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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

Implementation of the International Decade for People of African Descent

Report of the Secretary-General**

Summary

The present report, submitted pursuant to General Assembly resolution [69/16](#), is focused on the collection and use of disaggregated data in efforts to promote and protect the human rights of people of African descent. As the starting point for the report, the Secretary-General takes international human rights standards and good practices related to data collection, analysis, dissemination and publication. He draws on the observations and recommendations of international human rights mechanisms and on contributions from stakeholders.

In the report, the Secretary-General recommends that States apply a human rights-based approach to data in order to understand and combat the discrimination experienced by people of African descent. The approach is based, inter alia, on respecting the self-identification of rights-holders as people of African descent. The human rights-based approach also promotes participatory and transparent data-gathering exercises, as well as privacy and security safeguards that would mitigate the risk of violations in the process of data management.

* [A/77/150](#).

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



I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/16, by which the Assembly requested the Secretary-General to submit an annual progress report on the implementation of the International Decade for People of African Descent (2015–2024). It provides an overview of the role that disaggregated data play in ensuring the enjoyment of human rights and fundamental freedoms by people of African descent. In the report, the Secretary-General draws on responses to a questionnaire that the Office of the United Nations High Commissioner for Human Rights (OHCHR) circulated to stakeholders,¹ as well as on the recommendations and observations of international human rights mechanisms related to the use of disaggregated data as a tool for monitoring and guaranteeing human rights.

2. In line with the 2030 Agenda for Sustainable Development, the United Nations has redoubled efforts to counteract the harmful impact of inequalities on sustainable development. Recent global challenges, such as the coronavirus disease (COVID-19) pandemic, have laid bare structural inequalities that have persisted for many populations around the world, including for people of African descent.² The absence of disaggregated data on people of African descent helped to obscure those inequalities, hampering the ability of States to respond effectively. In order to heed the call to leave no one behind, the present report is focused on disaggregated data as a tool for highlighting, and then effectively addressing, disparities that contribute to unequal development and human rights outcomes for people of African descent.

II. Human rights and disaggregated data

3. International human rights mechanisms have called upon States to compile, analyse, disseminate and publish data disaggregated by race and ethnicity in order to guarantee equality.³ The collection of those data is a first step towards making visible the challenges faced by communities of African descent. The recommendation that States collect disaggregated data stems from their human rights obligation to combat racism and discrimination. One component of the right to equality is the right to information about the occurrence of discrimination, both individual and structural. The obligation to combat inequality entails an obligation upon States to understand how inequality is manifested and to take and monitor measures aimed at remedying that inequality.⁴ Compiling, analysing, disseminating and publishing disaggregated data on people of African descent is a crucial step that must inform the design of legislation, policies and programmes that would advance human rights, combat discrimination and attain equality.⁵

¹ On 3 and 4 May 2022, OHCHR circulated questionnaires addressed to States, national human rights institutions and civil society organizations requesting information for the present report. As at 30 June 2022, it had received written submissions from six Member States (Argentina, Ecuador, Guatemala, Kenya, Mexico and Spain).

² The pandemic revealed that systemic racism heightened the exposure of people of African descent to the virus while presenting obstacles to diagnosis and treatment. See OHCHR, “Racial discrimination in the context of the COVID-19 crisis”, 22 June 2020.

³ See section II.B.

⁴ A/70/335, para. 18.

⁵ Economic Commission for Latin America and the Caribbean (ECLAC)/OHCHR, *People of African descent in Latin America and the Caribbean: developing indicators to measure and counter inequalities*, document LC/TS.2019/62, p. 23.

A. Data disaggregation to advance racial equality

4. Gathering diverse data specific to people of African descent by States can help to shed light on their experiences. This includes data from: national and local censuses; household surveys; vital statistics; records archives; case studies; surveys of attitudes, perceptions and behaviours; and racial disparity audits. Data derived from such sources provides evidence-based information for use in measuring the social, political, civil, economic and cultural situation of people of African descent.

5. Data on people of African descent may serve as a precondition for the recognition of their existence as a group in the countries where they reside. Beyond capturing the presence of a community in a State, disaggregated data specifically on people of African descent would bring attention to this population and raise awareness among the broader society of the contributions of people of African descent to their countries.⁶

6. Disaggregated data are also useful as evidence of discriminatory treatment. For example, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has observed that legal proceedings to bring about accountability for discriminatory acts benefit from the availability of relevant data.⁷ Similarly, human rights mechanisms use data to understand the level of compliance with human rights treaty obligations.⁸

7. Data also provide an empirical means of measuring progress. For instance, Ecuador noted that its National Council for the Equality of Peoples and Nationalities periodically develops an equal rights agenda focused on indigenous peoples, Afro-Ecuadorian people and the Montubio people. The agenda is part of the country's national policy planning system. In order to advance the agenda, the State disaggregates data on people of African descent, as well as on indigenous and Montubio peoples.⁹

8. Data on minority groups and on groups that have historically been subjected to discrimination are an important tool for illuminating institutional and structural racism that can be more subtle and thus more difficult to detect and that is often more persistent than individualized racial discrimination.¹⁰ In addition, the data help to identify ways in which generalized policies that produce positive outcomes for a heterogeneous population may nevertheless fail to produce similar outcomes for specific groups within that population. For example, data gathered between 2005 and 2015 by the World Bank revealed that households of people of African descent in Latin America were more than twice as likely to be chronically poor than households of people of non-African descent in the region.¹¹ These data suggest the need to make targeted interventions or take special measures to equalize the socioeconomic situation of communities within the region.¹²

9. Data should form the basis for decision-making by public authorities and be deployed in the design of legislation, policies and programmes with the aim of counteracting structural inequality.¹³ The general absence of baseline studies with

⁶ [A/65/295](#), para. 52; and [A/70/335](#), para. 35.

⁷ [A/65/295](#), para. 56.

⁸ See e.g. Committee on the Elimination of Racial Discrimination, general recommendation No. 4 (1987).

⁹ Information provided in the written submission of Ecuador.

¹⁰ World Bank, *Afro-descendants in Latin America: Toward a Framework of Inclusion* (Washington, D.C., 2018), p. 77.

¹¹ [A/HRC/42/59](#), para. 29.

¹² [A/70/335](#), para. 33.

¹³ [A/65/295](#), para. 52.

disaggregated information related to people of African descent is an impediment to policymaking that would reduce socioeconomic inequalities.¹⁴

10. The collection and publication of information from historical sources, such as those related to enslavement, the transatlantic trade in enslaved Africans and colonialism, and their legacies, ground public debates in evidence and help to counteract harmful misconceptions. Such information has the potential to empower people of African descent and inform discussions about reparatory justice.¹⁵

11. In her 2021 report 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 submitted pursuant to Human Rights Council resolution 43/1, the United Nations High Commissioner for Human Rights stated that expressly recognizing people of African descent in national censuses and statistics was a first step to acknowledging their identity and heritages. In addition, she noted that, as a general matter, States did not yet collect, analyse and apply data disaggregated by race or ethnic origin on a systematic basis, including to understand the effects of laws, policies and practices on different racial or ethnic groups.¹⁶

12. Further, in her four-point agenda towards transformative change for racial justice and equality, the High Commissioner encouraged States to collect and make public comprehensive data disaggregated by race or ethnic origin, as well as by gender, age and other factors, with strict safeguards and in accordance with international human rights law.¹⁷

13. Human rights mechanisms have affirmed that a general lack of disaggregated data contributes to the invisibility of populations of people of African descent around the world.¹⁸ For example, the Special Rapporteur noted, in 2015, that the collection of data disaggregated by identity was the exception rather than the norm since the mandate had been in place.¹⁹ In practice, Member States that collected this information did so on a discretionary basis rather than pursuant to an institutional requirement.²⁰ Thus, efforts to counteract contemporary forms of racism, racial discrimination, xenophobia and related intolerance were severely hampered.

B. Frameworks related to disaggregated data

14. In the Durban Declaration and Programme of Action, States were urged to collect, compile, analyse, disseminate and publish disaggregated data about victims of racism, racial discrimination, xenophobia and related intolerance. In the Programme of Action, Member States were encouraged to collect this information through voluntary, transparent and participatory processes that empower individuals to self-report their identities.²¹

15. To fulfil social development commitments, States were urged in the Programme of Action to adopt and implement social development policies based on reliable statistical data.²² To combat racial profiling, States were further urged to establish working groups that would improve coordination, community involvement, training

¹⁴ [A/74/308](#), para. 34.

¹⁵ [A/HRC/42/59](#), para. 77.

¹⁶ [A/HRC/47/53](#), paras. 16 and 20.

¹⁷ *Ibid.*, annex, sect. I, para. 3.

¹⁸ See e.g. [A/HRC/42/59](#), para. 68.

¹⁹ [A/70/335](#), para. 36.

²⁰ *Ibid.*, para. 84.

²¹ [A/CONF.189/12](#), sect. III.A.2, paras. 92–98.

²² *Ibid.*, sect. V, para. 176.

and education around data collection for the purposes of criminal investigations.²³ Moreover, States were urged to enhance data collection related to racially motivated violence, racial discrimination, xenophobia and related intolerance.²⁴

16. In paragraph 9 of its general recommendation No. 34 (2011), on racial discrimination against people of African descent, the Committee on the Elimination of Racial Discrimination recommended that States take steps to identify communities of African descent living in their territories, especially through the collection of disaggregated data on those communities. The Committee further recommended that States conduct periodic surveys on the reality of discrimination faced by people of African descent and other communities subject to racial discrimination, including to inform State party reviews.²⁵

17. Similarly, the Committee on Economic, Social and Cultural Rights has indicated that the obligation of States to promote human rights necessarily includes an obligation to diagnose the enjoyment of economic, social and cultural rights by rights-holders. Beyond the preparation of aggregate statistics, the Committee has encouraged States to draw attention to the situation of groups or subgroups that are vulnerable or disadvantaged or who have suffered historical or persistent prejudice. It noted that quantitative and qualitative data would help to fully assess the situation of those groups.²⁶

18. The programme of activities for the implementation of the International Decade for People of African Descent included a call upon States to collect, compile, analyse, disseminate and publish reliable disaggregated statistical data at the national and local levels. This information would enable the regular assessment of the situation of people of African descent who are victims of racism.²⁷ The programme also included a call upon the international community and international and regional organizations to assign particular priority to technical assistance projects devoted to the collection of statistical data concerning people of African descent.²⁸

19. The Working Group of Experts on People of African Descent has similarly called upon States to map and analyse disaggregated data that would help to measure inequality and the enjoyment of human rights of people of African descent.²⁹ The Working Group has promoted a human rights-based approach to such data collection by recommending that States employ methods that are transparent, accountable and based on self-identification, that allow for broad participation and that take safeguards related to privacy and accountability.³⁰

20. In addition, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has urged Member States to establish legal and institutional frameworks guaranteeing the periodic collection of ethnically disaggregated data.³¹ The Special Rapporteur has recommended that States use these data to design anti-discrimination legislation and policies and to monitor their effectiveness.³² An analysis of disaggregated data would highlight the existence and extent of discrimination. In addition, it would enable States to design evidence-

²³ *Ibid.*, sect. III.A.1, para. 74 (iii).

²⁴ *Ibid.*, para. 74 (v).

²⁵ Committee on the Elimination of Racial Discrimination, general recommendation No. 34 (2011); *ibid.*, general recommendation No. 4 (1987).

²⁶ Committee on Economic, Social and Cultural Rights, general comment No. 1.

²⁷ General Assembly resolution 69/16, annex, pp. 6–7.

²⁸ *Ibid.*, annex, p. 12.

²⁹ [A/HRC/42/59](#), para. 58.

³⁰ *Ibid.*, para. 83.

³¹ [A/70/335](#), para. 84.

³² [A/65/295](#), para. 100.

based responses to contemporary forms of racism, racial discrimination, xenophobia and related intolerance.³³

21. The Special Rapporteur has advised Member States to collect data with the consent of those involved and to respect principles of privacy and self-identification and the involvement of all concerned in the course of data collection.³⁴ To this end, he has recommended that States devote adequate financial resources to national institutions that collect, analyse and disseminate reliable ethnically disaggregated data and indicators.³⁵ The Special Rapporteur has also encouraged States to seek appropriate technical or financial assistance to meet these obligations.³⁶

22. The compilation of disaggregated data on the situation of people of African descent would contribute to the advancement of the 2030 Agenda for Sustainable Development. Eliminating discriminatory laws, policies and practices is a target of the Sustainable Development Goals, and data are necessary to achieve that target.³⁷ In addition, States are encouraged to enhance capacity-building that would increase the availability of disaggregated data, including data disaggregated by race and ethnicity, in order to strengthen the Global Partnership for Sustainable Development.³⁸ To date, some progress has been made towards the target of building capacity to increase the availability of quality disaggregated data. However, the progress made has not been sufficient to meet the target.³⁹

III. Progress and challenges in the collection and use of disaggregated data on people of African descent

A. Progress in collecting and using disaggregated data

23. Some States have gradually begun to collect information about people of African descent when compiling census information. In addition, they have generated data highlighting attitudes and perceptions concerning people of African descent. Furthermore, disaggregated information on health, education, employment, housing and the justice system has illuminated aspects of the level of enjoyment of human rights by people of African descent in their countries of residence, as well as relevant gaps in the protection of human rights. However, the information available is uneven among countries, and more remains to be done to fully capture the experiences and needs of communities of African descent and the policy measures that need to be taken.⁴⁰

Census information

24. Countries in Latin America in particular have increasingly sought to gather information on people of African descent through their census exercises in the period preceding and during the International Decade for People of African Descent.⁴¹ In Peru, a 2017 census allowed Afro-Peruvians to self-identify.⁴² Guatemala indicated

³³ A/70/335, para. 84.

³⁴ A/65/295, para. 101.

³⁵ Ibid., para. 103.

³⁶ A/70/335, para. 87.

³⁷ See General Assembly resolution 70/1, target 10.3.

³⁸ Ibid., target 17.18.

³⁹ *The Sustainable Development Goals Report 2020* (United Nations publication, 2020), p. 61.

⁴⁰ A/HRC/47/53, para. 16.

⁴¹ See e.g. A/HRC/42/59/Add.2, para. 11; and A/70/335, para. 70.

⁴² A/HRC/45/44/Add.2, para. 42.

that its 2018 census had enabled Afro-descendant people and Garífuna people (recognized as both an Afro-descendant and indigenous people) to self-identify.⁴³

25. In preparation for their 2020 census exercises, the United Nations Population Fund (UNFPA) provided technical assistance to national bodies in Latin America and the Caribbean that built the capacity of institutions to ensure that an ethnicity variable was included in census surveys.⁴⁴ For example, from 2018, UNFPA facilitated consultations with Quilombola localities, which are communities of African descent in Brazil, together with the Brazilian Institute of Geography and Statistics, that enabled community review of the ethnicity variable.⁴⁵

26. In its submission, Spain indicated that it had begun a dialogue with civil society groups on the advisability of introducing a question on ethnic origin into government data gathering. The question of disaggregation on the basis of ethnic origin was discussed during the country's Anti-Racism Week, which coincides with celebrations for the International Day for the Elimination of Racial Discrimination and the International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade.⁴⁶

Attitudes, perceptions, and incidents of discrimination

27. In Europe, anti-racism bodies have sought to understand the perspectives of people of African descent and the discrimination that they encounter where they live. For example, the Federal Commission against Racism in Switzerland and its Federal Statistical Office worked together to collect data on the experiences and perceptions of people of African descent. The aim of the exercise was to document the attitudes that people of African descent encounter in Switzerland and the nature of the racism that they faced.⁴⁷ Data collected in 2017 showed that the majority of the Swiss population perceived that Black people experienced discrimination in sectors like housing and employment. However, most of the population assumed that anti-Black racism was not a social problem. In a separate study commissioned by the Commission, people who identified as Black universally reported experiencing racism.⁴⁸

28. Spain noted that its Council for the Elimination of Ethnic or Racial Discrimination has published quarterly and annual reports on incidents of discrimination experienced by people of African descent and other groups. The reports allow for a broader analysis of the ways in which people of African descent encounter discrimination in Spain.⁴⁹

29. At the regional level, the European Union Agency for Fundamental Rights has conducted two large-scale surveys, published in 2010 and 2017, assessing the experiences of migrants and ethnic minorities in the European Union. A 2018 report arising from the second survey, entitled "Being Black in the EU", recounts the common experiences of racist harassment and discriminatory incidents reported by

⁴³ Information provided in the written submission of Guatemala.

⁴⁴ [A/74/308](#), box 9.

⁴⁵ See www.unfpa.org/video/quilombolas-brazilian-demographic-census.

⁴⁶ Information provided in the written submission of Spain.

⁴⁷ [A/74/308](#), box 8.

⁴⁸ Switzerland, Federal Department of Home Affairs, *Racial Discrimination in Switzerland: 2019/2020 Report of the Service for Combating Racism*, pp. 154–155, available in German only at www.edi.admin.ch/edi/en/home/fachstellen/frb/berichterstattung-und-monitoring/bericht--rassistische-diskriminierung-in-der-schweiz-.html.

⁴⁹ Information provided in the written submission of Spain.

people of African descent. In the majority of those cases, the victims did not report their experiences to the authorities.⁵⁰

30. Data experts recommend the collection of standardized data recorded about the same populations at different intervals, which would allow for the comparison of situations over time.⁵¹ A promising example of this approach is the data gathered by the National Institute against Discrimination, Xenophobia and Racism of Argentina. The Institute collects and analyses data on discrimination periodically and has mapped discrimination at the local and national levels at different intervals since 2007. Because of the periodic nature of its mapping exercise, the Institute is now able to compare earlier data with those gathered as recently as 2019.⁵² For people of African descent who constitute small or particularly marginalized segments of a society, States should balance this periodic approach with considerations about overburdening the subjects of the data collection.⁵³ Furthermore, the Working Group of Experts on People of African Descent has recommended that States additionally gather indications of the status of people of African descent in public life. For example, data on representation in the political field, the judiciary and law enforcement would be indicators of the empowerment of people of African descent in a society.⁵⁴

Administration of justice

31. The 2021 report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 43/1 included among its recommendations that States should produce disaggregated data on racial profiling incidents, on deaths and on serious injuries that result from contact with law enforcement. The report also contained a recommendation that States produce data demonstrating how frequently such incidents are prosecuted and result in convictions.⁵⁵ It was previously recommended that data gathered by States related to the administration of justice should also include information about daily law enforcement practices, such as that related to searches and stops, arrests, identity checks and border control measures.⁵⁶

32. The Equality Act of 2010 of the United Kingdom of Great Britain and Northern Ireland is emblematic in this regard. It requires a wide range of law enforcement authorities to collect disaggregated data that demonstrate progress towards equality goals, including racial equality goals. This includes information gleaned from tax authorities, licensing bodies, immigration authorities and customs officials, in addition to data from the police.⁵⁷ A racial disparity audit published in 2018 found that approximately 150 sources had produced ethnicity data pursuant to the Act.⁵⁸ In the justice sector, administrative bodies have produced ethnically disaggregated data on prisons and custody, courts and crimes.⁵⁹

⁵⁰ European Union Agency for Fundamental Rights, *Second European Union Minorities and Discrimination Survey: Being Black in the EU* (Luxembourg, 2018), pp. 9–10.

⁵¹ E/C.19/2004/2, para. 19.

⁵² A/HRC/42/59/Add.2, para. 15.

⁵³ OHCHR, “A human rights-based approach to data: leaving no one behind in the 2030 Agenda for Sustainable Development”, 2018, p. 4.

⁵⁴ A/HRC/33/61/Add.1, para. 81.

⁵⁵ A/HRC/47/53, para. 40.

⁵⁶ A/73/354, para. 34.

⁵⁷ A/70/335, para. 75.

⁵⁸ See www.ons.gov.uk/methodology/methodologicalpublications/generalmethodology/onsworkingpaperseries/equalitiesdataauditfinalreport#race-and-ethnicity.

⁵⁹ See www.ethnicity-facts-figures.service.gov.uk.

33. The collection of disaggregated data would help to reveal patterns of disparity, systemic discrimination and trends.⁶⁰ For example, data from the United States of America and Canada show that people of African descent are overrepresented among the population of people subjected to police searches, arrests and killings by law enforcement in those countries.⁶¹ Disaggregated data from the United Kingdom and surveys conducted by human rights institutions in France and the European Union have shown that people of African descent faced more frequent stops and identity checks by law enforcement.⁶² Disaggregated data can also contribute to raising awareness among law enforcement officials, with the goal of enabling more conscientious decision-making.⁶³

34. Nevertheless, there are gaps in the information related to the administration of justice gathered by States that is disaggregated by race or ethnic origin. For instance, while some States generate data on complaints or decisions related to the work of national equality bodies, similar data are not collected from the police or the courts.⁶⁴

35. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has expressed grave concern about the absence of data on hate crime incidents worldwide, which has contributed to impunity for racially motivated attacks. He attributed those shortcomings to a lack of awareness among authorities.⁶⁵

36. Likewise, participating States, international organizations and civil society groups contribute to a public database of hate crime incidents managed by the Organization for Security and Cooperation in Europe.⁶⁶ At the national level, the Working Group of Experts on People of African Descent welcomed the establishment of a national register of incidents of hate crime in Spain during its visit.⁶⁷ However, such examples are exceptions rather than the norm.

37. Diversifying the types of data gathered beyond those data traditionally collected by law enforcement would provide a more robust picture of the interaction between people of African descent and the justice sector. For example, surveys and direct observations from people of African descent themselves could contribute to more holistic assessments of systemic discrimination in the administration of justice.⁶⁸ One approach is to take qualitative data on the psychological toll of negative interactions with law enforcement, even if those interactions do not result in death or serious injury.⁶⁹

38. Independent bodies should seek the views of people deprived of their liberty to understand how different aspects of the criminal justice system affect people of African descent. This could help, for example, to pinpoint practices that have led to a disproportionate presence of people of African descent in places of detention and to more punitive placements within the detention system. In Ontario, Canada, for instance, data published by the Office of the Correctional Investigator showed that, in the period 2016–2017, Black detainees in Ontario represented one fifth of the population of detainees in maximum security detention despite comprising 14 per

⁶⁰ A/73/354, para. 35.

⁶¹ A/HRC/47/53, para. 24; and A/HRC/42/59, para. 38.

⁶² A/HRC/47/CRP.1, paras. 84–85.

⁶³ A/73/354, para. 35.

⁶⁴ A/HRC/51/55, para. 51.

⁶⁵ A/70/335, para. 71.

⁶⁶ See <https://hatecrime.osce.org/index.php>.

⁶⁷ A/HRC/39/69/Add.2, para. 16.

⁶⁸ A/HRC/51/55, para. 56.

⁶⁹ See Sirry Alang and others, “Police brutality and Black health: setting the agenda for public health scholars”, *American Journal of Public Health*, vol. 107, No. 5 (May 2017), pp. 663–664.

cent of the population in detention and 3 per cent of the general population. Black detainees were also overrepresented among the detainees receiving involuntary and disciplinary segregation and in incidents in which corrections staff used physical force.⁷⁰

39. In its report on disaggregated data and the criminal justice system, the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement noted that data on the resourcing of law enforcement, and data related to the financing of justice institutions more generally, could help to ensure that people of African descent were equally protected by law enforcement and the justice sector.⁷¹

Employment

40. Employment is one indicator of the socioeconomic status of people of African descent that States should aim to capture.⁷² In her 2021 report pursuant to Human Rights Council resolution 43/1, the High Commissioner indicated that, in countries with sizeable populations of people of African descent, people of African descent tended to have higher rates of unemployment, earned lower wages and were disproportionately concentrated in less-skilled occupations.⁷³

41. In the United Kingdom, under the Race Relations Act of 1976 and the Data Protection Act of 1998, the collection of disaggregated data is legally required as a means of monitoring disparities in treatment and opportunities afforded to different ethnic groups. Going even beyond public bodies, under the Race Relations Act, large private employers are legally required to collect disaggregated data on employment in addition to the data gathered by public authorities.⁷⁴ The policy of the United Kingdom of collecting data disaggregated by ethnic identity has enabled it to address shortcomings revealed by the data, such as disparities experienced by people of African descent in the workforce. A racial disparity audit conducted by the United Kingdom also illuminated further factors that contributed to the inequality experienced by people of African descent in the country, such as inequality that correlated to the location of individuals.⁷⁵

42. Mexico noted that several of its government bodies and research centres had worked together on a national survey on discrimination in 2017, which was aimed at generating statistical information about the causes and manifestations of structural discrimination in Mexico. The survey, which reached 39,000 households, served to gather information about the manifestations of discrimination in the country, the links between discrimination and socioeconomic inequality, discrimination on an intersectional basis, and the perspectives of populations that have historically experienced discrimination, including people of African descent. Respecting the principle of self-identification, the survey had showed that a higher percentage of people of African descent in Mexico worked in sectors related to personal services, agriculture and support than the national average. In addition, a lower percentage of that population was employed in professional and technical occupations.⁷⁶

⁷⁰ Canada, Office of the Correctional Investigator, *Annual Report 2016–2017* (2017), pp. 55–56.

⁷¹ [A/HRC/51/55](#), para. 71.

⁷² See art. 5 (e) (i) of the International Convention on the Elimination of All Forms of Racial Discrimination.

⁷³ [A/HRC/47/53](#), para. 11.

⁷⁴ [A/70/335](#), para. 69.

⁷⁵ [A/HRC/42/59](#), paras. 32 and 33.

⁷⁶ Information provided in the written submission of Mexico.

Housing

43. States should measure the extent to which people of African descent enjoy the right to adequate housing.⁷⁷ In her 2021 report, the High Commissioner stated that, in countries with sizeable populations of people of African descent, people of African descent tended to live in geographical locations that were segregated, disadvantaged and subjected to hazards. In some countries, people of African descent were housed in areas lacking access to clean water and exposed to environmental pollution.⁷⁸

44. Disaggregated data would identify the specific obstacles to adequate housing that people of African descent face in the countries where they reside. For example, government data provided to the Working Group of Experts on People of African Descent showed that, as of 2018, 56 per cent of Ecuadorians of African descent lacked adequate housing.⁷⁹ In addition, comparative data published in 2018 by the European Union Agency for Fundamental Rights confirmed that the rate of home ownership was relatively low for people of African descent in the European Union.⁸⁰

Education

45. States should aim to capture information about literacy and the education of people of African descent in the social and economic indicators that they track.⁸¹ A joint research project by OHCHR and the Economic Commission on Latin America and the Caribbean (ECLAC) identified 33 total indicators that would enable the monitoring of State progress towards the Sustainable Development Goals. In addition, the indicators would help to monitor the fulfilment of the Montevideo Consensus on Population and Development and the implementation of the programme of activities of the International Decade. Education was one such indicator.⁸²

46. Albeit limited, the data available on the experience of children and young people in education systems around the world suggest that students of African descent have comparatively lower access to education than other students. In Ecuador, for example, the Working Group of Experts on People of African Descent learned that, according to the national survey on employment, unemployment and underemployment in 2019, more than half of Afro-Ecuadorians did not complete their primary education, and only 23.6 per cent of Afro-Ecuadorians went on to secondary schooling.⁸³ According to a 2014 study, less than one third of people of African descent in Peru had access to tertiary education.⁸⁴

47. Similarly, the national survey on discrimination of Mexico showed that the percentage of people of African descent who lacked formal education in the country was higher than the national average. The survey also showed that a greater percentage of that population than average had begun, but not completed, primary school. Mexico indicated that, beyond capturing the status of students of African descent in the education sector, the survey had helped to show how inequalities originating in one sector could contribute to inequalities experienced in another sector. For example, inequalities in education and health care were linked.⁸⁵

⁷⁷ See art. 5 (e) (iii) of the International Convention on the Elimination of All Forms of Racial Discrimination.

⁷⁸ [A/HRC/47/53](#), para. 11.

⁷⁹ [A/HRC/45/44/Add.1](#), para. 65.

⁸⁰ European Union Agency for Fundamental Rights, *Second European Union Minorities and Discrimination Survey: Being Black in the EU* (Luxembourg, 2018), pp. 57–58.

⁸¹ See International Convention on the Elimination of All Forms of Racial Discrimination, art. 5 (e) (v).

⁸² ECLAC/OHCHR, *People of African descent in Latin America and the Caribbean*, pp. 24–27.

⁸³ [A/HRC/45/44/Add.1](#), para. 59.

⁸⁴ [A/HRC/45/44/Add.2](#), para. 39.

⁸⁵ Information provided in the written submission of Mexico.

48. Once in school, students of African descent may be subjected to harsher punishments than their peers in a way that has downstream effects on their educational attainment. For example, data collected by the Department of Education of the United States during the 2017–18 school year showed that young children of African descent disproportionately received punishments that required them to stay out of school, ultimately affecting their access to education.⁸⁶ Data collection exercises could additionally be aimed at capturing disparities related to academic performance, early dropout rates, and resources invested in the education of students of African descent.

Health

49. States should aim to collect and analyse the extent to which people of African descent enjoy the right to adequate health. Relevant indicators include those related to health status, life expectancy, maternal mortality, childhood mortality and access to health care.⁸⁷ For example, the Centers for Disease Control and Prevention in the United States have published data showing that, in 2018, non-Hispanic Black American children were more than twice as likely to die before their first birthday than non-Hispanic White American children.⁸⁸ As another example, States within the Council of Europe that collected disaggregated data on health diagnoses were able to identify the disproportionate impact of COVID-19 on ethnic minorities, including on people of African descent.⁸⁹

50. Health status is one of the 33 indicators that ECLAC and OHCHR have identified as relevant to understanding progress towards the Sustainable Development Goals, the Montevideo Consensus on Population and Development and the implementation of the programme of activities of the International Decade for People of African Descent for Latin American countries.⁹⁰

Poverty

51. Data related to poverty and income would help to illuminate the social and economic status of people of African descent. In her 2021 report, the High Commissioner indicated that, in countries where they make up a sizeable part of the population, people of African descent were more likely to be vulnerable to poverty.⁹¹

52. In Peru, for example, government data from 2018 showed that, for Afro-Peruvians, poverty levels averaged 27.5 per cent compared with 20.5 per cent nationally.⁹² Similarly, data provided in 2017 to the Working Group of Experts on People of African Descent by the Federal Statistical Office of Germany showed that people of African descent with migrant background (a variable used in lieu of self-identification) earned a monthly net income that was nearly 25 per cent lower than the mean net income of the country.⁹³

⁸⁶ See <https://www2.ed.gov/about/offices/list/ocr/docs/crdc-exclusionary-school-discipline.pdf>.

⁸⁷ ECLAC/OHCHR, *People of African descent in Latin America and the Caribbean*, p. 26.

⁸⁸ See Danielle M. Ely and Anne K. Driscoll, “Infant mortality in the United States, 2018: data from the period linked birth/infant death file”, *National Vital Statistics Reports*, vol. 69, No. 7 (Hyattsville, Maryland, National Center for Health Statistics, July 2020).

⁸⁹ Council of Europe, Steering Committee on Anti-Discrimination, Diversity and Inclusion, *COVID-19: an analysis of the anti-discrimination, diversity and inclusion dimensions in Council of Europe member States* (Strasbourg, Documents and Publications Production Department, November 2020), pp. 26–28.

⁹⁰ ECLAC/OHCHR, *People of African descent in Latin America and the Caribbean*, pp. 31–33.

⁹¹ A/HRC/47/53, para. 11.

⁹² A/HRC/45/44/Add.2, para. 39.

⁹³ A/HRC/36/60/Add.2, para. 37.

B. Challenges

53. Some of the challenges associated with data collection relate to the reluctance of some Member States to gather data disaggregated by identity owing to the concern that highlighting racial or ethnic differences could exacerbate conflict, lead to stereotyped assumptions of minority groups, or itself perpetuate disparate treatment.⁹⁴ The absence of disaggregated data nevertheless precludes States from monitoring systemic discrimination and prevents them from fully complying with obligations to guarantee racial equality.

54. Some States have focused on disaggregating data on other grounds that do not include reference to identity as a person of African descent or that do not allow for further disaggregation on the basis of race, ethnicity or descent. However, this level of disaggregation may still render people of African descent invisible even while highlighting other groups. For example, during its country visits, the Working Group of Experts on People of African Descent noted disaggregation on the basis of factors such as geography and language, which may nevertheless fail to capture the situation of people of African descent.⁹⁵ Another example is the European context, in which data are disaggregated more often by a person's national origin rather than by self-identification on the basis of race or descent.⁹⁶ As detailed below, however, people of African descent who have been citizens of a country for two or more generations may not be highlighted in such data-collection exercises.

55. In some States, capacity constraints prevent the wholesale collection of data disaggregated along lines of race and ethnicity.⁹⁷ As with other rights for whose fulfilment there are resource implications, States should seek appropriate financial and technical assistance to guarantee that discrimination is adequately monitored, including through the collection of disaggregated data.

56. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has noted that ethnic identity is complex, because it incorporates both objective and subjective factors, which are continuously evolving.⁹⁸ For example, migration from one country to another may cause a person to self-identify in different ways. Kenya highlighted that citizens of African countries might face certain forms of dehumanization and discrimination on migrating to other countries for employment, when they identified as part of the African diaspora.⁹⁹ In addition, increased opportunities to identify as mixed-race may affect self-identification with a particular race or ethnicity.¹⁰⁰

57. The history of discrimination against people of African descent in particular may affect how people self-identify. For instance, individuals may be hesitant to self-identify as part of a group that they know faces discriminatory attitudes.¹⁰¹ Furthermore, individuals may assign themselves an ethnic or racial identity that diverges from the perception of others in the same society.¹⁰² Moreover, different

⁹⁴ E/C.19/2004/2, para. 16; and A/65/295, para. 53.

⁹⁵ See e.g. A/HRC/45/44/Add.2, para. 41.

⁹⁶ See European Union Agency for Fundamental Rights, *Second European Union Minorities and Discrimination Survey: Being Black in the EU* (Luxembourg, 2018), p. 8; and European Commission High Level Group on Non-discrimination, Equality and Diversity, Subgroup on Equality Data, *Guidance Note on the Collection and Use of Equality Data Based on Racial or Ethnic Origin* (Luxembourg, 2021), pp. 42–43.

⁹⁷ A/70/335, para. 36.

⁹⁸ Ibid., paras. 55–56.

⁹⁹ Information provided in the written submission of Kenya.

¹⁰⁰ E/C.19/2004/2, para. 31 (f) to (h).

¹⁰¹ A/70/335, para. 37.

¹⁰² Ibid., para. 57.

conceptions of identity or changes in understandings of identity over time may limit comparability.¹⁰³

58. In some cultures, self-identifying as a person of African descent may erroneously be perceived as a person denying their national identity.¹⁰⁴ In such cases, raising awareness about the meaning of that identity is warranted. Argentina noted that, in 2020, its National Institute against Discrimination, Xenophobia and Racism had established a national commission for the historical recognition of the Afro-Argentine community. As part of its work to empower the Afro-Argentine population, the Commission aimed at educating the public about the recent addition of “Afrodescendant” as a category of ethnic or racial identity on the 2022 census by travelling to speak with community members and by launching the “I recognize myself” campaign, which drew attention to the importance of the 2022 census as a tool for increasing the visibility of historically marginalized groups.¹⁰⁵

59. The very act of compiling data on a particular community may raise discrimination concerns. For example, data analysis performed using artificial intelligence may reproduce biases if prejudicial assumptions are embedded in the underlying technology or if the technology has limitations that disparately affect people of African descent. The Committee on the Elimination of Racial Discrimination and the Working Group of Experts on People of African Descent have expressed concerns about such data generation, including about algorithmic decision-making that functions in ways that may lead to racial profiling.¹⁰⁶

60. States should clearly explain the purposes of their data collection. Otherwise, officials asked to gather data may interpret such exercises as punitive, especially when data on law enforcement are gathered.¹⁰⁷ In other circumstances, a respondent may be reluctant to self-identify as a person of African descent owing to historically grounded fears of exposure to racial profiling and of increased vulnerability to human rights violations.¹⁰⁸

61. Data gathering poses concerns regarding privacy and the security of the information gathered, especially for communities that have faced discriminatory surveillance and stigmatization. This is also true for data collection conducted through online means.¹⁰⁹ Accordingly, States should institute safeguards to avoid doing harm to people of African descent when gathering data.

62. Finally, it is important to acknowledge that the mere collection of quantitative data on social conditions does not automatically provide an explanation of the causes of those conditions. It is essential that causation is not attributed inaccurately. This is a vital consideration, given that statistics have been cited to perpetuate stereotypes about people of African descent.

¹⁰³ [A/HRC/51/55](#), para. 64.

¹⁰⁴ [A/HRC/45/44/Add.2](#), para. 41.

¹⁰⁵ Information provided in the written submission of Argentina.

¹⁰⁶ [A/HRC/42/59](#), paras. 37, 39, 40 and 48; and Committee on the Elimination of Racial Discrimination, general recommendation No. 36 (2020).

¹⁰⁷ [A/HRC/51/55](#), para. 59.

¹⁰⁸ [A/70/335](#), para. 42; and [A/HRC/51/55](#), para. 53.

¹⁰⁹ [A/HRC/42/59](#), para. 41; and [A/65/295](#), para. 53.

IV. Respecting rights while collecting disaggregated data

A. Self-identification

63. Human rights-based data collection can help to address many of the challenges that States encounter when seeking to collect disaggregated data. One core component of the human rights-based approach is the principle of self-identification. Drawn from general recommendation No. 8 (1990) of the Committee on the Elimination of Racial Discrimination, the principle of self-identification stems from the idea that States should not impose identities on individuals.¹¹⁰ In processes based on self-identification, respondents to data-collection exercises are free to select the identity with which they associate themselves.

64. Respect for the principle of self-identification avoids processes that pre-determine status as a person of African descent on the basis of externally imposed factors, including through proxy indicators. Approximating a person's identity using factors other than self-identification can ultimately exclude some populations of people of African descent. For example, during its visit to Belgium, the Working Group of Experts on People of African Descent expressed reservations about the use of parental origin as the relevant variable in monitoring to carry out an anti-discrimination mandate. There, data on national origin or parentage posed limitations in terms of analysing the situation of people of African descent whose families had been in Belgium for more than two generations.¹¹¹ The same was true of data available in Germany, where a focus on African nationality failed to capture a segment of the population of Germans of African descent, such as those who were at least two generations removed from migration. In addition, the data did not include people who had immigrated to Germany from the African diaspora of the Americas and Europe.¹¹²

65. Under a human rights-based approach, respondents should be able to associate themselves with identities not pre-elaborated by the State, as well as with multiple identities.¹¹³ The successful inclusion by Peru of a self-identification variable in its 2017 census highlights challenges faced when unable to select multiple identities, especially in a country where the majority is mestizo, of mixed racial heritage. Research reviewed by the Working Group of Experts on People of African Descent suggested that, when required to choose between one identity or the other, Peruvians of African descent were more likely to select mestizo for many reasons, including to reflect a multicultural heritage or to disassociate themselves from discrimination and stereotypes that were prevalent in the country.¹¹⁴ This outcome suggests that allowing individuals to identify with multiple heritages might have captured more of the population of people of African descent.

66. A commitment to do no harm and respect the principle of self-identification entails including a "no response" option in surveys seeking data on ethnicity. Given the risks of the misuse of ethnicity data, as mentioned above, data collectors should only gather information on identity after respondents expressly consent to the collection of this information.¹¹⁵ Moreover, it is important to develop data-gathering processes that enable the analysis of multiple and intersecting forms of discrimination.¹¹⁶

¹¹⁰ [A/65/295](#), para. 55.

¹¹¹ [A/HRC/42/59/Add.1](#), para. 19.

¹¹² *Ibid.*

¹¹³ OHCHR, "A human rights-based approach to data", pp. 8 and 12; and [A/70/335](#), para. 57.

¹¹⁴ [A/HRC/45/44/Add.2](#), para. 44.

¹¹⁵ OHCHR, "A human rights-based approach to data", p. 17; and [A/65/295](#), para. 55.

¹¹⁶ OHCHR, "A human rights-based approach to data", p. 8.

B. Privacy and security safeguards

67. States should adhere to data privacy safeguards that avoid perpetuating privacy or confidentiality violations in the process of data collection.¹¹⁷ This includes regulating the use of such data by law and using the data only for the purposes communicated to respondents.¹¹⁸ Another good practice is to store data in secure locations, such as in independent institutions outside of the jurisdiction of courts, which would prevent the improper use of ethnicity data or the use of such data for punitive purposes.¹¹⁹

68. In some cases, such as reporting on hate crimes or incidents of discrimination, it may be necessary to identify individual victims or witnesses. However, States should identify individuals in limited circumstances and only with their consent. Moreover, when statistics are compiled, States should ensure that the identities of individual respondents cannot be determined.¹²⁰ In addition, respondents should have access to information gathered about them and the ability to correct and adjust information that does not accurately reflect their circumstances.¹²¹

C. Participation

69. Adhering to the human rights-based approach to data collection entails involving people of African descent in the design of the data-gathering process and in its implementation. Taking a participatory approach is also likely to improve the data gathering exercise, since participatory processes facilitate trust and ensure the accuracy of data collection.¹²² States should include people of African descent in all stages of data-gathering exercises, including needs assessment, data gathering, data analysis, interpretation and dissemination.¹²³

70. In addition to involving people of African descent in data collection, States could increase the diversity of data scientists to help mitigate potential risks of data gathering, including risks related to biases in methodology design and interpretation.¹²⁴ Furthermore, States should build the cross-cultural competence of data scientists who gather information from people of African descent. For example, States may choose to educate data analysts on historical legacy issues.¹²⁵ Moreover, tailoring the format of data-gathering exercises to modes of participation that are accessible to focus communities is another good practice.¹²⁶

71. At a minimum, States should share the results of data collection exercises with communities of people of African descent.¹²⁷ Where necessary, States should build the statistical literacy of communities of African descent, educate those communities on data-gathering processes and empower respondents to use the resulting data for their own purposes.¹²⁸

¹¹⁷ [A/65/295](#), para. 55.

¹¹⁸ OHCHR, “A human rights-based approach to data”, p. 16.

¹¹⁹ [A/70/335](#), para. 52.

¹²⁰ OHCHR, “A human rights-based approach to data”, p. 17.

¹²¹ [A/70/335](#), para. 47.

¹²² [A/65/295](#), para. 55.

¹²³ OHCHR, “A human rights-based approach to data”, p. 3.

¹²⁴ [A/HRC/42/59](#), para. 70; and [A/70/335](#), paras. 64–65.

¹²⁵ OHCHR, “A human rights-based approach to data”, p. 12.

¹²⁶ *Ibid.*, p. 15.

¹²⁷ [A/65/295](#), para. 55.

¹²⁸ OHCHR, “A human rights-based approach to data”, p. 4.

72. Another good participatory practice is to involve communities of African descent in the process of elaborating the ethnic categories to be examined. For example, in a contribution to the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the United Kingdom indicated that it developed the ethnic categories that form the basis of its disaggregated census data in consultation with relevant stakeholders.¹²⁹

D. Transparency

73. Transparency in data collection is related to the freedom to seek, receive and impart information, a component of the freedom of expression.¹³⁰ Ensuring that data are easily available to civil society and the public allows rights-holders transparent access to the evidence on the basis of which policy decisions are made and the means to influence those policy decisions. On subjects for which data are not available, disparities in the enjoyment of human rights may not be known or may remain anecdotal. One example of this mentioned during the twenty-fourth session of the Working Group of Experts on People of African Descent concerned the transparency of data related to climate change. The absence of public data in this area has reportedly obscured the disproportionate impact of climate change on people of African descent.¹³¹ In addition, transparency would ensure that States remain accountable for protecting the rights of people of African descent.¹³²

74. To further guarantee the transparency of data, including those relating to people of African descent, States should ensure that their data are accessible to all relevant stakeholders. As a practical matter, this means that States should translate the results of data-collection exercises into languages and formats that will allow the results to be understood by all relevant actors.¹³³

75. It is the responsibility of all government bodies that provide public services to collect data that will guarantee that their services are being provided on an equal basis. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance has highlighted the fact that a conflict of interest can arise when service providers collect data that will reflect the adequacy of their service provision. In such cases, independent agencies such as national human rights institutions or equality bodies could be tasked with analysing the data collected.¹³⁴ Furthermore, census bureaus and other agencies that collect statistical data on a regular basis should gather data disaggregated by ethnicity in order to understand the disparities that people of African descent may face.

76. Groups that have been historically marginalized and subject to discrimination do not always believe that data-gathering exercises benefit them.¹³⁵ Similarly, when data are collected by non-governmental entities, as is often the case with data on people of African descent, many concerns arise with regard to who owns the data, as well as to the censorship of the data by those who own it.¹³⁶ While States hold the ultimate responsibility for collecting data relevant to the enjoyment of human rights, Member

¹²⁹ [A/70/335](#), para. 69.

¹³⁰ OHCHR, “A human rights-based approach to data”, p. 14.

¹³¹ [A/HRC/42/59](#), para. 37.

¹³² OHCHR, “A human rights-based approach to data”, pp. 18–19.

¹³³ *Ibid.*, p. 15.

¹³⁴ [A/70/335](#), paras. 64 and 65.

¹³⁵ [E/C.19/2004/2](#), para. 30.

¹³⁶ *Ibid.*, para. 19.

States could consider empowering people of African descent to gather data for and about their own communities in order to address issues of ownership and benefit.¹³⁷

V. Conclusions and recommendations

77. **Monitoring the status of the enjoyment of human rights is an important precondition for guaranteeing the enjoyment of human rights by all rights-holders. To this end, States should compile, analyse, disseminate and publish disaggregated data on people of African descent. This includes data that are not regularly collected at present, such as qualitative data, data on hate crimes, data on the representation of people of African descent in decision-making roles and data from health, housing, education and other social sectors. In addition, States are encouraged to use these disaggregated data to design legislation, policies and programmes that would effectively address and eliminate the discrimination faced by people of African descent.**

78. **Some States have generated data on people of African descent through censuses and statistical exercises. This is encouraging, although the efforts made so far are rather piecemeal and fail to comprehensively document the situation of people of African descent worldwide. States and international organizations have published disaggregated data that speak to the situation of people of African descent in diverse sectors, including health, education, employment, housing and justice systems. These data suggest that, in many contexts, the level of enjoyment of human rights by people of African descent is lower than that of other populations.**

79. **Some States reportedly hesitate to gather data disaggregated by race and ethnicity owing to the concern that information specific to race will stoke division or expose marginalized racial or ethnic groups to further discrimination. While such concerns are understandable, broad prohibitions of the collection of disaggregated data greatly hinder efforts to combat racism. Instead, States should undertake tailored policy responses to address the issues about which they have concerns, such as the use of disaggregated data to justify stereotyping and racial profiling.**

80. **Several factors may affect how readily people identify as a person of African descent in a country. In addition, disaggregation on other grounds and the use of proxy indicators to approximate identity as a person of African descent often fail to fully capture populations of people of African descent around the world. Moreover, the process of collecting and storing data on people of African descent raises privacy and security risks, in addition to risks of further discrimination.**

81. **A human rights-based approach can help to mitigate risks related to the gathering and use of disaggregated data on people of African descent. Such an approach can also improve the outcome of data-gathering exercises. Accordingly, States should gather identity data only with express consent, and self-identification should form the basis for classification as a person of African descent. Adhering to privacy and security safeguards helps to reduce the risk of violating human rights in the process of compiling, storing and using disaggregated data.**

82. **People of African descent must be enabled to participate in all stages of data-gathering exercises. Finally, States should guarantee transparency by**

¹³⁷ Ibid., paras. 19 and 29.

making disaggregated data on people of African descent easily accessible. Transparently communicating the purposes of data-gathering exercises and remaining accountable for the results of such exercises would also inspire more confidence in the data-gathering process itself.
