful initiatives taken by States towards its effective and full implementation, including constitutional and legislative reforms, the adoption of national action plans and other national policies and measures, participation in and support for its follow-up mechanisms, the mainstreaming of racial equality in international forums and the promotion of regional, international and multi-stakeholder initiatives in matters relating to the Durban Declaration and Programme of Action,

Welcoming the commemoration of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action during the holding of a high-level meeting by the General Assembly, at the level of Heads of State and Government, on the theme “Reparations, racial justice and equality for people of African descent” on 22 September 2021, during which the Assembly adopted a political declaration to mobilize political will for the full and effective implementation of the Durban Declaration and Programme of Action and its follow-up processes,¹

Recalling all previous Human Rights Council 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,

Recalling also that, in the Durban Declaration and Programme of Action, States acknowledged that, in many parts of the world, people face racism, racial discrimination, xenophobia and related intolerance, which have been exacerbated by the coronavirus disease (COVID-19) pandemic,

Expressing deep concern at emerging obstacles to the enjoyment of the right to freedom of religion or belief and at instances of religious intolerance, discrimination and violence, inter alia the increasing number of acts of violence directed against individuals, and recalling that the Durban Declaration and Programme of Action calls upon States, in opposing all forms of racism, to recognize the need to counter antisemitism, anti-Arabism and Islamophobia worldwide, and urges all States to take effective measures to prevent the emergence of movements based on racism and discriminatory ideas concerning these communities,

Recalling that racism, racial discrimination, xenophobia and related intolerance are manifested on the grounds of race, colour, descent or national or ethnic origin, and that victims can suffer from multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, disability, political or other opinion, social origin, property, birth or other status,

Reiterating that poverty, underdevelopment, marginalization, social exclusion and economic disparities can be compounded by – and themselves compound – racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices that in turn generate more poverty, and acknowledging in this regard that it is essential that integrated, intersecting and holistic approaches be adopted to ensure the effectiveness of policies and other measures against racism, racial discrimination, xenophobia and related intolerance,

¹ General Assembly resolution 76/1.

Expressing concern at the loss of life and livelihoods and the disruption to economies and societies by the COVID-19 pandemic, and its negative impact on the enjoyment of human rights around the world, disproportionately affecting certain individuals, including those facing racism, racial discrimination, xenophobia and related intolerance, which the pandemic has highlighted and exposed, including underlying deep and long-standing structural inequalities and fundamental problems in various areas of social, economic, civil and political life, and exacerbated existing inequalities, and recalling that systemic and structural racism and racial discrimination further exacerbate inequality in access to health care and treatment, leading to racial disparities in health outcomes and a higher rate of mortality and morbidity among individuals and groups facing racial discrimination,

Expressing concern also that Asians and people of Asian descent have been subject to racism, racial discrimination, hate crimes and violence, which have been exacerbated by the COVID-19 pandemic, and requesting States to address this issue,

Recognizing that the design and use of emerging digital technologies can exacerbate and compound existing inequalities, many of which exist along racial, ethnic and national origin grounds, and that a major concern is the prevalence of emerging digital technologies in determining everyday outcomes in employment, education, health care and criminal justice, which introduces the risk of systemized discrimination on an unprecedented scale,

Noting that, pursuant to Human Rights Council resolution 42/29, the Office of the United Nations High Commissioner for Human Rights held an expert seminar on 21 and 22 October 2020, at which legal experts considered the issues and elements relating to a draft additional protocol to the International Convention on the Elimination of All Forms of Racial Discrimination prepared by the Ad Hoc Committee on the Elaboration of Complementary Standards at its tenth session,

Regretting that, owing to COVID-19 restrictions, the Ad Hoc Committee was unable to hold its eleventh meeting as originally scheduled,²

Recalling that the General Assembly stipulated, in the annex to its resolution 69/16 of 18 November 2014 by which the Assembly adopted by consensus the programme of activities for the International Decade for People of African Descent, that the implementation of the programme of activities was an integral part of the full and effective implementation of the Durban Declaration and Programme of Action,

Recalling also General Assembly resolution 73/262 of 22 December 2018, in which the Assembly decided to establish a permanent forum on people of African descent, and therefore inviting all relevant United Nations bodies and entities to refer to the Permanent Forum as reflected in paragraph 12 of that resolution,

Underlining the importance of removing legal obstacles and eliminating discriminatory practices that hamper individuals, in particular Africans and people of African descent, from participating fully in the public and political life of the countries in which they live, including the lack of the exercise of their full citizenship rights,

Noting the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and also those made by the other Durban follow-up mechanisms, namely 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, the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent, at the Durban Review Conference held in April 2009, and noting also the initiatives taken to commemorate the twentieth anniversary of the Durban Declaration and Programme of Action,

Deploing the recent incidents of excessive use of force and other human rights violations by law enforcement officers against peaceful demonstrators defending the rights of Africans and of people of African descent, and recalling Human Rights Council resolution

² See A/HRC/48/85.

43/1 of 19 June 2020, in which the Council strongly condemned the continuing racially discriminatory and violent practices perpetrated by law enforcement agencies against Africans and people of African descent, and taking note of the report of the United Nations High Commissioner for Human Rights submitted to the Council pursuant to that resolution,³

Recalling Human Rights Council resolution 47/21 of 13 July 2021, in which the Council decided to establish an international independent expert mechanism, comprising three experts with law enforcement and human rights expertise, to be appointed by the President of the Council, with guidance from the High Commissioner, 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 trade in enslaved Africans, and 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,

Recalling also that the Human Rights Council, in its resolution 47/21, requested the High Commissioner to enhance and broaden monitoring by the Office of the High Commissioner in order to continue to report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, to contribute to accountability and redress, and to take further action globally towards transformative change for racial justice and equality, including by providing support for and strengthening assistance to States and other stakeholders, particularly people of African descent and their organizations, and by giving further visibility to this work,

Recalling further General Assembly resolution 75/237 of 31 December 2020, in which the Assembly requested the Human Rights Council to consider the question of developing a multi-year programme of activities to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution that they have made in the struggle against racism, racial discrimination, xenophobia and related intolerance,

Concerned at the reduction in financial and human resources at the Office of the High Commissioner at a time when they are indispensable to the overall implementation of mandates and advocacy for the fight against racism,

Noting with appreciation the annual observance in Geneva of the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade, and recalling the support expressed at its commemoration in 2017 for the establishment at the United Nations Office at Geneva of a memorial to the victims of slavery and the transatlantic slave trade,

1. *Underscores* the importance of political will and commitment to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance;

2. *Underlines* the imperative need for the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and of the Durban Declaration and Programme of Action as the instructive outcome document of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance for combating the scourge of racism, including its contemporary and resurgent forms, some of which have regrettably taken violent forms, as well as of the programme of activities of the International Decade for People of African Descent;

3. *Continues* to be alarmed at the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance precipitated by scientifically false, morally condemnable, socially unjust and dangerous ideologies, such as white supremacy, as well as by extremist nationalist and populist ideologies, and underlines in this respect that human beings are born free and equal in dignity and rights and that everyone has the right to life, liberty and security of person;

³ A/HRC/47/53.

4. *Encourages* States to make the requisite declaration in accordance with article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination recognizing the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within their jurisdiction under its complaints procedure;

5. *Reaffirms* the work of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, which, at its tenth session, commenced discussions on the elaboration of a draft additional protocol to the Convention;⁴

6. *Endorses* the conclusions and recommendations made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its eighteenth session;

7. *Emphasizes* the paramount importance of universal adherence to and the full and effective implementation of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action for promoting equality and non-discrimination in the world;

8. *Requests* the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action to convene its eighth session for five working days, in 2022, and to submit a report thereon to the General Assembly at its seventy-seventh session, and in this regard requests the Chair of the Group of Independent Eminent Experts to engage in an interactive dialogue with the Assembly under the agenda item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance” at that session;

9. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the financial and human resources necessary for the Group of Independent Eminent Experts to fulfil its mandate effectively;

10. *Deplores* the ongoing use of social media platforms to incite hatred and violence, inter alia, against migrants, refugees and asylum seekers, while reaffirming the rights to freedom of expression, association and peaceful assembly, and calls upon States to prohibit by law any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, including that propagated in information and communications technology;

11. *Calls upon* all States that have not yet done so, and consistent with paragraph 75 of the Durban Declaration and Programme of Action, to consider withdrawing their reservations on article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination and on articles 18, 19 and 20 of the International Covenant on Civil and Political Rights;

12. *Welcomes* the convening of regional meetings organized by the Office of the High Commissioner to effectively implement the programme of activities of the International Decade for People of African Descent, encourages Member States and other stakeholders to adopt action-orientated recommendations at these meetings, and calls upon States, regional organizations and other stakeholders to facilitate the participation of civil society from their respective countries and regions at the meetings, and recognizes the contributing role that national human rights institutions and civil society organizations can play in supporting States’ measures to prevent and eliminate all forms of racial discrimination;

13. *Notes* the establishment of the Permanent Forum on People of African Descent as a consultative mechanism for people of African descent and other relevant stakeholders as a platform for improving the safety and quality of life and livelihoods of people of African descent, as well as an advisory body to the Human Rights Council, in accordance with the programme of activities for the implementation of the International Decade for People of African Descent and in close coordination with existing mechanisms, and reiterates that the

⁴ See A/HRC/46/66.

Permanent Forum should be provided with all necessary and adequate substantive secretariat support;

14. *Requests* the Advisory Committee to prepare a study in which it examines patterns, policies and processes contributing to incidents of racial discrimination and makes proposals to advance racial justice and equality, which should be firmly anchored in the fulfilment of the 2030 Agenda for Sustainable Development and the attainment of its Goals, in consultation where possible with the Office of the High Commissioner and the international independent expert mechanism to advance racial justice and equality in the context of law enforcement established by the Human Rights Council in its resolution 47/21, and to present the study to the Human Rights Council at its fifty-fourth session;

15. *Requests* the United Nations system to strengthen its awareness-raising campaigns to increase the visibility of the message of the Durban Declaration and Programme of Action, its follow-up mechanisms and the work of the United Nations in the fight against racism;

16. *Requests* the Secretary-General and the Office of the High Commissioner to implement fully paragraphs 32 and 34 of General Assembly resolution 75/237, on outreach and a public information campaign for the commemoration of the twentieth anniversary of the Durban Declaration and Programme of Action and follow-up thereto;

17. *Requests* the Office of the High Commissioner to establish and launch a two-year comprehensive communications strategy, inclusive of an outreach programme to raise awareness about and mobilize global public support for racial equality, including about the content and contribution of the International Convention on the Elimination of All Forms of Racial Discrimination and the Durban Declaration and Programme of Action to the struggle against racism, racial discrimination, xenophobia and related intolerance; the activities of the strategy should include the publication and wide dissemination through United Nations information centres and the field presences of the Office of the High Commissioner, also in easily accessible printed and digital formats, of the Convention, the Durban Declaration and Programme of Action and the programme of activities for the International Decade for People of African Descent, in all official languages of the United Nations; engagement with universities, schools and other educational entities; identifying new challenges for individuals and groups facing racial discrimination on social media; the production of promotional material on racial equality with a youth-friendly approach for educational purposes; publicizing positive examples of the implementation of the Convention and the Durban Declaration and Programme of Action; engagement with news media; outreach to civil society to enhance networking; and engagement with the general public, mainly young people, on social media; and requests the Secretary-General to provide the strategy and outreach programme with the necessary resources;

18. *Requests* the High Commissioner to improve and streamline the section of the website of the Office of the High Commissioner dedicated to the Durban Declaration and Programme of Action, to raise the visibility of the follow-up activities of the Human Rights Council, its working groups, its special procedure mandate holders and the human rights treaty bodies in relation to its implementation;

19. *Requests* the Office of the High Commissioner, Member States and other stakeholders to include in their annual updates to the Intergovernmental Working Group for the Effective Implementation of the Durban Declaration and Programme of Action information on the implementation of the Durban Declaration and Programme of Action, including on the activities conducted in the context of the outreach programme, and also requests the Office to include information on the implementation of the communications strategy in the annual report of the Secretary-General to the General Assembly on global efforts in the fight against racism;

20. *Acknowledges* the work done by the Office of the High Commissioner, and requests the High Commissioner to continue to provide the resources necessary for the effective functioning of Durban follow-up mechanisms and to give high priority to the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance in the work of the Office of the High Commissioner;

21. *Decides* to remain seized of this important issue.
