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Elimination of racism, racial discrimination, xenophobia and related intolerance: comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

A global call for action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action**

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution [75/237](#), in which the Assembly requested the Secretary-General to submit at its seventy-sixth session a report on the implementation of the resolution. The report provides examples of measures taken by Member States and activities undertaken by the Office of the United Nations High Commissioner for Human Rights, the Durban follow-up mechanisms, human rights treaty bodies and special procedure mandate holders as well as by the Department of Global Communications of the Secretariat and entities of the United Nations system to eliminate racism and racial discrimination. The twentieth anniversary, in 2021, of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance – and of the Durban Declaration and Programme of Action – comes at a key moment in the struggle for racial justice. The recommendations contained in the report include taking all appropriate measures, in accordance with international human rights law, to eliminate racism, racial discrimination, xenophobia and related intolerance and to implement relevant recommendations such as those contained in the report of the United Nations High Commissioner for Human Rights on racial justice and equality ([A/HRC/47/53](#)). That report, submitted pursuant to Human Rights Council resolution [43/1](#), includes an agenda for transformative change towards racial justice and equality.

* [A/76/150](#).

** The present report was submitted after the deadline in order to reflect the most recent information.



I. Introduction

1. In its resolution [75/237](#), the General Assembly emphasized that millions of human beings continued to be victims of racism, racial discrimination, xenophobia and related intolerance, including their contemporary forms and manifestations. It also reiterated that all human beings are born free and equal in dignity and rights and that any doctrine of racial superiority, together with theories that attempted to determine the existence of separate human races, was scientifically false, morally condemnable, socially unjust and dangerous and must be rejected. The Assembly further acknowledged the efforts and initiatives undertaken by States to prohibit racial discrimination and racial segregation and to engender the full enjoyment of economic, social and cultural rights, as well as civil and political rights.

2. In the same resolution, the General Assembly welcomed the efforts made by civil society in support of the follow-up mechanisms in the implementation of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. The Assembly also underlined the need to promote tolerance, inclusion and respect for diversity. It emphasized the need to seek common ground among and within civilizations in order to address common challenges to humanity that threaten shared values, universal human rights and the fight against racism, racial discrimination, xenophobia and related intolerance, through cooperation, partnership and inclusion. It further expressed alarm about the global rise in hate speech, constituting incitement to racial discrimination, hostility and violence, and the spread in many parts of the world of various racist extremist movements based on ideologies that seek to promote nationalist, right-wing agendas and racial superiority.

3. In preparing the present report, the Office of the United Nations High Commissioner for Human Rights (OHCHR) sought contributions from Member States and other stakeholders as requested by the General Assembly. Submissions were received from 19 Member States and regional organizations: Andorra, Azerbaijan, Bosnia and Herzegovina, Brazil, Cambodia, Costa Rica, Cuba, Ecuador, Guatemala, Iraq, Ireland, Italy, Mauritius, Namibia, Qatar, Russian Federation, Switzerland and Turkmenistan, as well as the European Union. The present report provides a summary of these submissions, includes information on activities undertaken by United Nations entities, human rights treaty bodies and special procedures and the Durban follow-up mechanisms, and contains conclusions and recommendations.

4. The issuance of the present report coincides with the twentieth anniversary of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and of the Durban Declaration and Programme of Action. It comes at a key moment in the struggle for racial justice, in the wake of unprecedented protests worldwide following the death of George Floyd in May 2020. The coronavirus disease (COVID-19) pandemic has further highlighted inequalities and racial discrimination experienced by individuals and groups defined by particular national, racial or ethnic origin, including unequal access to health care and to targeted information as well as a lack of accessibility to and availability of such information.¹ Persons belonging to certain racial or ethnic groups are also often overrepresented in occupations that are more exposed to the risks of the pandemic. Where disaggregated data is available, racial disparities in terms of access and disproportionate impacts of the pandemic are even more evident.²

¹ OHCHR, “Racial discrimination in the context of the COVID-19 crisis”, 22 June 2020.

² OHCHR, “Disproportionate impact of COVID-19 on racial and ethnic minorities needs to be urgently addressed – Bachelet”, 2 June 2020; and OHCHR, “COVID-19: guidance”, 13 May 2020.

II. Measures taken to implement resolution 75/237

A. Legal and institutional frameworks

5. A number of States noted that their national constitutions prohibited racial discrimination. Andorra indicated that its Constitution stated that all persons were equal before the law and that no one should be discriminated against on the grounds of birth, race, sex, origin, religion, opinions or any other personal or social condition. Andorra further noted that it incorporated into its legal system the international treaties and agreements it adopted, as well as the Universal Declaration of Human Rights. Bosnia and Herzegovina reported giving special attention in its Constitution to the protection of rights enshrined in the European Convention on Human Rights and the prevention and elimination of all forms of racial and other forms of discrimination. Azerbaijan reported that in its Constitution, the State guaranteed equal rights to everyone regardless of race, nationality, religion, language or gender.

6. In addition to enshrining the principle of equality and non-discrimination in their constitutions, some States also reported introducing specific laws on racial discrimination. In Bosnia and Herzegovina, for instance, a 2009 Law on Prohibition of Discrimination protects citizens against discrimination in all spheres of life. New amendments have brought the law into line with European Union and international human rights standards, granting protection against discrimination to persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex persons. Bosnia and Herzegovina also adopted a law to eliminate discrimination in sports.

7. Brazil stated that Law No. 12288 adopted in 2010 was aimed at guaranteeing people of African descent effective equal opportunities. The law provided for the establishment of the National System for Promoting Racial Equality, which serves to implement policies and services provided by the Federal Government to overcome inequalities in Brazil. Cambodia stated that according to its Constitution every Khmer citizen should be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, colour, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status, and the exercise of personal rights and freedom by any individual should not adversely affect the rights and freedom of others.

8. In its submission, Cuba reported that its Constitution established that all persons were equal before the law, received the same protection and treatment from the authorities and enjoyed the same rights, freedoms and opportunities, without any discrimination based on sex, gender, sexual orientation, gender identity, age, ethnic origin, skin colour, religious belief, disability, national or territorial origin, or any other personal condition or circumstance that implied a distinction detrimental to human dignity.

9. Ecuador noted that in its Constitution the Ecuadorian State was declared to be intercultural and plurinational. According to article 3, one of the primary duties of the State was to guarantee for its inhabitants, without any discrimination, the effective enjoyment of the rights established in the Constitution and international instruments, in particular education, health, food, social security and water. Guatemala noted that the country's Constitution established that all human beings were free and equal in dignity and rights. Namibia stated that article 10 of its Constitution provided that all persons should be equal before the law, and that no person should be discriminated against on the grounds of sex, race, colour, ethnic origin, religion, creed or social or economic status. Iraq reported that the principle of non-discrimination was an integral part of the country's Constitution.

10. Namibia highlighted that its Racial Discrimination Prohibition Act criminalized racial discrimination and addressed the dissemination of ideas of racial superiority. The Parliament also enacted the Repeal of Obsolete Laws Act, repealing laws and regulations that were discriminatory on the grounds of race, sex, colour, ethnic origin, religion, creed and social and economic status.

11. The European Union highlighted that, in the European Union, discrimination based on racial and ethnic origin was prohibited pursuant to the Racial Equality Directive. In addition, article 21 of the Charter of Fundamental Rights of the European Union prohibited discrimination based, among other grounds, on race and ethnic origin.

B. National anti-racial discrimination measures

12. In their submissions, States shared examples of national measures to eliminate racial discrimination. Brazil reported that it had launched anti-racism education projects in cooperation with the United Nations Development Programme. Other projects focused on practical improvements, such as the Cisterns Programme, a national programme of support for rainwater capture and other social technologies for access to water that is aimed at improving the rights of traditional peoples and communities and that has facilitated the delivery of cisterns in the States of Bahia, Ceará, Goiás, Minas Gerais, Paraíba and Piauí.

13. Costa Rica emphasized that, with the support of the Spanish Agency for International Development Cooperation, it had undertaken a project aimed at implementing article 1 of its Constitution, focusing on the population of African descent and ensuring their recognition and visibility.

14. Cuba reported that in 2009 the José Antonio Aponte Commission was created within the Union of Writers and Artists of Cuba. The Commission was established to counter racism and racial discrimination from a cultural perspective, giving visibility to African heritage in Cuba through curricula at different levels of education, as well as in the media, academic and scientific contexts, periodicals and on social networks.

15. Ecuador reported that it implemented measures to promote equality and the eradication of racism, racial discrimination, xenophobia and related intolerance during the COVID-19 pandemic. The Human Rights Secretariat of Ecuador issued guidelines, including a protocol on the prevention of COVID-19 among indigenous peoples and nationalities, Afro-Ecuadorians and Montubios of Ecuador. Costa Rica reported that the principle of equality and non-discrimination was central to the implementation of national measures in response to COVID-19, taking into account ethnic, sexual, cultural and linguistic diversity and including gender- and intersectionality-based approaches. Switzerland reported that, in the context of the pandemic, it had examined the impact of the crisis on the incidence of racial discrimination in the country.

C. Criminal law

16. Andorra reported that a discriminatory motive – defined as taking into consideration, with respect to a natural person, birth, origin, national or ethnic affiliation, colour, sex, religion, philosophical, political or trade union opinion or any other personal or social condition, such as physical or mental capacity, lifestyle, customs, language, age, or sexual identity or orientation – was an aggravating factor in all offences in the Penal Code. Bosnia and Herzegovina stated that propagating ideas of racial discrimination or hatred was a criminal offence. Cambodia highlighted

that its Criminal Code provided for criminal liability for all acts related to discrimination. Cuba noted that anyone who discriminated against another person, promoted or incited discrimination, or who disseminated ideas based on racial superiority or hatred, faced criminal penalties. Mauritius reported that its Criminal Code provided sanctions for the crime of “stirring up racial hatred”. The European Union reported that the Council Framework Decision of 28 November 2008 was aimed at combating through criminal law certain forms and expressions of racism and xenophobia.

D. National human rights institutions, plans of action, strategies and policies

17. Andorra stated that it had designed a policy for equality and citizen participation that was aimed at guaranteeing the mainstreaming of the principle of equality in all public policies, in accordance with its strategic plan for the implementation of the Sustainable Development Goals.

18. Bosnia and Herzegovina reported the establishment of its Ombudsman for Human Rights. It also reported amendments to the law establishing the Ombudsman to ensure, *inter alia*, the financial independence of the institution, in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), the recommendations of the European Commission for Democracy through Law (the Venice Commission), and international and European standards.

19. Brazil reported that it had introduced a national policy for the promotion of racial equality in 2003, with the objective of reducing racial inequalities in Brazil, defending rights and ending human rights violations, including through policies, and establishing an affirmative action framework.

20. Costa Rica noted that its inter-institutional Commission for the Follow-up and Implementation of International Human Rights Obligations was constituted as a permanent advisory body attached to the Ministry of Foreign Affairs. The Commission will coordinate the implementation of international human rights obligations at the national level, through coordination with central government institutions, State authorities and civil society organizations. The Commission coordinated the development of the National Policy for a Society Free from Racism, Racial Discrimination and Xenophobia 2014–2025. In addition, a national integration plan for the period 2018–2022 was adopted to guarantee the integration and social inclusion of migrants and refugees.

21. Cuba highlighted that, as of 2019, a national programme against racism and racial discrimination had been implemented to assess the historical, economic, aesthetic, political, social, psychological and cultural factors that fostered the presence of racial discrimination in the country, as well as opportunities for its elimination by 2030.

22. Ecuador reported that it had introduced policies to counter discrimination, including the Plurinational Plan to Eliminate Racial Discrimination and Ethnic and Cultural Exclusion, aimed at eliminating the various forms and systematic practices of racial discrimination and cultural ethnic exclusion to promote plural, intercultural and inclusive citizenship through public policies of the State. Further, the Agenda for the Equal Rights of Indigenous Nationalities and Peoples, Afro-Ecuadorian People and Montubio People 2019–2021, a sectoral and intersectoral planning instrument for inclusion, was developed by the National Council for the Equality of Peoples and Nationalities.

23. Ireland highlighted the establishment in 2020 of the Independent Anti-Racism Committee, comprising independent experts and with a mandate to review current evidence and practice and make recommendations to the Government on how best to strengthen its approach to tackling racism. The Committee had submitted an interim report to the Government, in which it had identified priority issues and a programme of work for the Committee and had commenced drafting a national action plan. The plan would build on actions currently included in the Migrant Integration Strategy and the National Traveller and Roma Inclusion Strategy aimed at bringing about meaningful change and progress for the Traveller and Roma communities in Ireland.

24. Italy reported that the National Office against Racial Discrimination was tasked with awareness-raising, addressing any situation involving discrimination, and the promotion of positive actions, studies, research, training activities. The office was also tasked with the monitoring of the effective application of the principle of equal treatment, and the effectiveness of protection mechanisms. Italy planned to adopt a national plan of action against racism, xenophobia and intolerance for the period 2021–2025.

25. Namibia stated that its national development plan articulated that everyone could contribute to the country's development irrespective of race, colour, gender, age, ability and ethnicity. As a matter of government policy and practice, the formulation of public policies and strategies was subjected to rigorous public and stakeholder consultations. Namibia's marginalized people were consulted in the planning, implementation and review of development programmes aimed at improving their situation.

26. Qatar noted that the Doha International Centre for Interfaith Dialogue was responsible for facilitating interreligious and intercultural dialogue, and for combating intolerance, discrimination and incitement to violence against persons based on their religion or beliefs. In order to integrate minority and expatriate communities in the country the Centre cooperated with charity organizations, such as the Qatar Charity Association and the Indian Youth Commission.

27. In Switzerland, cantonal integration programmes have served since 2014 as an instrument that sets common objectives in the fight against racial discrimination for all cantons. Implementation has been adapted to local realities, and these programmes are equivalent to a national action plan to combat discrimination. Switzerland also reported that it was preparing a report on racial discrimination that would be published in the fourth quarter of 2021, providing an in-depth analysis of the current situation as well as of the measures adopted at federal, cantonal and communal levels and in the private sector.

28. Turkmenistan reported that the country had implemented action plans that related to non-discrimination, such as the National Action Plan of Turkmenistan to Eradicate Statelessness (2019–2024); the National Action Plan for the Realization of Children's Rights in Turkmenistan (2018–2022); the National Action Plan for Gender Equality in Turkmenistan (2021–2025); the National Action Plan of Turkmenistan to Combat Trafficking in Human Beings (2020–2022); and the National Action Plan for Human Rights in Turkmenistan (2021–2025).

29. The European Union highlighted its successive action plans on human rights and democracy as reiterating the importance of exchanging best practices with partner countries on strategies and policies. The European Union Human Rights Guidelines on Non-discrimination in External Action contains additional information on ways to combat racism, racial discrimination, xenophobia and related intolerance. The European Union Anti-racism Action Plan 2020–2025 acknowledged structural racism. As called for by the Durban Declaration and Programme of Action, the European Union Anti-racism Action Plan encouraged all member States to adopt national action plans against racism and racial discrimination.

30. The European Union also reported that on 19 October 2020 the European Commission had announced that it would present, by the end of 2021, a strategy on combating anti-Semitism and fostering Jewish lives, to complement and support member State efforts given the rise of anti-Semitic violence and hate crimes. On 2 December 2020, the Council of the European Union adopted a declaration on mainstreaming the fight against antisemitism across policy areas, in which it explicitly invited the European Commission “to advance the fight against antisemitism ... by bringing supporting measures together in a comprehensive European strategy on combating antisemitism”.

E. Education and awareness-raising measures

31. Andorra noted that teachers were trained to promote human rights, tolerance and non-discrimination in schools, facilitating democratic participation, group cohesion, favouring the learning of social values and skills, and encouraging a sense of commitment and responsibility for students from the earliest age.

32. Azerbaijan reported that a course providing an introduction to multiculturalism had been taught as part of bachelor’s degree programmes since September 2019, and that Azerbaijan’s multiculturalism was taught as a main subject in higher education institutions at the master’s degree level. Azerbaijan also noted that the Government organized numerous awareness-raising seminars every year within the framework of Human Rights Month (18 May–18 June), Peace Month (21 August–21 September) and Child Rights Month (20 October–20 November).

33. Brazil referred to the “Integra Brazil” project, established in 2020 to focus on the Kalunga Quilombola community, aiming to use football to raise awareness of human rights, non-discrimination and to prevent doping, drugs or alcohol abuse in sports.

34. Cambodia stated that according to the Education Strategic Plan (2019–2023), education in the country was based on the principles of inclusiveness, equity and equality and lifelong learning opportunities for all. The Government developed a national action plan on multilingual education, officially announced and implemented since March 2016. The action plan has provided a road map for children from indigenous communities to further expand multilingual education, offering them the opportunity to learn in their native language. Cambodia had also established the Cambodian Human Rights Committee to teach international human rights law at all levels of education. From January 2017 to July 2020, the Committee conducted 107 awareness-raising campaigns, reaching almost 1,000 people.

35. Cuba reported that visibility was given to the nation’s African heritage by integrating related subjects into the curricula of educational institutions as well as through media coverage. In 2004, as a result of the sixth congress of the Union of Historians of Cuba, a plan of action for the teaching of history, civic education and political culture was adopted, which includes advanced learning on the origins of the slave trade.

36. Guatemala reported on anti-discrimination measures implemented by the Presidential Commission against Discrimination and Racism against Indigenous Peoples of Guatemala, a governmental body responsible for the formulation and monitoring of public policies for the prevention and elimination of racism and racial discrimination against indigenous peoples. These measures included international seminars, for example on good practices and challenges for the prevention and elimination of racism and racial discrimination, and journalistic practices and the right to equality and non-discrimination in the media. The Commission and the

National Association of Municipalities also worked to promote multiculturalism and respect for the human rights of indigenous peoples.

37. Iraq reported that the country's Constitution guaranteed the possibility of educating minorities in their mother tongue in public and private educational institutions. Members of national and religious minorities additionally had access to satellite channels that broadcast in their language.

38. Namibia stated that its public broadcasting services had been tasked with ensuring that information on combating racial discrimination reached all parts of the country in all news media formats.

39. Qatar referred to awareness-raising events on eliminating racism carried out by the Department of Human Rights at the Ministry of Foreign Affairs, including educational activities on the occasion of the National Human Rights Day on 11 November 2020 and the Arab Day for Human Rights on 16 March 2021.

40. Turkmenistan reported that its National Plan of Action on Human Rights provided for measures aimed at expanding access to education for stateless persons, as well as encouraging education in the languages of ethnic minorities, and considering the adoption of multilingual education programmes. In addition, measures were being planned to preserve ethnic, cultural and religious diversity, and to strengthen intercultural dialogue in society.

41. The European Union noted that on 19 March 2021 the European Commission organized a summit against racism on the occasion of the International Day for the Elimination of Racial Discrimination. The European Union also referred to measures intended to raise awareness about racial discrimination, such as the publication by the European Union Agency for Fundamental Rights of the *Second European Union Minorities and Discrimination Survey: Being Black in the EU*.

F. Access to justice

42. Costa Rica highlighted that the Commission on Access to Justice and the Access to Justice Unit of the judiciary had addressed issues related to: the indigenous population; older persons; migrants and refugees; children and adolescents; persons with disabilities; persons deprived of liberty; lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) populations; juvenile offenders and the Afro-descendant population. Circulars addressed to all employees working in the justice sector reiterated their duty to guarantee effective access to justice for indigenous people and the principle of non-discrimination. Certain groups, such as refugees, migrants or people of African descent benefited from policies aimed at enhancing their access to justice. Namibia reported that the Judiciary Act 2015 aimed to strengthen the independence of the judiciary and would facilitate access to justice for citizens.

G. Hate speech, hate crime and violent extremism

43. Bosnia and Herzegovina noted that any form of propaganda encouraging intolerance and racial discrimination was prohibited. This was particularly important due to different ethnicities living in the country. Ireland reported that it did not currently have any specific legislation dealing with hate crime, and that hate-based offences were covered under the Prohibition of Incitement to Hatred Act, 1989. Although hate speech was a criminal offence under the Act, there had been very few prosecutions since its introduction. In 2021 the Government adopted the General Scheme of the Criminal Justice (Hate Crime) Bill, which reframed existing criminal

offences, where those offences were motivated by prejudice against a protected characteristic.

44. The European Union referred to the Council Framework Decision of 2008 that prohibited racist and xenophobic hate speech and hate crime as well as public denial and distortion of genocides, such as the Holocaust, digitally or physically. It was the obligation of national authorities of member States to investigate incidents, to prosecute the perpetrators, and to do so efficiently and promptly. In addition, the European Union noted the jurisprudence of the European Court of Human Rights, which clarified the kind of speech and acts which were protected by freedom of expression. It also highlighted the code of conduct on countering online hate speech, signed in 2016 with major social media companies.

H. Inclusion and other positive measures

45. Bosnia and Herzegovina highlighted that in joining the Decade of Roma Inclusion it had committed to remedying the situation of the Roma, in particular with regard to housing, employment and health. An action plan to tackle issues related to education was also adopted. It also reported having addressed intolerance towards refugees and displaced persons.

46. Ireland referred to community policing and noted that the Garda National Diversity and Integration Unit, a part of the police force, had established a positive working relationship with minority communities in Ireland. The latter were represented on the Garda National Diversity Forum that informed the Garda Diversity and Integration Strategy (2019–2021). The role of the unit included: monitoring hate crime; developing policy, strategy and operational guidelines in all related areas of diversity; advising and supporting investigators of hate crime; providing training to Garda Diversity Officers, and liaising between members of the public and the relevant Garda or other service provider.

47. Italy reported that the National Office against Racial Discrimination provided support to victims of discrimination through a contact centre, which provided information, guidance and support to victims or any witnesses of discrimination, collected reports and complaints, and monitored causes and phenomena connected to various grounds of discrimination, such as ethnicity, religion, sexual orientation, gender identity, age and disability.

48. Mauritius referred to the Equal Opportunities Act (2008), aimed at protecting victims of discrimination, including racial or religious discrimination. It reported on measures involving, for example, the police force, whereby all police officers received human rights training, and a non-discrimination and anti-harassment policy, which enabled members of the police force to report an act of discrimination or harassment against another member of the force.

49. Namibia noted that the Public Procurement Act of 2015 provided for preferential treatment of businesses owned by women and indigenous minorities.

50. The Russian Federation noted that it had contributed funds annually to OHCHR to support the activities of human rights mechanisms, as well as projects and programmes to combat racial discrimination at international level.

51. The European Union noted that, with the support of the Agency for Fundamental Rights and the European Union Agency for Law Enforcement Training, European Union Member States were encouraged to step up efforts to prevent discrimination by law enforcement authorities and to boost the credibility of law enforcement work against hate crimes. The European Commission supported Member States in preventing discriminatory attitudes within law enforcement, developing the necessary

skills for investigation and prosecution of hate crimes and ensuring fair and adequate treatment of victims. The European Union further noted that a number of practical guidance tools had resulted from this work in key areas such as hate crime training, access to justice, support and protection for victims of hate crime and hate speech and hate crime recording.

I. Data collection

52. Andorra reported that, in 2019, an Observatory for Equality was created and tasked with data collection and analysis, as well as drafting studies and action plans. Brazil noted that the next national census would generate data on the Quilombola population for the first time. Guatemala referred to the *Study on Racism, Discrimination and Inequality Gaps in Guatemala* that was updated jointly with the Economic Commission for Latin America and the Caribbean and the Presidential Commission against Discrimination and Racism against Indigenous Peoples of Guatemala to generate debate and update existing data on the impact of discrimination on the lives of indigenous people. Within the framework of the International Decade for People of African Descent, Guatemala reported that for the first time data collected on people of African descent was based on self-identification. The European Union stated that it was taking action to establish a consistent approach on equality data collection, in particular as regards data disaggregated by racial or ethnic origin.

III. Office of the United Nations High Commissioner for Human Rights and the Durban follow-up mechanisms

53. OHCHR provided guidance on preventing and addressing racism, racial discrimination, xenophobia and related intolerance. OHCHR, together with the United Nations Population Fund (UNFPA) in collaboration with the Government of Costa Rica, organized a space for dialogue, between people of African descent who are leaders, human rights experts and government officials, on the disproportionate impact of COVID-19 on people of African descent. The meetings were held virtually from 7 to 9 December 2020 on the theme “The International Decade: recognition, justice and development”, and engaged over 100 participants. Discussions by young people of African descent on violence they faced, particularly from law enforcement officials, will inform an upcoming OHCHR publication on the disproportionate impact of COVID-19 on people of African descent in Latin America.

54. The United Nations country team in Brazil translated the OHCHR publication on preventing and countering racial profiling of people of African descent³ into Portuguese. The publication was launched virtually in November 2020 in the presence of judges, prosecutors and academics, as well as representative of civil society and of families who had lost children as a result of violence linked to racial profiling.

55. In Argentina, the OHCHR supported the National Institute against Discrimination, Xenophobia and Racism in mapping patterns of discrimination. In Peru, OHCHR provided support for the development of a national policy on Afro-Peruvians. The human rights monitoring mission in Ukraine supported the adoption of a national strategy for the inclusion of Roma.

56. On 27 January 2021, the International Day of Commemoration in Memory of the Victims of the Holocaust, the High Commissioner warned that the past year had seen alarming increases in the number of hate crimes in many societies. She also

³ *Preventing and Countering Racial Profiling of People of African Descent: Good Practices and Challenges* (United Nations publication, 2019).

expressed her concern that, amid the upheaval of the COVID-19 pandemic, there had also been a sharp rise in online anti-Semitic activity.⁴ As part of its *#Fightracism* campaign, and with regard to the International Day for the Elimination of Racial Discrimination on 21 March 2021, OHCHR undertook communications activities and disseminated products on racial discrimination.

57. Despite the operational challenges associated with organizing intergovernmental meetings in person in Geneva during the pandemic, OHCHR continued to provide support to the Durban mechanisms by hosting hybrid meetings, liaising with delegations and Chairs, conducting online consultations and providing continued technical research. In particular, OHCHR provided support to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, 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.

58. The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action held its eighteenth session in Geneva from 12 to 23 October 2020. Participants shared views on the situation of racial discrimination worldwide, taking into account the implementation of the Durban Declaration and Programme of Action in the 20 years since its adoption. The Working Group reviewed the progress achieved concerning the implementation of the programme of activities for the International Decade for People of African Descent and discussed measures to be taken to enhance the effectiveness of the mechanisms established to follow up on the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in their work. Moreover, it discussed the preparations for the twentieth anniversary of the Durban Declaration and Programme of Action and made proposals for its commemoration.

59. On 21 and 22 October 2020, OHCHR organized, in hybrid format, and before the eleventh session of the Ad Hoc Committee on the Elaboration of Complementary Standards, a legal expert consultation, as mandated by the Human Rights Council in paragraph 6 of its resolution 42/29. Twelve legal experts from each geographic region, as well as the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and a member of the Committee on the Elimination of Racial Discrimination, 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 at its tenth session. The experts participated in four discussion modules on the dissemination of hate speech; racial cybercrime; all contemporary forms of discrimination based on religion or belief; and preventive measures to combat racist and xenophobic discrimination. A report on pertinent legal arguments, issues raised and advice raised by the experts will be considered by the Ad Hoc Committee at its eleventh session, in 2021.

60. The Working Group of Experts on People of African Descent presented its report on COVID-19, systemic racism and global protests (A/HRC/45/44) to the Human Rights Council at its forty-fifth session, as well as its reports on country visits to Ecuador and Peru, and participated in an interactive dialogue with the Human Rights Council.⁵

⁴ Michelle Bachelet, United Nations High Commissioner for Human Rights, statement during the Holocaust Remembrance Day, 27 January 2021; and www.un.org/en/observances/end-racism-day.

⁵ See www.ohchr.org/EN/Issues/Racism/WGAfricanDescent/Pages/CountryVisits.aspx.

61. On 20 November 2020, the Working Group held an expert meeting on its *Operational Guidelines on the Inclusion of People of African Descent in the 2030 Agenda*. The operational guidelines serve as a valuable tool to assist United Nations country teams, Member States, development and financial institutions and other stakeholders in implementing the 2030 Agenda and achieving the Goals, with a specific focus on people of African descent. The twenty-sixth session of the Working Group included five regional meetings with civil society to strategize on the way forward at the mid-term of the International Decade for People of African descent (23–25 November 2020), and set the scene for the twentieth anniversary of the Durban Declaration and Programme of Action. The twenty-eighth session of the Working Group was held in March 2021 and was focused on environmental justice, the climate crisis and people of African descent.

IV. An agenda towards transformative change for racial justice and equality

62. Pursuant to Human Rights Council resolution [43/1](#), adopted by consensus on 19 June 2020 and following an urgent debate on current racially inspired human rights violations, systemic racism, police brutality and violence against peaceful protests, the High Commissioner presented a comprehensive report to the Council in July 2021.⁶ In the report, the High Commissioner introduced a four-point agenda towards transformative change for racial justice and equality for people of African descent. She called for reversing cultures of denial, dismantling systemic racism and accelerating the pace of action; ending impunity for human rights violations by law enforcement officials and closing trust deficits in that area; ensuring that the voices of people of African descent and those who stand up against racism were heard and that their concerns were acted upon; and acknowledging and confronting legacies, including through accountability and redress. In that regard, the High Commissioner called for States to initiate comprehensive processes to halt, reverse and repair the lasting consequences and ongoing manifestations of those legacies in their specific national context, building on existing initiatives. Measures taken to address the past should seek to transform the future: the processes should be guided by people and communities of African descent and designed to seek the truth, define the harm, pursue justice and reparations, and contribute to non-recurrence and reconciliation.

63. Subsequently, in resolution [47/21](#) the Human Rights 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. The purpose of the mechanism is 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, to investigate the responses of Governments to peaceful anti-racism protests and all violations of international human rights law and to contribute to accountability and redress for victims. The Council also requested the High Commissioner to enhance and broaden monitoring by OHCHR 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; contribute to accountability and redress; and take further action globally towards transformative change for racial justice and equality. Such efforts would include providing support for and strengthening assistance to States and

⁶ See [A/HRC/47/53](#) (and annex); see also www.ohchr.org/EN/Issues/Racism/Pages/Implementation-HRC-Resolution-43-1.aspx.

other stakeholders, particularly people of African descent and their organizations, and giving further visibility to work in this area.

V. Human rights treaty bodies and special procedures

64. During its 102nd session, the Committee on the Elimination of Racial Discrimination adopted general recommendation No. 36 (2020) on preventing and combating racial profiling by law enforcement officials, in which it recognized that racial profiling was a form of discrimination, in contravention of the International Convention on the Elimination of All Forms of Racial Discrimination. In the general recommendation, the Committee also addressed the significant risks posed by the use of artificial intelligence-based systems and tools, noting that discriminatory outcomes of algorithmic profiling can often be less obvious and more difficult to detect than those of human decisions, and thus more difficult to contest. At its 103rd session, the Committee issued a statement in which it raised concern about discrimination against persons of Asian origin during the pandemic.⁷

65. In September 2020, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance submitted a report to the General Assembly at its seventy-fifth session on combating the glorification of Nazism, neo-Nazism and related intolerance (A/75/329). In the report, the Special Rapporteur focused on anti-Semitic incidents globally, as well as other forms of discrimination and xenophobia since the outbreak of COVID-19. In addition, the Special Rapporteur presented a thematic report to the Assembly on how the use of digital technologies by border and immigration enforcement could have a discriminatory impact (A/75/590).

66. In April 2020, the Special Rapporteur on freedom of religion or belief issued statements in which he expressed serious concern about intolerance, incitement to hatred and scapegoating of religious or belief communities during the COVID-19 outbreak, including a rise in anti-Semitic incidents.⁸

VI. International Decade for People of African Descent

67. The International Decade for People of African Descent (2015–2024) is a unique platform that serves, among other things, to highlight the important contribution made by people of African descent to every society, to promote concrete measures to stop discrimination and to promote the full inclusion of people of African descent. The year 2020 marked the mid-point of the International Decade and the High Commissioner, in her capacity as Coordinator, issued a mid-term report on her activities in follow-up to the implementation of the programme of activities of the International Decade (A/HRC/45/47).

68. OHCHR continued organizing its annual three-week long fellowship programme for people of African descent.⁹ A total of 28 young leaders of African descent from Australia, Belgium, Brazil, Canada, China, Colombia, Haiti, Jamaica, Mexico, Peru, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay were provided an opportunity to advance their understanding of international human rights law, the United Nations system and how

⁷ See www.ohchr.org/en/hrbodies/cerd/pages/cerindex.aspx.

⁸ OHCHR, “Rise in antisemitic hatred during COVID-19 must be countered with tougher measures, says UN expert”, 17 April 2020; and OHCHR, “UN expert warns against religious hatred and intolerance during COVID-19 outbreak”, 22 April 2020.

⁹ See www.ohchr.org/EN/Issues/Racism/InternationalDecade/Pages/FellowshipProgramme.aspx.

to combat racism, racial discrimination, xenophobia and related intolerance in their respective countries. In 2021, OHCHR published a booklet entitled “Voices of the decade”, featuring the work achieved by 11 former fellows of the programme.

69. Pursuant to Human Rights Council resolution [16/21](#), an annual high-level panel discussion was held by the Council at its forty-sixth session with heads of governing bodies and secretariats of entities of the United Nations system. The discussion was held to promote the mainstreaming of human rights throughout the United Nations system, with a focus on the state of play in the fight against racism and discrimination 20 years after the adoption of the Durban Declaration and Programme of Action, taking into account the negative effects of the COVID-19 pandemic. On 12 March 2021, OHCHR organized a debate on the midterm review of the International Decade for People of African Descent to commemorate the International Day for the Elimination of Racial Discrimination, focusing on the role of youth in combatting racial discrimination and fostering dialogue.

VII. Department of Global Communications and entities of the United Nations system

70. In its resolution [75/237](#), the General Assembly requested OHCHR and the Department of Global Communications to launch a public information campaign to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action. The Department, in close cooperation with OHCHR, developed a targeted communications campaign that will run from July to December 2021, in which the global fight to end racism and all forms of related discrimination is framed as a human rights issue and a universal moral duty. The campaign is aimed at conveying what a world without racism would look like.

71. The campaign is linked to the OHCHR anti-racial discrimination *#Fightracism* campaign. That campaign serves to highlight racial discrimination and racism in all its forms and manifestations as a global issue, experienced by individuals and communities, such as indigenous peoples, migrants, refugees, asylum-seekers, internally displaced persons and persons belonging to national, racial or ethnic, religious and linguistic populations.

72. The United Nations information centres around the world will mark the twentieth anniversary through a range of activities organized in collaboration with local partners. The Department is also leveraging a campaign to amplify the work and activities of the Task Force on Addressing Racism and Promoting Dignity for All in the United Nations, which is leading the Organization’s internal study and discourse on addressing racism at the United Nations workplace.

73. The Department also mobilized action against prejudice, injustice and racism through outreach programmes regarding the transatlantic slave trade and slavery; the Holocaust; and the 1994 genocide in Rwanda. In July 2020, it organized a virtual discussion series on the theme “Beyond the long shadow: engaging with difficult histories”. The aim of the series is to develop a deeper understanding of the legacy of history, and the role played by racism and, through examining the past, to consider how best to build a just world.

74. OHCHR and other United Nations entities have further strengthened the United Nations network on racial discrimination and protection of minorities, with OHCHR as the permanent co-Chair. The network adopted a checklist to strengthen United Nations work at the country level in combatting racial discrimination and advancing minority rights, which was launched in March 2021 and is currently being implemented across field presences. In the context of the COVID-19 crisis, the

network issued a statement on 29 April 2020 under the theme “Leave no one behind: racial discrimination and the protection of minorities in the COVID-19 crisis”.

75. UNFPA developed a global strategy on the International Decade to strengthen its institutional capacity, expand related programming and increase the visibility of people of African descent through advocacy.

76. Under the auspices of the United Nations Sustainable Development Group task team on leaving no one behind, human rights and the normative agenda, the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Health Organization launched a consultative process involving United Nations staff, United Nations country teams, and Headquarters, with the support of Harvard University, to discuss tackling racial discrimination through COVID-19 recovery plans.

77. As part of its response to the COVID-19 pandemic, UNESCO led a series of 15 thematic webinars in April 2020 on the theme “Inclusion in the time of COVID-19: addressing racism, discrimination, and exclusion”, and organized a series of regional expert consultations aimed at deconstructing racism.

78. At the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, the United Nations Office on Drugs and Crime organized a high-level event on equal access to justice for all, addressing racial justice and justice for victims of racial discrimination, including discrimination by the police. At its twenty-eighth session, the Commission on Crime Prevention and Criminal Justice held a thematic discussion on the responsibility of effective, fair, humane and accountable criminal justice systems in preventing and countering crime motivated by intolerance or discrimination.

VIII. Conclusions and recommendations

79. **The twentieth anniversary of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and of the Durban Declaration and Programme of Action comes at a key moment in the struggle for racial justice. All over the world, individuals and communities are demanding change. While the actions and initiatives reported by Member States for the present report show that there has been some movement to bring about change, Member States have not consistently implemented the Programme of Action adopted in Durban, South Africa, 20 years ago. The COVID-19 pandemic has highlighted even more the profoundly disproportionate impact of racial discrimination, xenophobia and related intolerance, including when it is compounded with other grounds of discrimination, and has underscored the urgency to eliminate racism.**

80. **Member States, regional organizations, civil society and other stakeholders should redouble their efforts to implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference. States and other stakeholders are invited to participate in the deliberations of the mechanisms established to follow up on the Durban Declaration and Programme of Action and implement the recommendations emanating therefrom.**

81. **In order to implement the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, Member States are also encouraged to establish and equip, or strengthen, specialized bodies, mechanisms and inter-agency entities with adequate financial resources.**

82. In addition to an accelerated implementation of the Durban Declaration and Programme of Action, Member States should take all necessary measures, in accordance with and building on their international obligations, to effectively prevent, combat and address all manifestations of racism, racial discrimination, xenophobia and related intolerance. Such efforts entail, as a starting point, fully and effectively implementing their existing obligations under the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law, particularly the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination. Member States that have not yet done so are urged to ratify or accede to these treaties.

83. State parties which have not yet done so are also encouraged to make a declaration, under article 14 of the International Convention, on the recognition of the competence of the Committee on the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within the jurisdiction of the State concerned who are claiming to be victims of a violation by it of any of the rights set forth in the Convention.

84. Member States should take urgent steps to develop and implement national action plans to combat racism, racial discrimination, xenophobia and related intolerance. They should take additional steps, including to conduct reviews to ensure that laws, regulations and policies do not have direct or indirect impacts that are racially discriminatory; to adopt strong legal frameworks in conformity with international standards; and to create or strengthen national human rights mechanisms, in line with the Paris Principles.

85. Specifically, with regard to people of African descent, Member States are encouraged to utilize and build on existing frameworks with potential to effect change, such as endorsing the International Decade for People of African Descent and its programme of activities, as well as, implementing through concrete measures an agenda for transformative change towards racial justice and equality, as articulated by the United Nations High Commissioner for Human Rights ([A/HRC/45/47](#)).

86. Member States are strongly encouraged to operationalize the Permanent Forum of People of African Descent. The Permanent Forum will serve as a consultation mechanism for people of African descent and other stakeholders and as a platform for promoting the human rights and improving the lives of people of African descent, including by contributing to the elaboration of a United Nations declaration on the promotion and full respect of the human rights of people of African descent.¹⁰ The high-level meeting, to be held in September 2021 on the occasion of the twentieth anniversary of the Durban Declaration and Programme of Action, on the theme “Reparations, racial justice and equality for people of African descent”, presents another opportunity to increase global understanding of the issues pertaining to reparatory justice for people of African descent. These processes should be leveraged in an integrated and forward-looking manner so as to maximize their collective impact.

87. Member States are encouraged to show stronger political will to accelerate action for racial justice and equality, including by taking concrete steps to implement the recommendations made by United Nations and regional human rights mechanisms, commissions of inquiry, national human rights institutions and equality bodies.

¹⁰ General Assembly resolutions [69/16](#), [73/262](#) and [74/137](#).

88. In particular, Member States should cooperate fully with the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, including by extending invitations to them to carry out country visits and by implementing their thematic and country-based recommendations. Member States are also encouraged to cooperate with the new international independent expert mechanism established by the Human Rights Council in its resolution [47/21](#).

89. Businesses also have a key role to play in helping to end racial discrimination. In line with their responsibility to respect human rights as set out by the United Nations Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework ([A/HRC/17/31](#), annex), private sector entities should embed diversity and inclusion in their policies and processes, identify issues of racial discrimination with which they may be involved, address issues of racism and racial discrimination within their workplaces and supply chains and take steps to ensure that their operations, products and services, including artificial intelligence-based systems and tools, do not cause or contribute or are not linked to racial discrimination.

90. Member States as well as businesses should strengthen their responses to address hate speech. Member States should dedicate resources to taking appropriate measures to combat racism and should take steps to encourage companies to meet their responsibilities under the United Nations Guiding Principles on Business and Human Rights. The media, especially social media providers, should take action to address content that incites violence, discrimination or hostility, guided by applicable national laws and regulations and the six-part test developed in the Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence ([A/HRC/22/17/Add.4](#), appendix).

91. Member States should prioritize attaining racial equality in implementing the 2030 Agenda for Sustainable Development and ensure that no persons or communities are left behind, through meaningful participation and consultation on human rights issues affecting them. Generally, it is essential that those affected by racial inequality are able to participate fully in processes that have an impact on their lives, and that their voices are heard and respected. Member States should also increase awareness about national and other remedies available for human rights violations based on racial discrimination and racism.