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Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

**Racism, racial discrimination, xenophobia and related
forms of intolerance: follow-up to and implementation of
the Durban Declaration and Programme of Action**

Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality

Report of the United Nations High Commissioner for Human Rights ****

Summary

Pursuant to Human Rights Council resolution 47/21, in the present report, the United Nations High Commissioner for Human Rights places a spotlight on the right to participate in public affairs for people of African descent, recognizing that its effective implementation is key to ensuring that decision-making is informed by their lived experiences and expertise, and a prerequisite to transformative change for racial justice and equality. Furthermore, the High Commissioner provides an overview of broader developments and actions taken by States and others since July 2022.

The High Commissioner notes measures by some authorities at different levels to enhance participation in the context of actions to promote racial justice and equality, while highlighting the immense challenges and barriers faced by people of African descent with regard to meaningful, inclusive and safe participation.

The High Commissioner calls on States to show stronger political will, by taking concrete and special measures to implement effectively all components of the right to participate in public affairs for people of African descent. Furthermore, he urges States to use upcoming landmark moments to accelerate the pace of action and unveil multipronged comprehensive evidence-based approaches that encompass far-reaching legal, policy and

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institutional measures to dismantle systemic racism in all areas of life – developed, implemented and monitored with the meaningful participation of people of African descent.

In a guidance note annexed to the present report, and pursuant to resolution 47/21 which requests the High Commissioner to provide support for and strengthen assistance to States and other stakeholders, particularly people of African descent and their organizations, the High Commissioner brings visibility to the specific challenges faced by people of African descent with regard to participation in non-electoral contexts and gives impetus for State action to develop tailored responses to guarantee their right to participate, integrating an intersectional approach.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 47/21. It builds on previous reports of the High Commissioner, including the agenda towards transformative change for racial justice and equality.¹ The High Commissioner places a spotlight on the right to participate in public affairs for people of African descent, recognizing that its effective implementation is key to ensuring that decision-making is informed by their lived experiences and expertise, and a prerequisite to advancing towards transformative change. In the report, the High Commissioner examines challenges faced by people of African descent when exercising this right, and measures taken to enhance participation regarding actions to promote racial justice and equality. A guidance note focusing on the right to take part in the conduct of public affairs in non-electoral contexts can be found in the annex. Furthermore, the report contains an overview of broader developments and actions taken by States and others since July 2022.

2. Thirty-eight contributions² – received further to a call for submissions – informed the report and guidance note, alongside in-person and virtual consultations with over 110 individuals, mostly people of African descent, in 23 countries in different regions. The Office of the United Nations High Commissioner for Human Rights (OHCHR) is grateful to those who submitted information and participated in the consultations for sharing their lived experiences and expertise.

II. Meaningful, inclusive and safe participation of people of African descent

A. Participation as an enabler to advance human rights and transformative change

3. Meaningful, inclusive and safe participation enables the advancement of all human rights. It is key to an effective democracy, the rule of law, social inclusion, and economic and sustainable development, and essential for reducing inequalities and social conflict. As a means for empowering individuals and groups and ensuring that different voices are heard, it is a core element of human rights-based approaches aimed at eliminating marginalization and discrimination. Where meaningful and inclusive participation is achieved, decision-making is more informed and sustainable, and public institutions are more effective, transparent, accountable, and able to serve all members of communities without discrimination. This enhances the legitimacy of States' decisions and their ownership across society, and ultimately trust between public authorities and individuals and groups, including those who are marginalized or discriminated against.

4. International human rights law enshrines the right to participate in public affairs, including the rights to vote and be elected at genuine periodic elections by universal and equal suffrage and by secret ballot; to take part in the government and in the conduct of public affairs, directly or through freely chosen representatives; and to equal access to public service. These rights are guaranteed without distinction, notably as to race, colour, or national or ethnic origin.³

¹ See [A/HRC/47/53](https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans) and its annex, and the accompanying conference room paper that is available from <https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans>; and [A/HRC/51/53](https://www.ohchr.org/en/documents/reports/ahrc5153).

² See <https://www.ohchr.org/en/calls-for-input/2023/call-inputs-preparation-2023-report-united-nations-high-commissioner-human>.

³ See, notably, the Universal Declaration of Human Rights, art. 21; the International Covenant on Civil and Political Rights, arts. 2 and 25; Human Rights Committee, general comment No. 25 (1996); the International Convention on the Elimination of All Forms of Racial Discrimination, art. 5; Committee on the Elimination of Racial Discrimination, general recommendations No. 32 (2009) and No. 34 (2011); and the Declaration on the Right to Development, arts. 1 (1) and 2 (3).

5. The Durban Declaration and Programme of Action recognizes the right of people of African descent to participate freely and in equal conditions in political, social, economic and cultural life. It calls on States to ensure the full, equal and effective participation of women in decision-making at all levels, particularly in the design, implementation and evaluation of policies and measures which affect their lives.⁴ The International Decade for People of African Descent reiterates the call on States to adopt measures to enable their full, equal and effective participation.⁵

6. The High Commissioner's agenda towards transformative change for racial justice and equality calls on States to ensure that people of African descent and those who stand up against racism are protected and heard, and their concerns acted upon. This includes ensuring participation and representation of people of African descent, particularly women and youth, at every level in State institutions and policymaking processes. The guidelines for States on the effective implementation of the right to participate in public affairs provide directions for States on ensuring participation, including with regard to recognition, protection and implementation of the rights to equality and non-discrimination and ensuring inclusiveness, including of individuals and groups that are marginalized or discriminated against.⁶

B. Challenges to ensuring meaningful, inclusive and safe participation

7. People of African descent have worked to influence decision-making through elections and serving in elected or government positions, by engaging in public debate and dialogue with elected representatives, and through peaceful assemblies. They have participated through online or in-person consultations, surveys, public hearings, working groups, multi-stakeholder committees and other forums, alongside broader civil society and community action. Their leadership, persistent advocacy and participation have catalysed global conversations about justice and human rights and have resulted in their demands being placed on national, regional and international agendas. Their actions have led to legislative and policy changes, the adoption of national action plans against racism and of measures to address the legacies of enslavement and colonialism, the revision of school curricula and much more.

8. These gains have been achieved, however, in the face of considerable challenges. Consultations convened by OHCHR have emphasized that effective participation of people of African descent is inextricably linked to and hindered by experiences of systemic racism in all areas of life, often manifested in pervasive, harmful and degrading racial stereotypes, prejudice and bias. In many countries, the denial of identity documentation and minority status, and/or the absence of data, disaggregated by race or ethnic origin, reinforces their historical, social and structural invisibility. United Nations experts also raised concerns about the lack of data regarding participation.⁷

9. United Nations and regional experts highlighted the insufficient participation of people of African descent, including women, in political and public life.⁸ A major obstacle to effective participation lies in the long-standing marginalization and exclusion of people of African descent and a lack of equal access to opportunities, resources and power, which are rooted in the legacies of enslavement, the trade in enslaved Africans and colonialism, and have been mutually reinforced through cycles of structural discrimination and inequalities that have lasted for generations.⁹ Available information points to low levels of representation

⁴ See https://www.un.org/en/durbanreview2009/pdf/DDPA_full_text.pdf.

⁵ General Assembly resolution 69/16.

⁶ See https://www.ohchr.org/sites/default/files/2021-12/GuidelinesRightParticipatePublicAffairs_web.pdf.

⁷ See CERD/C/NIC/CO/15-21 and CCPR/C/GTM/CO/4.

⁸ See CCPR/C/MEX/CO/6, CEDAW/C/BOL/CO/7, CEDAW/C/HND/CO/9, CERD/C/PRT/CO/18-19, https://scm.oas.org/pdfs/2023/CIDH/IA2022_Cap_4A_EN.pdf and <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/2022-12-20/2022-12-20-EOM-WGEPAD-Australia.pdf>.

⁹ See A/HRC/47/53 and its annex, and the accompanying conference room paper that is available from <https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans>.

of people of African descent in political and public life, including in Argentina, Australia, Brazil and Greece;¹⁰ with women particularly affected,¹¹ including in Bolivia (Plurinational State of), Honduras, Iraq, Panama, Peru and Uruguay, and in Mauritania with regard to Haratin and Black African women.¹² United Nations experts have called on States to take measures, including special measures, to increase representation and ensure equality in the exercise of the right to participate.¹³

10. The impact of multiple and intersecting forms of discrimination on effective participation was highlighted, notably regarding women of African descent.¹⁴ With regard to the Americas, the Inter-American Commission on Human Rights noted that specific risk factors that women of African descent faced with regard to participation were associated with gender-based violence and deeply rooted historical patterns of discrimination that reinforced stereotypes stemming from colonialism and enslavement.¹⁵ In Ecuador, persons of African descent with disabilities have reportedly not participated on an effective, independent basis in decision-making processes concerning all matters that affect them.¹⁶ Furthermore, the consultations noted that lower socioeconomic status and poverty could hinder participation, as those affected may be preoccupied with their everyday struggle for survival.

C. Challenges to electoral participation

11. Concerns were raised about the disproportionate impact on people of African descent of measures and practices that restrict the exercise of the right to vote. In Brazil, the right to vote is suspended in the event of a final and unappealable criminal sentence, for as long as its effects last, reportedly particularly affecting people of African descent, who are overrepresented in the prison system.¹⁷ In Colombia, during the 2022 elections, OHCHR noted intense racist aggression, including by public officials, against voters.¹⁸ In the United Kingdom of Great Britain and Northern Ireland, concerns were raised about the lower than average voter registration rates among people of African descent,¹⁹ and the possible impact on voter participation of the introduction of photo identification in elections.²⁰ In the United States of America, a presidential executive order of 2021 acknowledged that “Black voters ... have faced discriminatory policies and other obstacles that disproportionately affect their communities”, including with regard to voter registration and identification laws, lack of election information, barriers to access and long lines at polling places, district gerrymandering, felon disenfranchisement laws at the state level, and weakened procedural safeguards.²¹ According to a non-governmental organization, poll workers, many of whom

¹⁰ See CERD/C/BRA/CO/18-20, <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/2022-12-20/2022-12-20-EOM-WGEPAD-Australia.pdf>, and the submissions by Generation 2.0 for Rights Equality and Diversity and the Office of the Public Defender of the Nation (Argentina).

¹¹ See A/77/160.

¹² See CEDAW/C/BOL/CO/7, CCPR/C/BOL/CO/4, CEDAW/C/HND/CO/9, CEDAW/C/IRQ/CO/7, E/C.12/PAN/CO/3, CCPR/C/PAN/CO/4, CCPR/C/PER/CO/6, CCPR/C/URY/CO/6 and CCPR/C/MRT/CO/2.

¹³ See CCPR/C/IRQ/CO/6, CEDAW/C/HND/CO/9, CCPR/C/GTM/CO/4, CCPR/C/MEX/CO/6 and CERD/C/PRT/CO/18-19.

¹⁴ See CERD/C/PRT/CO/18-19, CEDAW/C/VEN/CO/9 and https://www.europarl.europa.eu/doceo/document/TA-9-2022-0289_EN.pdf.

¹⁵ See the submission by the Inter-American Commission on Human Rights and https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2021/191.asp. See also CEDAW/C/COL/CO/9 and CEDAW/C/BOL/CO/7.

¹⁶ See CRPD/C/ECU/CO/2-3.

¹⁷ See https://www.oas.org/es/sla/ddi/docs/acceso_informacion_base_dc_leyes_pais_b_1_en.pdf, art. 15 (III), and <https://www.conectas.org/wp-content/uploads/2022/04/UPR-Direito-de-voto-docx-1.pdf>.

¹⁸ See <https://www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia> (in Spanish).

¹⁹ See <https://committees.parliament.uk/publications/3376/documents/32359/default/>.

²⁰ Submission by Global Afrikan Congress uk.

²¹ See <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/03/07/executive-order-on-promoting-access-to-voting/>, CERD/C/USA/CO/10-12 and A/77/246.

are older women of African descent, faced racial abuse, harassment and violent threats following the 2020 presidential election results.²²

12. The consultations also highlighted difficulties for people of African descent to penetrate political parties and insufficient financial support for campaigns, hindering the opportunity to be elected. Politicians of African descent, including women, reported being subjected to racial abuse and violence, online and offline.²³ In Brazil, as regards political representation, threats, hate speech, including online, and harassment and violence against women of African descent, particularly those seen as LGBTQI+, seeking or holding political office, were reported – as was a lack of accountability for such human rights violations.²⁴ A study by a non-governmental organization in Tunisia found low levels of access to information about electoral processes, weak representation, absence in the media, and reticence to participate in civic, political and cultural life, amidst broader experiences of racial discrimination among Black Tunisians.²⁵

D. Challenges relating to participation in non-electoral contexts

13. The consultations indicated that spaces and structures for people of African descent to access information, for engaging in consultation, dialogue and partnership with people of African descent, and for co-drafting, notably of policies which affect their lives, remain limited. Furthermore, insufficient efforts are undertaken to ensure that participation is inclusive of individuals who are exposed to intersectional discrimination and of voices that encapsulate the full spectrum of identities, experiences and views.

14. The consultations drew attention to one-off or cursory processes which do not allow for genuine consultation and which limit possibilities for exerting influence. People of African descent often experience their views and proposals being discredited and/or dismissed, and their knowledge and experience insufficiently considered, including in the design and implementation of policies for eliminating racism or racial discrimination. Participants rarely receive feedback on how their inputs were used. Some organizations led by people of African descent noted difficulties in gaining access to decision makers to present findings highlighting lived experiences.

15. The consultations also looked at modalities of participation regularly affecting accessibility to participatory processes, for example when material and information about processes is not made available and languages that can be used to contribute in are restricted. Limited access to information and communication technologies (ICT), and the location of in-person meetings, can also hinder participation. Typically, there is no financial or other support for participating in consultative processes – for example to cover travel or other costs and time off from work – and processes are organized during working hours or without considering childcare. This particularly affects individuals whose voluntary participation in these processes is additional to their employment or other responsibilities. Moreover, there are rarely opportunities for people to identify up front which measures would empower them – through education, capacity-building and training, for example in engaging with authorities. There is seldom recognition that these needs vary among different communities of African descent within and across countries and regions, and among the diverse identities existing within them. Smaller, local and less-resourced organizations often struggle to participate in national and multilateral decision-making forums.

16. Government authorities were called upon to enhance the participation of people of African descent in political and decision-making processes, including regarding climate

²² See <https://www.naacpldf.org/black-poll-workers-protect-democracy/>.

²³ See the conference room paper available from <https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans>.

²⁴ See CERD/C/BRA/CO/18-20 and https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2022/159.asp.

²⁵ Submission by M'nemty.

change,²⁶ drug policies²⁷ and cultural activities.²⁸ With regard to addressing the legacies of enslavement and colonialism, United Nations experts recommended that States take measures towards reparations in consultation with communities of African descent, for example in Argentina, Portugal and the United States.²⁹ In 2023, United Nations experts raised the alleged failure by Germany and Namibia “to ensure the right of Ovaherero and Nama Peoples, including women, to meaningful participation, through self-elected representatives” in the discussions which led to a 2021 joint declaration regarding the German colonial period.³⁰ Criticism was voiced about the timing and the reportedly insufficient consultation with formerly enslaved communities with regard to an acknowledgement, apology and announcement of funding made by the Kingdom of the Netherlands in December 2022 regarding its past links to enslavement.³¹ United Nations experts also raised with Mauritius and the United Kingdom the alleged lack of effective participation by the exiled Chagossian people in decision-making concerning their homeland, the Chagos Islands.³²

17. Noting the importance of the right to freedom of peaceful assembly for advancing ideas, reframing dialogue and pressing transformative policy goals, OHCHR has reported on alleged human rights violations by law enforcement officials in the context of peaceful anti-racism protests.³³ Furthermore, United Nations experts addressed Ecuador, Switzerland and the United States and several business enterprises regarding alleged misuse of the judicial system by those enterprises against community leaders and human rights defenders of African descent in Ecuador, for protesting and collective defence of the territory and the environment.³⁴

E. The lack of a safe and enabling environment, including the situation of human rights defenders

18. The consultations noted that often, processes did not provide a safe and enabling environment empowering people of African descent to participate and share their lived experiences and expertise to influence decision-making. People of African descent sometimes face racial abuse and discrimination in participatory spaces, and violations of other rights that are a prerequisite for the exercise of their right to participate in public affairs: notably violations of the rights to equality and non-discrimination, freedom of opinion and expression, including access to information, and peaceful assembly and association.

19. The consultations emphasized shrinking civic space and a lack of recognition of the legitimate and vital role of civil society actors, notably those of African descent, as a major challenge. Killings of human rights defenders of African descent continued to be reported, notably in the Americas.³⁵ In regard to Colombia, OHCHR received allegations of killings of 15 human rights defenders of African descent in 2022, including one woman; and reported that violence by armed actors severely affected Afrodescendent leadership and community

²⁶ See A/77/226, A/HRC/45/44/Add.2 and <https://www.unfpa.org/sites/default/files/pub-pdf/UNFPA%20Climate%20Change%20Brief.pdf>.

²⁷ Submission by Harm Reduction International.

²⁸ See <https://www.ohchr.org/sites/default/files/2022-07/reporta-Informe-Violencia-Territorial-en-Colombia-Recomendaciones-para-el-Nuevo-Gobierno-Oficina-ONU-Derechos-Humanos.pdf> (in Spanish), CERD/C/JAM/CO/21-24 and the submission by the Office of the Public Defender of the Nation (Argentina).

²⁹ CERD/C/ARG/CO/24-26, A/HRC/51/54/Add.2 and CERD/C/USA/CO/10-12.

³⁰ See communications DEU 1/2023 and NAM 1/2023. All communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>.

³¹ See <https://www.hrw.org/news/2022/12/15/dutch-apology-slavery-only-first-step> and <https://www.bbc.com/news/world-europe-63993283>.

³² See communications MUS 1/2023 and GBR 1/2023.

³³ See the conference room paper available from <https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans>; see also CERD/C/BRA/CO/18-20.

³⁴ See https://spcommreports.ohchr.org/TmSearch/RelCom?code=USA_16/2022.

³⁵ See https://www.oas.org/en/iachr/jsForm/?File=/en/iachr/media_center/preleases/2023/026.asp.

life, and the organizational capacity of communities and their social fabric.³⁶ In Honduras, OHCHR found that a disproportionately high number of human rights defenders of African descent had been victims of attacks, relative to their representation in the overall population.³⁷ From July 2022 to May 2023, 31 human rights defenders of African descent were victims of attacks, according to OHCHR findings.

20. Surveillance, harassment, intimidation, arrest and violence against civil society actors of African descent have a chilling effect on meaningful, inclusive and safe participation. Surveillance and harassment of activists of African descent working on police violence was alleged in the United States.³⁸ Threats, intimidation, reprisals and misuse of criminal law to target human rights defenders of African descent were reported in Argentina, Guatemala and Nicaragua,³⁹ and violence against women human rights defenders of African descent was highlighted in the Plurinational State of Bolivia.⁴⁰ Similar concerns were voiced in Brazil, alongside pervasive impunity and the absence of specific legislation and resourced programmes to protect human rights defenders facing threats.⁴¹ In Guyana, the work of human rights defenders who promote the rights of people of African descent was reportedly obstructed.⁴²

21. Limited access to sustained funding from governments to civil society organizations led by people of African descent was reported, including in Australia and the United Kingdom.⁴³ In Brazil, concerns were raised about the constricted space for dialogue between the Government and people of African descent and Quilombolas.⁴⁴ In Estonia, online sexist hate speech, particularly against women expressing positions or presenting research on issues relating to racism, was highlighted.⁴⁵ Similar concerns were voiced in regard to Nicaragua, alongside the closure of civil society organizations defending the rights of people of African descent.⁴⁶ Insufficient prior consultation was raised, notably regarding business activities, natural resource exploitation and development projects, in Jamaica⁴⁷ and other countries in the Americas.⁴⁸ In Peru, a lack of licences for community media was noted, particularly media belonging to Afro-Peruvians.⁴⁹

III. Measures aimed at facilitating participation of people of African descent

22. This section provides illustrative examples of measures to facilitate participation of people of African descent and to advance implementation of the agenda towards transformative change for racial justice and equality.

³⁶ See A/HRC/52/25; see also <https://www.ohchr.org/sites/default/files/2022-07/reporta-Informe-Violencia-Territorial-en-Colombia-Recomendaciones-para-el-Nuevo-Gobierno-Oficina-ONU-Derechos-Humanos.pdf> (in Spanish).

³⁷ See A/HRC/52/24; see also https://www.oas.org/fr/CIDH/jsForm/?File=/en/iachr/media_center/PReleases/2023/022.asp.

³⁸ Submission by the University of Minnesota Human Rights Program.

³⁹ See CERD/C/ARG/CO/24-26, E/C.12/GTM/CO/4 and CERD/C/NIC/CO/15-21.

⁴⁰ See CEDAW/C/BOL/CO/7.

⁴¹ See CERD/C/BRA/CO/18-20.

⁴² See communication GUY 1/2023.

⁴³ See <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/2022-12-20/2022-12-20-EOM-WGEPAD-Australia.pdf> and <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/statements/2023-01-27/eom-statement-UK-WGEPAD-2023-01-27.pdf>.

⁴⁴ See CERD/C/BRA/CO/18-20.

⁴⁵ See <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>.

⁴⁶ See CERD/C/NIC/CO/15-21.

⁴⁷ See CERD/C/JAM/CO/21-24.

⁴⁸ See A/HRC/52/24, E/C.12/ECU/CO/4, CERD/C/BRA/CO/18-20, CEDAW/C/BOL/CO/7, and communication USA 3/2023.

⁴⁹ See <https://www.oas.org/es/cidh/expresion/showarticle.asp?IID=2&artID=1239> (in Spanish).

A. Reversing cultures of denial, dismantling systemic racism, and accelerating the pace of action

23. Submissions by States and others highlighted legislation and other measures relating to participation, representation, equal access to public service, and/or consultation.⁵⁰ Chile described measures to establish procedures for consultations with people of African descent, following a 2019 law notably enshrining the right to be consulted on planned legislative or administrative measures that may directly affect them; as well as participatory processes to inform the revision of the 2024 census and to develop national human rights plans. Regarding initiatives notably for Afro-Mexicans, Mexico noted affirmative actions introduced for the 2020–2021 federal electoral process, and plans to ensure that actions would be developed through participatory planning processes and to provide women operating in the political sphere with tools ahead of elections.

24. Regarding Peru, the country's National Development Plan for the Afro-Peruvian Population 2016–2020 sought, notably, to strengthen public institutions and promote participation in and access to decision-making bodies; notwithstanding concerns expressed regarding inadequate baselines and implementation.⁵¹ With regard to Portugal, the National Plan to Combat Racism and Discrimination 2021–2025 comprises actions to enhance participation and representation, including for people of African descent.⁵² In the United States, the Supreme Court recently ruled that an Alabama electoral map violated the 1965 federal Voting Rights Act, which, among other measures, prohibits measures that deny or restrict the right to vote on account of race or colour.⁵³

25. Some authorities have developed legislation and anti-racism plans using participatory processes. In Canada, in 2021 and 2022, the government of British Columbia held in-person and virtual engagement sessions, notably with people of African descent, and hosted by community organizations, to gather concerns, needs and priorities related to the collection, use and disclosure of data. The public findings and survey informed the development of the Anti-Racism Data Act; and a committee will ensure that its implementation is informed by the lived experiences and expertise of affected people and continued collaboration with affected communities.⁵⁴ With regard to Ireland, the National Action Plan Against Racism 2023–2027 was informed by written submissions, an online survey, and consultations, including with individuals with lived experiences of racism, civil society and community organizations.⁵⁵ In Switzerland, in 2020, the Canton of Geneva, with the participation of the City of Geneva, organized consultations with people of African descent, leading to the formulation of measures to inform anti-racism activities.⁵⁶ In regard to the United Kingdom, the government of Wales, when preparing its Race Equality Action Plan, notably invited community groups to apply for funding to undertake community engagement on the draft Plan, and in August 2022, published a summary of the responses.⁵⁷

26. Civil society organizations took actions to enhance participation of people of African descent. In Ireland, AkiDwA established the Community Alliance Against Racism platform, where those directly affected by racism share experiences, articulate actions and suggest solutions, working with experts, policymakers, and allies in combating racism.⁵⁸ In the United States, the National Coalition on Black Civic Participation campaigned to increase

⁵⁰ Submissions by Chile, Ecuador, Mexico, Saudi Arabia, Spain, the National Independent Human Rights Commission of Burundi and the National Human Rights Commission of Nigeria.

⁵¹ See [A/HRC/45/44/Add.2](#).

⁵² See <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBQAAAB%2bLCAAAAAAABAAzNDI3NgYAMqHeagUAAA%A%3d>.

⁵³ See https://www.supremecourt.gov/opinions/22pdf/21-1086_1co6.pdf.

⁵⁴ See <https://antiracism.gov.bc.ca/history/talking-to-communities/>, <https://antiracism.gov.bc.ca/history/what-they-heard-reports/> and <https://antiracism.gov.bc.ca/data-act/anti-racism-data-committee/>.

⁵⁵ See <https://www.gov.ie/en/publication/14d79-national-action-plan-against-racism/>.

⁵⁶ See [A/HRC/51/54/Add.1](#).

⁵⁷ See <https://www.gov.wales/race-equality-action-plan-anti-racist-wales>.

⁵⁸ See <https://akidwa.ie/dismantling-racism/>.

voting and civic participation among people of African descent, including women and girls, in the 2020 census and presidential election, through in-person and online events, social media and public service announcements.⁵⁹

B. Ending impunity for human rights violations by law enforcement officials, closing trust deficits and strengthening institutional oversight

27. Some States put in place processes to inform law enforcement and criminal justice responses with a focus on people of African descent. Mexico noted that civil society organizations that defended the rights of people of African descent – many led by people of African descent – had participated in the drafting of a November 2022 protocol for judges to administer justice with an intercultural perspective in relation to this population group.

28. In Brazil, an interministerial working group – established in 2023 to formulate a policy on preventing unlawful killings of young men of African descent, on reducing social vulnerabilities and on combating systemic racism – provides for civil society participation, however one submission noted that this did not allow for permanent representation or for voting capacity.⁶⁰ In the United Kingdom, the 2022 draft *Police Race Action Plan: Improving Policing for Black People* elaborates actions to “improve community engagement and the relationship between the police and Black communities” and address the legacy of trauma and mistrust. This includes work “with Black people and external partners to design engagement methods that ensure Black voices are heard and can influence policing”.⁶¹ Some actors – including the Independent Scrutiny and Oversight Board, which was established to provide external scrutiny of the plan – reportedly called for reform of the structure of the implementation team and noted allegations that professional and lived experiences were sometimes discounted.⁶²

29. In Canada, a steering group comprising justice system experts from Black communities was established in 2023 to develop a framework for consultations by Black community organizations to inform the country’s Black Justice Strategy. The steering group will seek to ensure that the Strategy is informed by these consultations and is grounded in the diverse history, backgrounds, experiences and regional realities of Black communities, and will make its findings public.⁶³

30. In the United States, for a period of nearly two years, the Minnesota Department of Human Rights sought to put community experiences at the centre in its investigation into the Minneapolis Police Department and the City of Minneapolis. It interviewed community members, held listening sessions and met community organizations. In 2022, community-based partners gathered input through community engagement sessions, including with directly affected individuals, to inform the design of and negotiations on a court-enforceable settlement agreement (consent decree) to address racial discrimination in policing. Community members reportedly expressed a desire for “more understanding of the processes and more opportunities to engage” to effect change.⁶⁴

C. Ensuring that the voices of people of African descent and those who stand up against racism are heard and their concerns are acted upon

31. Representation of people of African descent, including women, in government positions, leadership and policymaking roles, and the judiciary was highlighted by Ecuador

⁵⁹ See <https://www.census.gov/library/spotlights/2020/black-civic-participation.html>.

⁶⁰ Submission by Amnesty International.

⁶¹ See <https://assets.college.police.uk/s3fs-public/Police-Race-Action-Plan.pdf>.

⁶² See <https://www.policeisob.co.uk/in-the-media> and <https://www.bbc.com/news/uk-65708552>.

⁶³ See <https://www.canada.ca/en/departement-justice/news/2023/02/critical-work-on-the-next-phase-of-canadas-black-justice-strategy-begins.html>.

⁶⁴ See https://mn.gov/mdhr/assets/Community%20Engagement%20-%20Shaping%20a%20Consent%20Decree%20in%20Mpls%20-%20MnJRC%20-%20203-31-23_tcm1061-571216.pdf.

and Spain in their submissions and was reported in Colombia, Germany, Portugal and the United States.⁶⁵ In Brazil, a March 2023 decree established that 30 per cent of senior positions in the federal public administration should be allocated to Indigenous Peoples and people of African descent by 2026,⁶⁶ while a law on access to public sector jobs for underrepresented racial groups was set to expire in 2024.⁶⁷ In the United States, a 2022 law in Washington State provides for stipends for low-income or underrepresented community members of state boards, commissions, councils, committees and other similar groups, to achieve more equitable and sustainable policy outcomes.⁶⁸

32. Civil society organizations led by people of African descent in different countries called for participation of affected individuals and communities during local and national reform processes to ensure systemic changes leading to concrete outcomes.⁶⁹ Facing exclusion or inadequate participation in some multilateral processes, they convened parallel events that amplified voices of people of African descent.⁷⁰

33. Increased opportunities at the United Nations for people of African descent to expose challenges and propose solutions became available. The Permanent Forum on People of African Descent held its first sessions in 2022 and 2023. It is a consultative mechanism for people of African descent and others, including with regard to the development of a United Nations declaration on the promotion, protection and full respect of the human rights of people of African descent. Virtual and in-person consultations convened by OHCHR and United Nations experts, such as the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement and the Working Group of Experts on People of African Descent, provide supplementary spaces.

D. Confronting legacies, including through accountability and redress

34. In the Kingdom of the Netherlands, in 2022–2023, residents of Utrecht were invited to present ideas for recounting the city's links to enslavement, with funding available.⁷¹ In 2022, when apologizing for its role in the trade in enslaved people and announcing funding for various initiatives, De Nederlandsche Bank referred to insights from discussions with grass-roots and civil society organizations, and descendants of enslaved people.⁷² In the United States, in December 2022, the San Francisco African American Reparations Advisory Committee released a draft reparations plan developed notably through online and in-person public meetings, outreach engagements and surveys.⁷³ Further to a 2023 report into historic links to enslavement, the Church Commissioners for England announced the establishment

⁶⁵ See <https://www.ohchr.org/es/documents/country-reports/violencia-territorial-en-colombia>, <https://www.theguardian.com/world/2022/jul/14/former-refugee-aminata-toure-becomes-germanys-first-black-female-cabinet-minister>, A/HRC/51/54/Add.2 and <https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/27/fact-sheet-the-biden-%E2%81%A0harris-administration-advances-equity-and-opportunity-for-black-americans-and-communities-across-the-country/>.

⁶⁶ See <https://agenciabrasil.ebc.com.br/politica/noticia/2023-03/decreto-institui-cotas-raciais-em-30-dos-cargos-de-confianca> (in Portuguese).

⁶⁷ See https://www.planalto.gov.br/ccivil_03/_ato2011-2014/2014/lei/l12990.htm (in Portuguese).

⁶⁸ See <https://lawfilesexternal.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/Senate/5793-S2.SL.pdf#page=1>.

⁶⁹ See, for example, <https://blackequityorg.com/our-response-to-the-baroness-casey-review-into-the-met-police/> and <https://www.ohchr.org/en/statements/2023/01/un-high-commissioner-human-rights-volker-turk-concludes-official-visit-colombia>.

⁷⁰ See, for example, <https://www.openglobalrights.org/participation-in-high-level-decision-making-regional-migration/>.

⁷¹ See <https://www.utrecht.nl/zorg-en-onderwijs/discriminatie-en-gelijke-behandeling/slavernijverleden/> (in Dutch).

⁷² See <https://www.dnb.nl/en/general-news/press-release-2022/dnb-apologises-for-its-historical-links-to-slavery/>.

⁷³ See <https://sf.gov/departments/african-american-reparations-advisory-committee>.

of an oversight group with membership from affected communities, working with them to shape and deliver its response.⁷⁴

IV. Developments and action towards transformative change for racial justice and equality

35. Systemic racism against Africans and people of African descent continued to affect the enjoyment of human rights in every part of life. Since July 2022, reports have noted the pervasive nature of its multiple, intersecting and interconnected manifestations, notwithstanding the lack of data disaggregated by race or ethnic origin in many countries.⁷⁵ According to a non-governmental survey in France, 91 per cent of Black people or people of African descent said that they had experienced racial discrimination.⁷⁶ In Sweden, a government-commissioned study highlighted “Afrophobic hate crimes”.⁷⁷ Non-governmental organizations carried out evidence-based research on lived experiences, including in Belgium⁷⁸ and Switzerland.⁷⁹ United Nations experts raised inadequate responses to hate speech, including incitement to hatred and racism, targeting people of African descent on social media.⁸⁰

36. Intersectional discrimination against women and LGBTIQ+ persons of African descent prevailed in many countries,⁸¹ including with regard to intergenerational poverty, exclusion and health⁸² – for example maternal health care, maternal mortality, and diminished sexual and reproductive health and rights;⁸³ gender-based violence;⁸⁴ land, resources, and a clean, healthy and sustainable environment;⁸⁵ and a heightened risk of sex trafficking.⁸⁶ Labour exploitation and discrimination were reported globally,⁸⁷ and specifically in Cuba⁸⁸ and European countries,⁸⁹ with women domestic workers of African descent affected in the Americas.⁹⁰ In Canada, “anti-Black racism, sexism and systemic discrimination” was found in the Canadian Human Rights Commission, and “anti-Black hate, anti-Black racism, and systemic discrimination faced by Black workers in the federal public service” was reported.⁹¹ Barriers to access to justice for women of African descent were highlighted, including in Bolivia (Plurinational State of), Costa Rica, Guatemala and Venezuela (Bolivarian Republic

⁷⁴ See <https://www.churchofengland.org/media-and-news/press-releases/church-commissioners-publishes-full-report-historic-links>.

⁷⁵ See CERD/C/FRA/CO/22-23, CERD/C/NIC/CO/15-21, CERD/C/SUR/CO/16-18, E/C.12/PRT/CO/5 and https://scm.oas.org/pdfs/2023/CIDH/IA2022_Cap_4A_EN.pdf.

⁷⁶ See https://www.lemonde.fr/societe/article/2023/02/15/racisme-91-des-personnes-noires-en-metropole-se-disent-victimes-de-discrimination_6161879_3224.html (in French).

⁷⁷ See <https://bra.se/bra-in-english/home/publications/archive/publications/2022-11-24-afrophobic-hate-crime.html>.

⁷⁸ Submission by Sankaa.

⁷⁹ See <https://africancouncil.ch/wp-content/uploads/2023/04/Rapport-2022.pdf> (in French).

⁸⁰ See communications OTH 125/2022, OTH 126/2022, OTH 127/2022 and OTH 128/2022.

⁸¹ See communication GUY 1/2023 and <https://www.ohchr.org/en/statements-and-speeches/2023/05/states-must-tackle-racism-and-stigma-against-lgbt-persons>.

⁸² See https://www.europarl.europa.eu/doceo/document/TA-9-2022-0389_EN.html.

⁸³ See <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/statements/2023-01-27/eom-statement-UK-WGEPAD-2023-01-27.pdf>, CEDAW/C/TUN/CO/7 and https://www.unfpa.org/sites/default/files/resource-pdf/UNFPA-Factsheet_MaternalHealthWGAD.pdf.

⁸⁴ See A/HRC/52/23 and <https://www.amnesty.org/en/documents/amr23/6234/2022/en/>.

⁸⁵ See A/HRC/52/33.

⁸⁶ See A/77/170, CAT/C/BRA/CO/2, CEDAW/C/VEN/CO/9 and CEDAW/C/CRI/CO/8.

⁸⁷ See <https://www.ohchr.org/en/press-releases/2022/09/un-expert-says-contemporary-forms-slavery-affecting-minority-communities>.

⁸⁸ See https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/127.asp.

⁸⁹ See https://www.enar-eu.org/wp-content/uploads/2022_EqualAtWork_RacismLabourMarket.pdf.

⁹⁰ See https://www.oas.org/en/IACHR/jsForm/?File=/en/iachr/media_center/PReleases/2022/167.asp, CERD/C/BRA/CO/18-20 and CCPR/C/PAN/CO/4.

⁹¹ See <https://www.blackclassaction.ca/post/canadian-human-rights-commission-found-guilty-of-discrimination-against-black-and-racialized-workers> and <https://www.amnesty.ca/human-rights-news/amnesty-international-canada-decries-anti-black-racism-in-federal-public-service-in-letter-to-un-special-rapporteur/>.

of).⁹² Racial discrimination and inequality affected children of African descent in all areas of life.⁹³

37. Concerns were raised regarding discriminatory treatment and disparate impact of migration policies on African migrants and migrants of African descent as well as on refugees and asylum-seekers, notably in Australia, Morocco, Saudi Arabia, Tunisia, the United Arab Emirates, the United Kingdom and the United States.⁹⁴ Furthermore, concerns were expressed regarding the situation of those attempting to cross the Central Mediterranean;⁹⁵ increased visibility of racism against migrants of African descent in Cyprus;⁹⁶ and violence against migrant women and girls, especially of African descent, in Panama.⁹⁷

38. Concerns persisted regarding the disproportionate impact on Africans and people of African descent of use-of-force violations by law enforcement officials, of racial profiling – including in Argentina, Brazil, Denmark, France, Monaco, Nicaragua, Portugal, the Russian Federation, the United Kingdom and the United States⁹⁸ – and of bias in artificial intelligence-based algorithms used for predictive policing.⁹⁹ Racial disparities in the criminal justice system were reported,¹⁰⁰ and concerns were expressed with regard to the application of the death penalty in Saudi Arabia, the United States and Yemen,¹⁰¹ and to the enforcement of drug policies.¹⁰² Challenges to accessing justice, and impunity for human rights violations,

⁹² See CEDAW/C/BOL/CO/7, CEDAW/C/CRI/CO/8, A/HRC/52/23 and CEDAW/C/VEN/CO/9.

⁹³ See A/HRC/51/54 and <https://documents.worldbank.org/en/publication/documents-reports/documentdetail/099039105022317731/idu1050118ce18776143e7180aa1797837fbf6ea>.

⁹⁴ See <https://www.ohchr.org/en/statements/2022/08/un-experts-urge-more-action-ensure-dignity-equity-and-justice-migrants-refugees>, <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/2022-12-20/2022-12-20-EOM-WGEPAD-Australia.pdf>, CMW/C/MAR/CO/2, <https://www.amnesty.org/en/documents/mde23/5826/2022/en/>, <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>, <https://www.ohchr.org/en/press-releases/2023/04/tunisia-must-immediately-stop-hate-speech-and-violence-against-migrants>, CEDAW/C/TUN/CO/7, CAT/C/ARE/CO/1, <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/statements/2023-01-27/eom-statement-UK-WGEPAD-2023-01-27.pdf>, CERD/C/USA/CO/10-12, the submission by Human Rights First, <https://haitianbridgealliance.org/our-impact-2/>.

⁹⁵ See <https://www.ohchr.org/en/press-releases/2023/04/turk-sounds-alarm-escalating-migrant-crisis-central-mediterranean>.

⁹⁶ See <https://rm.coe.int/ecri-6th-report-on-cyprus/1680aa6876>.

⁹⁷ See CCPR/C/PAN/CO/4.

⁹⁸ See CERD/C/ARG/CO/24-26, CERD/C/BRA/CO/18-20, the submission by the Danish Institute for Human Rights, CERD/C/FRA/CO/22-23, <https://rm.coe.int/ecri-sixth-report-on-france-adopted-28-june-2022-published-21-septembe/1680a81883%20>, the submission by the Council of Europe, <https://rm.coe.int/4th-ecri-report-on-monaco/1680a6d5e9>, CERD/C/NIC/CO/15-21, A/HRC/51/54/Add.2, CERD/C/PRT/CO/18-19, CERD/C/RUS/CO/25-26, CCPR/C/RUS/CO/8, the submissions by Global Afrikan Congress uk and INQUEST, <https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>, <https://www.ohchr.org/en/press-releases/2023/05/usa-whole-government-leadership-needed-address-legacy-slavery-and-redefine>, CERD/C/USA/CO/10-12, and the submission by Mothers Against Police Brutality.

⁹⁹ Submission by the European Union Agency for Fundamental Rights.

¹⁰⁰ See A/HRC/51/54/Add.2, <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/amicus-curiae/20221206-WGEPAD-Amicus-Mumia-Abu-Jamal.pdf>, <https://www.cps.gov.uk/publication/cps-charging-decisions-examining-demographic-disparities-outcomes-our-decision-making>, <https://documents.manchester.ac.uk/display.aspx?DocID=64125>, https://scm.oas.org/pdfs/2023/CIDH/IA2022_Cap_4A_EN.pdf and <https://www.law.umich.edu/special/exoneration/Documents/Race%20Report%20Preview.pdf>.

¹⁰¹ See <https://www.ohchr.org/en/press-briefing-notes/2022/11/saudi-arabia-resumption-executions-drug-related-offences>, <https://deathpenaltyinfo.org/facts-and-research/dpic-reports/dpic-special-reports/deeply-rooted-how-racial-history-informs-oklahomas-death-penalty>, and communication OTH 9/2022.

¹⁰² See <https://www.ohchr.org/en/statements-and-speeches/2023/03/drug-policies-high-commissioner-calls-transformative-changes>, <https://www.ohchr.org/en/press-releases/2023/06/un-experts-call-end-global-war-drugs> and the submission by Harm Reduction International.

were reported, including in Honduras, Nicaragua and Portugal.¹⁰³ Concerns were raised regarding the potential adverse impact of anti-terrorism laws in France on African Muslims, and of the Law on the Security of Citizens, in Spain, on people of African descent.¹⁰⁴

39. Deaths of people of African descent during or after interactions with law enforcement officials continued to be reported. In Brazil, while overall the number of deaths in encounters with police fell in 2021 for the first time in nine years, the number of deaths of people of African descent rose.¹⁰⁵ With regard to Brazil, United Nations experts raised the alleged killing of a 14-year-old boy of African descent in October 2022 during a police operation, alongside allegations of tampering with evidence, the lack of an effective forensic investigation, and acts of harassment and intimidation against witnesses and persons associated with the victim.¹⁰⁶ In the United Kingdom, in March 2023, the Independent Office for Police Conduct concluded its homicide investigation into the fatal shooting of Chris Kaba by a police officer in September 2022 and referred evidence to the Crown Prosecution Service to determine whether to press charges.¹⁰⁷ In the United States, according to non-governmental data, “Black people were 26% of those killed by police in 2022 despite being only 13% of the population”.¹⁰⁸ United Nations experts raised specific incidents in the United States, notably those leading to the deaths of Keenan Anderson and Tyre Nichols in January 2023.¹⁰⁹

40. Below, the High Commissioner provides updates on seven illustrative incidents of police-related fatalities of people of African descent, highlighted in previous reports,¹¹⁰ according to information received at the time of finalizing the present report, reflecting responses and comments from the States concerned.

41. In the United States, with reference to the murder of George Floyd in 2020, the federal Department of Justice noted in July 2022 that “all four officers ... have now been convicted in federal court, sentenced to prison and held accountable for their crimes”, for depriving Mr. Floyd of his constitutional rights.¹¹¹ At the state level, in April 2023, the Minnesota Court of Appeals upheld the convictions of former police officer Derek Chauvin on multiple counts, notably third-degree murder, second-degree manslaughter and second-degree unintentional murder. Additionally, three former officers were found guilty on state charges, including of aiding and abetting second-degree manslaughter. Two of them have been sentenced, while the sentencing of the third former officer has been scheduled for August 2023. In March 2023, the Minnesota Department of Human Rights filed a consent decree requiring the City of Minneapolis and the Minneapolis Police Department to make transformational changes to their organizational culture by addressing race-based policing and strengthening public safety. An independent evaluation team will provide support, monitor progress, and produce regular, public reports.¹¹²

42. Also in the United States, with reference to the death of Breonna Taylor in 2020, the Department of Justice charged four current and former Louisville Metro Police Department officers with federal crimes, in August 2022. One of the officers was charged with firing his

¹⁰³ See [A/HRC/52/24](#), [CAT/C/NIC/CO/2](#) and [CERD/C/PRT/CO/18-19](#).

¹⁰⁴ See [CERD/C/FRA/CO/22-23](#), and communication ESP 5/2022 (in Spanish).

¹⁰⁵ See <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries> and <https://forumseguranca.org.br/wp-content/uploads/2022/06/anuario-2022.pdf?v=15> (in Portuguese).

¹⁰⁶ See communication BRA 11/2022, and the submission by Amnesty International regarding additional alleged incidents.

¹⁰⁷ See <https://www.policeconduct.gov.uk/news/iopc-makes-referral-cps-over-fatal-shooting-chris-kaba>, and the submission by INQUEST regarding additional alleged incidents.

¹⁰⁸ See <https://mappingpoliceviolence.us/>.

¹⁰⁹ See <https://www.ohchr.org/en/press-releases/2023/02/un-experts-call-new-approaches-policing-united-states-following-deaths> and <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>.

¹¹⁰ See [A/HRC/47/53](#); the conference room paper available from <https://www.ohchr.org/en/documents/reports/ahrc4753-promotion-and-protection-human-rights-and-fundamental-freedoms-africans>; and [A/HRC/51/53](#).

¹¹¹ See <https://www.justice.gov/opa/pr/former-minneapolis-police-officers-tou-thao-and-j-alexander-kueng-sentenced-prison-depriving>.

¹¹² See https://mn.gov/mdhr/assets/FINAL%20Two%20Pager_tcm1061-571844.pdf.

service weapon into Ms. Taylor's apartment through a covered window and covered glass door. Two others were charged in connection with their roles in preparing and approving a false search warrant affidavit that resulted in Ms. Taylor's death. One officer pleaded guilty to charges of conspiring to falsify the search warrant for Ms. Taylor's home and to cover up the actions afterwards.

43. In March and June 2023, further to two separate investigations, the federal Department of Justice concluded that the Louisville-Jefferson County Metro Government/Louisville Metro Police Department and the Minneapolis Police Department/City of Minneapolis engaged in "a pattern or practice of conduct that violates the U.S. Constitution and federal law". The Department of Justice found that both police departments used excessive force, including the unreasonable use of tasers; unlawfully discriminated against Black people in their enforcement activities; and along with the city governments, discriminated "against people with behavioural health disabilities when responding to them in crisis" or to calls for assistance. The Department of Justice also noted that deficiencies in policy, training, supervision and accountability contributed to the unlawful conduct.¹¹³ With regard to Louisville, the Department of Justice also stated that "police sought search warrants without justification and carried out no-knock warrants unlawfully ... putting ordinary citizens in harm's way".¹¹⁴ In both instances, the City and the police department agreed in principle to resolve the findings through a consent decree. The Department of Justice committed to seek views of community members on addressing the findings. Six other federal investigations into law enforcement agencies remained open.¹¹⁵ The United States responded to a request by OHCHR for updates.

44. In the United Kingdom, with reference to the death of Kevin Clarke in 2018, no developments were reported following the announcement by the Independent Office for Police Conduct in August 2021 that it would reopen its investigation into the circumstances surrounding his death. No one has been charged in connection with Mr. Clarke's death. The United Kingdom responded to a request by OHCHR for updates.

45. In France, with reference to the death of Adama Traoré in 2016, the Defender of Rights (Défenseur des droits) issued conclusions in June 2023 regarding the necessity and proportionality of the use of force during the operation. She highlighted failures pertaining to the gendarmes' duty to protect and respect persons deprived of their liberty, their obligation to preserve life, health and dignity, and the way in which the family was informed of the death. Notably, the Defender recommended disciplinary proceedings against four gendarmes, and dissemination of information on the risks of the prone position to the National Gendarmerie.¹¹⁶ In December 2022, the Committee on the Elimination of Racial Discrimination had called on France to conclude the investigation in order for those responsible to be brought to justice and be appropriately sanctioned.¹¹⁷

46. In its response to a request by OHCHR for updates, France referred to its previous communications on the case,¹¹⁸ stating that numerous actions notably medical reports had been undertaken to establish with certainty and unequivocally the circumstances and causes of death. It noted that to date no one had been indicted, and that in order to respect the presumption of innocence, the investigation must run its course.

47. In Colombia, with reference to the death of Janner (Hanner) García Palomino in 2020, the next step in the process is a hearing for the indictment of a police officer after a circuit judge determined that the ordinary courts – rather than a military criminal court – should

¹¹³ See <https://www.justice.gov/opa/pr/justice-department-finds-civil-rights-violations-louisville-metro-police-department-and> and <https://www.justice.gov/opa/pr/justice-department-finds-civil-rights-violations-minneapolis-police-department-and-city>.

¹¹⁴ See <https://www.justice.gov/opa/pr/justice-department-finds-civil-rights-violations-louisville-metro-police-department-and>.

¹¹⁵ See <https://www.justice.gov/opa/pr/justice-department-finds-civil-rights-violations-louisville-metro-police-department-and> and <https://www.justice.gov/opa/pr/justice-department-finds-civil-rights-violations-minneapolis-police-department-and-city>.

¹¹⁶ See https://juridique.defenseurdesdroits.fr/doc_num.php?explnum_id=21693.

¹¹⁷ CERD/C/FRA/CO/22-23, para. 26.

¹¹⁸ See <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36822> (in French).

continue with the indictment proceedings. The police officer concerned reportedly continued to serve in a police force in the department of Cauca where Mr. Palomino died. As of May 2023, he was reportedly placed on administrative duties. No further information was available regarding disciplinary proceedings or an ongoing civil claim lodged by the family. In its response to a request by OHCHR for updates, Colombia provided information on the case.

48. In Brazil, with reference to the death of João Pedro Matos Pinto in 2020, three civil police officers were charged with “double qualified homicide” due to aggravating circumstances, and procedural fraud regarding alleged tampering with the crime scene. The first phase of their trial opened in September 2022, with a first hearing in May 2023. Regarding the civil claim, a decision was pending after the State of Rio de Janeiro contested some elements, notably the need for an apology and a memorial, and the amount to be paid in moral damages.

49. Also in Brazil, with reference to the death of Luana Barbosa dos Reis Santos in 2016, no date has been set for the trial of three military police officers, pending decisions on pretrial appeals by both parties, including regarding reinstating aggravating circumstances to the criminal charge of homicide. Regarding the civil claim, in August 2022, a higher court confirmed an earlier ruling that found the State of São Paulo responsible for the death, and ordered compensation for her mother and son. A judicial decision was pending regarding execution of the ruling.

50. In its response to a request by OHCHR for updates, Brazil provided information on the cases. Brazil also referred to policies, instruments and training aimed at confronting violence against vulnerable groups, regulating the use of force and reducing police lethality, and efforts under way to review and update related regulations and doctrine.

51. More generally, the High Commissioner, United Nations experts and submissions received highlighted legal provisions and practices that hindered accountability, and continued to call for perpetrators to be held accountable with appropriate sanctions and for whole-of-government leadership to address the legacy of enslavement and redefine policing.¹¹⁹ Some also highlighted a failure to consider the role that race may have played in law enforcement actions and accountability processes.¹²⁰ The need for data – disaggregated by race or ethnic origin – regarding law enforcement and the criminal justice system was highlighted.¹²¹

52. Reports persisted about inadequate State support for families grieving the death of their relatives at the hands of law enforcement officials;¹²² and about harassment, surveillance and threats against some family members and their lawyers.¹²³ In November 2022, the Committee on the Elimination of Racial Discrimination raised allegations with France of online smearing messages and threats, including from the Twitter accounts of two police professional unions, against Assa Traoré – Adama Traoré’s sister and the founder of the Comité Adama organization – following her cooperation with the Committee.¹²⁴ In January 2023, the Government of France noted that it remained attentive to the safety of Ms. Traoré

¹¹⁹ See <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>, CERD/C/BRA/CO/18-20, CERD/C/USA/CO/10-12, CERD/C/FRA/CO/22-23, <https://www.ohchr.org/en/press-releases/2023/05/usa-whole-government-leadership-needed-address-legacy-slavery-and-redefine>, communication BRA 7/2022, and the submission by Mothers Against Police Brutality.

¹²⁰ See A/HRC/51/54/Add.2, and the submissions by Ilex Acción Jurídica and INQUEST.

¹²¹ See A/HRC/51/55, <https://www.ohchr.org/en/documents/country-reports/ahrc54crp1-international-independent-expert-mechanism-advance-racial>, and the submission by Ilex Acción Jurídica.

¹²² Submission by Mothers Against Police Brutality.

¹²³ Submissions by INQUEST and the University of Minnesota Human Rights Program.

¹²⁴ See CERD/C/FRA/CO/22-23, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FRLE%2FFRA%2F9685&Lang=en (in French) and the submission by International Service for Human Rights/Comité Adama.

and her family, and that the Paris Prosecutor's Office had opened a criminal investigation into the matter.¹²⁵

Illustrative examples of actions to advance racial justice and equality

53. Submissions by States and national human rights institutions highlighted legislative and other frameworks and measures to address racism and racial discrimination.¹²⁶ Some States took steps to establish programmes and plans to combat racism and racial discrimination, including against people of African descent,¹²⁷ and to strengthen the collection of data disaggregated by race or ethnic origin – with explicit mention of people of African descent – in censuses.¹²⁸ In December 2022, the European Commission adopted legislative proposals aimed at strengthening equality bodies, particularly their independence, resources and powers.¹²⁹

54. In October 2022, the President of the United States unveiled measures to address racial disparities in arrests, prosecutions and convictions for marijuana use.¹³⁰ Measures aimed at enhancing accountability for law enforcement officers, such as body-worn cameras and video surveillance, were noted in Portugal¹³¹ and São Paulo, Brazil.¹³²

55. Measures to advance forms of reparations for legacies of the past were reported, including in the United States, despite federal bill H.R.40 – seeking to establish a commission to study and develop reparation proposals for African Americans – not moving forward.¹³³ State-led initiatives comprised a commitment by France to open up archives from colonial times in Cameroon;¹³⁴ the creation of the National Intersectoral Commission for Historical Reparation in Colombia, regarding the effects of racism, including structural racism, racial discrimination, colonialism and enslavement;¹³⁵ and an acknowledgement and apology “for the Netherlands’ role in the history of slavery” (see para. 16 above).¹³⁶ A parliamentary commission on the colonial past of Belgium reportedly ended its mandate in December 2022 without reaching agreement, notably on issuing official apologies.¹³⁷ The African Commission on Human and Peoples’ Rights recommended establishing a committee to consult, seek the truth, establish a case for reparations, pursue justice for past crimes, and contribute to non-recurrence and reconciliation.¹³⁸ Efforts to address these legacies, including

¹²⁵ See

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/DownloadDraft.aspx?key=hot5z0drKAT9oxO6h/uLZ6PsZUFTdrkZcvTwC0pUaCHLvCo5LipNJdhaUOIW/BBdCS2+x10Fkuv09cEX4gwctg == (in French).

¹²⁶ Submissions by Chile, the Dominican Republic, Ecuador, Mexico, Saudi Arabia, Spain, Venezuela (Bolivarian Republic of), the National Independent Human Rights Commission of Burundi and the National Human Rights Commission of Nigeria.

¹²⁷ See <https://www.gov.br/mdh/pt-br/assuntos/noticias/2023/marco/presidente-lula-assina-decretos-e-institui-aco-es-nos-20-anos-das-politicas-de-igualdade-racial-no-brasil> (in Portuguese) and <https://np2022.bureauncdr.nl/en/summary/>.

¹²⁸ See CERD/C/ARG/CO/24-26 and https://scm.oas.org/pdfs/2023/CIDH/IA2022_Cap_4A_EN.pdf.

¹²⁹ See https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7507.

¹³⁰ See <https://www.whitehouse.gov/briefing-room/statements-releases/2022/10/06/statement-from-president-biden-on-marijuana-reform/>.

¹³¹ See A/HRC/51/54/Add.2.

¹³² Submission by Amnesty International.

¹³³ See <https://www.congress.gov/bill/117th-congress/house-bill/40/all-actions>, <https://www.congress.gov/bill/118th-congress/house-concurrent-resolution/44>, <https://bush.house.gov/media/press-releases/congresswoman-bush-introduces-legislation-urging-federal-reparations>, the submission by Santa Clara University International Human Rights Clinic, <https://www.sfreparations.org/> and <https://oag.ca.gov/system/files/media/full-ca-reparations.pdf>.

¹³⁴ See <https://www.elysee.fr/front/pdf/elysee-module-20057-fr.pdf> (in French).

¹³⁵ See <https://www.alcaldiabogota.gov.co/sisjur/normas/Norma1.jsp?i=142919&dt=S> (in Spanish).

¹³⁶ See <https://www.government.nl/latest/news/2022/12/19/government-apologises-for-the-netherlands-role-in-the-history-of-slavery>.

¹³⁷ See https://fra.europa.eu/sites/default/files/fra_uploads/frr_2023_belgium_en.pdf.

¹³⁸ See <https://achpr.au.int/en/adopted-resolutions/543-resolution-africas-reparations-agenda-and-human-rights-africans>.

in public spaces, were reportedly made notably in Belgium, France, Namibia and Switzerland.¹³⁹ Based on the Caribbean Community (CARICOM) Reparations Commission's Ten Point Plan, some descendants of co-owners of plantations in Grenada publicly apologized for their ancestors' involvement in enslavement and contributed to an education fund.¹⁴⁰ Some universities,¹⁴¹ business enterprises,¹⁴² religious groups¹⁴³ and museums¹⁴⁴ sought to address their links to enslavement and colonialism.

V. Implementation of Human Rights Council resolution 47/21

56. Active listening and two-way dialogue with people of African descent remained central to the work of OHCHR on racial justice and equality. In November and December 2022, OHCHR convened in-person consultations with human rights defenders of African descent from South America and with activists, practitioners and academics of African descent from Europe. In February and March 2023, OHCHR convened virtual consultations with civil society activists of African descent from Europe and from the Middle East and North Africa.

57. OHCHR built capacity, raised visibility, and advocated for actions to advance racial justice and equality, including through its field presences.¹⁴⁵ At the time of publication of the present report, OHCHR had deployed regional advisers on combating racial discrimination and the protection of minorities, including people of African descent, in Bangkok, Beirut, Brussels and Santiago. In Colombia, OHCHR assisted in developing a proposal on the rights of the Afro-Colombian, Raizal and Palenquero communities; conducted social media campaigns against hate speech; and supported the implementation of the Government's equality and anti-racism policies and programmes and of an anti-racism campaign undertaken by young artists of African descent. In Honduras, OHCHR supported the engagement of community representatives of African descent with State officials, and provided technical assistance to a State mechanism set up to implement rulings made in 2015 by the Inter-American Court of Human Rights regarding land and territory rights of the Garifuna people. The United Nations Assistance Mission for Iraq (UNAMI) Human Rights Office held workshops in 2022 for participants representing minority communities, including Iraqis of

¹³⁹ See https://fra.europa.eu/sites/default/files/fra_uploads/frr_2023_belgium_en.pdf, the submission by Kas La Shène, <https://www.dw.com/en/namibia-statue-of-german-colonial-ruler-removed/a-63863454>, and https://www.neuchatelville.ch/fileadmin/sites/ne_ville/fichiers/presse/communiqués_presse/imported/2022/Communique_installations_statue_de_Pury_2710.pdf (in French).

¹⁴⁰ See <https://caricomreparations.org/historic-reparative-apology-guided-by-the-uwi-and-caricom-reparations-commission/> and <https://www.heirsofslavery.org/>.

¹⁴¹ See <https://www.cam.ac.uk/stories/legacies-of-enslavement-inquiry#group-section-Announcement-nGV8OCIFV> and <https://slavery.virginia.edu/universities-studying-slavery/>.

¹⁴² See <https://www.theguardian.com/news/series/cotton-capital>.

¹⁴³ See <https://quaker.org.uk/resources/reparations> and <https://www.churchofengland.org/sites/default/files/2023-01/church-commissioners-for-england-research-into-historic-links-to-transatlantic-chattel-slavery-report.pdf>.

¹⁴⁴ See <https://www.auswaertiges-amt.de/en/newsroom/news/baerbock-return-of-benin-bronzes-to-nigeria/2570334> and <https://www.horniman.ac.uk/story/six-objects-to-return-to-nigeria-as-horniman-formally-transfers-ownership-of-benin-bronzes/>.

¹⁴⁵ See <https://www.ohchr.org/en/statements-and-speeches/2023/03/global-update-high-commissioner-outlines-concerns-over-40-countries>, <https://www.ohchr.org/en/statements-and-speeches/2023/03/remembering-victims-trans-atlantic-slavery>, <https://www.ohchr.org/en/statements/2023/03/assistant-secretary-general-brands-kehris-statement-general-assembly-event>, <https://www.ohchr.org/en/statements/2022/08/international-day-people-african-descent-video-message-michelle-bachelet-united>, <https://www.ohchr.org/en/statements/2022/09/statement-nada-al-nashif-acting-united-nations-high-commissioner-human-rights>, https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_32/Statements/Item_3_-_OHCHR.pdf and <https://universaldeclarationhumanrights75.podbean.com/e/overcoming-the-enemies-of-equality/>. See also the submission by the United Nations Office on Drugs and Crime.

African descent, on promoting minority rights, peaceful coexistence, and the safe return of internally displaced persons.

58. In October 2022, OHCHR supported the first joint enhanced interactive dialogue at the Human Rights Council with the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement and with the participation of two directly affected individuals from the United States and Brazil.¹⁴⁶ To commemorate the seventy-fifth anniversary of the adoption of the Universal Declaration of Human Rights, in March 2023 the High Commissioner launched a spotlight on racial justice, calling on States to take concrete steps – with the effective participation of those affected and their communities – to tackle persistent and emerging forms of racial discrimination and long-standing human rights violations, including those rooted in legacies of enslavement and colonialism.¹⁴⁷ In March 2023, OHCHR supported the launch of the Regional Network for Development and Anti-Racism in the Middle East and North Africa, comprising activists of African descent.¹⁴⁸

VI. Conclusions and recommendations

59. Achieving racial justice and equality requires people of African descent and their communities and organizations to be able to influence laws, policies, practices and processes that shape efforts to fulfil and respect their rights. Alongside data disaggregated by race or ethnic origin, this is critical to ensure that policymaking, implementation and evaluation of measures put their needs and experiences at the centre and integrate the solutions that they identify.

60. While some measures and processes exist to facilitate the participation of people of African descent in public affairs, immense challenges and barriers persist. Their meaningful, inclusive and safe participation is inextricably linked to and hindered by multiple, intersectional and interconnected experiences of systemic racism, alongside long-standing marginalization and exclusion, rooted in legacies of enslavement and colonialism. Furthermore, the lack of a safe and enabling environment has a chilling effect on achieving participation.

61. Ensuring effective participation requires political will and a long-term commitment by public authorities, with an emphasis on agency and a shift in mindset regarding the way of doing things. Without this, policymaking foregoes a specific form of expertise and may lack legitimacy. States should adopt concrete and special measures to guarantee people of African descent all the components of the right to participate in public affairs. This requires measures to create a safe and enabling environment, offline and online, to eliminate all obstacles to participation, and to facilitate and value participation at all stages of decision-making from local to global.

62. OHCHR stands ready to assist States to implement the 20 recommendations in the agenda towards transformative change for racial justice and equality, the guidelines for States on the effective implementation of the right to participate in public affairs, and recommendations by United Nations experts. The guidance note in the annex brings visibility to specific challenges faced by people of African descent in non-electoral contexts and gives impetus for State action to develop tailored responses to ensure the participation of people of African descent.

63. Systemic racism has continued to affect the enjoyment of human rights by Africans and people of African descent in every aspect of life, including in interactions with law enforcement officials. The High Commissioner notes that the former police officers responsible for George Floyd's death were sentenced to a series of prison terms and that some broader accountability measures to ensure non-repetition were under way. More broadly, little progress towards accountability and redress has been seen,

¹⁴⁶ See <https://www.ohchr.org/en/statements-and-speeches/2022/10/enhanced-id-acting-high-commissioner-and-international-independent>.

¹⁴⁷ See <https://www.ohchr.org/en/statements-and-speeches/2023/03/concrete-action-needed-end-racial-discrimination-un-human-rights>.

¹⁴⁸ See <https://www.youtube.com/watch?v=pjPX7McLKZY> (in Arabic).

with wider patterns of impunity and protracted struggles by families in similar circumstances prevailing in various countries.

64. States must take firm and prompt action towards accountability and redress in all cases and to guarantee non-repetition. This includes strengthening independent oversight mechanisms and examining the role that racial discrimination, stereotypes and biases may play in law enforcement and accountability processes. The High Commissioner reiterates the recommendation to reimagine policing and the criminal justice system with the participation of Africans and people of African descent. Rebuilding trust in these institutions is essential in order to ensure that they protect and serve all members of society without discrimination.

65. Milestones – such as the twentieth anniversary of the Durban Declaration and Programme of Action in 2021 – have come and gone without substantial progress in the lives of people of African descent in many countries. 2023 marks the commemoration of the seventy-fifth anniversary of the Universal Declaration of Human Rights, presenting a symbolic opportunity to renew a worldwide consensus on human rights, including the prohibition of racism and racial discrimination. In 2024, the Working Group of Experts on People of African Descent will mark 20 years since its establishment, and the International Decade for People of African Descent will end. States should use these landmark moments to accelerate the pace of action and unveil multipronged, comprehensive, evidence-based approaches that encompass far-reaching legal, policy and institutional measures to dismantle systemic racism in all areas of life – developed with the meaningful participation of people of African descent.

Annex

Guidance Note

How to effectively implement the right to participate in public affairs: A spotlight on people of African descent

For people everywhere, the ability to influence and shape their futures is critical. To this end, international human rights law enshrines the right to participate in public affairs without discrimination. Its effective implementation is key to building and preserving trust, an essential element for societies to be able to inclusively confront challenges and agree on ways forward without leaving people behind.

An urgent need for targeted State action

Despite the leadership and persistent advocacy by people of African descent which has resulted in their demands being placed on national, regional and international agendas, people of African descent continue to be marginalized and excluded from decision-making processes, including those that directly affect them. Barriers to their meaningful participation in public affairs are inextricably linked to daily experiences of systemic racism in every area of life. Systemic racism persists in part due to a failure to fully reckon with the legacies of enslavement, the trade in enslaved Africans and colonialism, and has been mutually reinforced through cycles of structural discrimination and inequalities that have lasted for generations. This historical context is so entrenched that concerted efforts are needed to ensure the effective participation of people of African descent.

Recognizing that the meaningful, inclusive and safe participation of people of African descent is a prerequisite to achieving vibrant democracies and advancing towards transformative change for racial justice and equality, this note aims to:

- Give new impetus to States to fulfil their obligation to facilitate meaningful, inclusive and safe participation of people of African descent, at all stages of decision-making
- Bring visibility to the specific challenges faced by people of African descent regarding effective participation
- Serve as a tool for people of African descent and their organizations within and across countries and regions to make their voices heard and to ensure their concerns are acted upon

It focuses on the right to take part in the conduct of public affairs in non-electoral contexts - a broad concept that covers all aspects of public administration, and the formulation and implementation of policy at all levels, from local to global.

The note, contained in an annex to [A/HRC/54/66](#), is grounded in international human rights norms and standards and draws on consultations convened by the Office of the United Nations High Commissioner for Human Rights (OHCHR), notably with people of African descent from different regions. It builds on past and ongoing findings of United Nations human rights mechanisms, and should be implemented in conjunction with detailed recommendations elaborated in the *guidelines for States on the effective implementation of the right to participate in public affairs*.

Why is participation important?

Meaningful, inclusive and safe participation enables the advancement of all human rights. It is key to an effective democracy, the rule of law, social inclusion, and economic and sustainable development, and essential for reducing inequalities and social conflict. As a means for empowering individuals and groups and ensuring that different voices are heard, it is a core element of human rights-based approaches aimed at eliminating marginalization

and discrimination. OHCHR has found that greater transparency, structured listening and real two-way dialogue builds legitimacy, ownership, and trust in State decisions.

When people of African descent are actively engaged in local, national, regional and international initiatives, they bring their lived experiences and expertise to shape decision-making processes, including the design, implementation and evaluation of laws, policies, programmes and processes, notably those that affect them. Policymaking without this active engagement foregoes a specific form of expertise and may lack legitimacy. Their participation – through online or in-person consultations, surveys, public hearings, working groups, multi-stakeholder committees and other forums – allows authorities to deepen understanding of specific issues and helps to identify gaps, such as the disparate impact of legislation, policies and programmes on people of African descent. It also provides legislative, policy and programmatic options that can lead to structural changes to address contemporary forms and manifestations of racism and racial discrimination and related legacies of enslavement and colonialism. This in turn informs decision makers and ensures that all members of society are served without discrimination.

What are the barriers and challenges?

Historically and today, movements for freedom and rights led by people of African descent have catalysed global conversations about justice and human rights that have shaped the international human rights framework that we rely upon today. Specifically, participation by people of African descent, alongside civil society and community action, has been instrumental to developing national action plans against racism, bringing about legislative and policy changes, revising school curricula, undertaking measures to address legacies of enslavement and colonialism and much more. These gains have been achieved, however, in the face of considerable challenges.

As highlighted by people of African descent, in particular during consultations, barriers and challenges to meaningful, inclusive and safe participation take many forms.

A wider context of systemic racism

- Multiple, intersecting and interconnected manifestations of **systemic racism**, often expressed in pervasive, harmful and degrading racial stereotypes, prejudice, bias and violence obstructs the effective enforcement of the right to participate without discrimination for people of African descent. Historically, policy, legislative and legal spaces have enabled racial hierarchy and successive racially discriminatory practices, which persist despite broad-based commitments to reform. As such, individuals are denied their fundamental rights to equality and non-discrimination – basic principles underpinning equal participation.
- **Socioeconomic marginalization** experienced notably in housing, employment, health, education, poverty and access to land, shapes the lives of many people of African descent in different countries. People of African descent also face system-wide, disproportionate and discriminatory impacts in their encounters with **law enforcement and the criminal justice system**.
- In some countries, the **absence of data, disaggregated by race or ethnic origin**, and other issues such as denial of identity documentation and minority status reinforces the historical, social and structural invisibility of people of African descent.
- **Intersectional and inclusive approaches are limited**, with insufficient action to ensure participation is inclusive of individuals who are exposed to multiple and intersecting forms of discrimination and voices that encapsulate the full spectrum of identities, experiences and views – such as those of women, youth, older persons, persons with disabilities, LGBTIQ+ people, religious and linguistic minorities, migrants, people with lower socioeconomic status, people living in rural areas and other groups of African descent.

- **Political and public participation** of people of African descent also affects participation in non-electoral contexts. These other forms of participation are affected by lower-than-average voter registration rates alongside restrictive voting laws and measures that disproportionately affect or effectively target people of African descent in some countries. Some people of African descent report difficulties in penetrating political parties and insufficient financial support for campaigns.
- People of African descent are **underrepresented in elected and other decision-making bodies**, with unequal access to opportunities, resources and power.

Specific barriers and challenges to effective participation of people of African descent

- **LACK OF A SAFE AND ENABLING ENVIRONMENT:** Often, participatory processes do not provide a safe and enabling environment that empowers people of African descent to share their knowledge and expertise. People of African descent sometimes face racial abuse and discrimination in participatory spaces, and, more generally, violations of other rights that are a prerequisite for the exercise of their right to participate in public affairs, notably the right to equality and non-discrimination, freedoms of opinion and expression, including access to information, and of peaceful assembly and association. This occurs in a context in which civil society actors of African descent face surveillance, harassment, intimidation, arrest and violence. In addition, politicians of African descent report being subjected to racial abuse and violence, online and offline, with women politicians of African descent exposed to particularly heinous attacks.
- **CURSORY PROCESSES:** Spaces and structures for people of African descent to access information, to engage in consultation, dialogue, and partnership, and for co-drafting, notably of policies which affect their lives, remain limited. Where in place, processes can be tokenistic, one-off or cursory, not lending themselves to genuine consultation and limiting possibilities for exerting influence. People of African descent often find and experience that their views and proposals are discredited and/or dismissed, and their knowledge and experience insufficiently considered, including in the design and implementation of policies for eliminating racism. Feedback is frequently not given to participants on how their inputs were used.
- **INSUFFICIENT IMPACT:** When the outcomes of participatory processes fail to encompass concrete and robust actions that people of African descent have proposed, it leads to frustration and fatigue, and undermines confidence and trust in structures or processes established to facilitate participation. It further diminishes the likelihood of actions taken following such processes resulting in significant improvements in the lives of people of African descent.
- **INADEQUATE MODALITIES RESTRICTING ACCESSIBILITY:** Participatory processes are frequently not made accessible to people of African descent. In particular, limited modalities of participation can affect their ability to meaningfully participate. This can be due to relevant material and information about processes not being made available and restrictions on which languages can be used to contribute in, for example. Limited access to information and communication technologies (ICT), the location of in-person meetings and associated travel and other costs can also hinder participation.
- **LACK OF RESOURCES AND CAPACITY:** Typically, there is no financial or other support for taking part in consultative processes – for example for travel or other costs and time off from work. This particularly affects people of African descent whose voluntary participation in these processes is additional to their employment or other responsibilities, when processes are organized during working hours or without considering childcare responsibilities. Generally, people of African descent are rarely given the opportunity to identify up front which measures would empower them – through education, capacity-building and training, for example in engaging with authorities. There is seldom recognition that these needs vary among different communities of African descent within and across countries and regions, and among the diverse identities existing within them.

What should States do?

Show greater political will, accelerate the pace of action and eliminate obstacles to effective participation

States should develop tailored responses at the national level to ensure the participation of people of African descent, including by:

- Taking steps to address the specific challenges and lived experiences of people of African descent with regard to the effective exercise of the right to participate in public affairs, taking into account the **adverse impacts of systemic racism** and the need to confront past legacies and deliver reparatory justice through a multi-pronged, comprehensive and intersectional approach, grounded in international human rights law.
- Adopting **special measures and institutional arrangements** to promote and ensure equal representation and participation of people of African descent, adapted to the national context and accompanied by other participatory programmes, with particular attention to **women, youth and other groups of African descent**, who face specific, unique and compounded challenges.
- Developing – with the participation of people of African descent – **specific formal and permanent mechanisms** that enable sustained participation, particularly of women and youth of African descent.
- Providing an **adequate budget and human resources** to ensure meaningful, inclusive and safe participation processes.
- Ensuring **diversity and inclusion** in participatory processes, including as a means to integrate intersectional approaches which reflect the lived experiences of women, youth and other groups of people of African descent when developing laws, policies and programmes.
- Cultivating **long-term and authentic engagement** with people of African descent by ensuring these measures are not cursory approaches that convey the perception of public participation without meaningfully guaranteeing legitimacy or investing in the benefits and opportunities of effective participation.
- Raising **awareness** among people of African descent of the importance of their active participation in public and political life, including developing and implementing targeted **civic education and capacity building programmes** for people of African descent, which take into account specific challenges, including language barriers, in order to empower their active participation in public life.
- Organizing education and **training programmes** to improve the political, policy-making and public administration skills of public officials and political representatives of African descent.
- Systematically collecting and analysing **data** on participation by people of African descent, further disaggregated by factors such as sex, gender and age – with strict safeguards and in accordance with international human rights law – and produce evidence-based research to inform policies and strategies to enhance their effective participation.
- Respecting and guaranteeing the right to **prior consultation** of communities of African descent, where relevant, when adopting or implementing measures that affect their rights.

Create a safe and enabling environment, offline and online

- Where **all human rights**, in particular prerequisite rights such as to equality and non-discrimination, freedoms of opinion and expression, including access to information, and of peaceful assembly and association, are **fully respected**.

- Where people of African descent are **adequately represented in political and public life** in comparison with their respective share of the overall population.
- That **values and takes into account the contributions** of people of African descent – including by promoting greater knowledge and recognition of and respect for the culture, history and heritage of people of African descent through research and education – and ensures that they are empowered and equipped with the knowledge and capacity necessary to claim and exercise their rights.
- That recognizes how **exclusion and injustice** towards people of African descent **harm all members of the community and society more broadly**.
- That tailors **channels for participation and outreach to their needs**.
- That recognizes the **legitimate and vital role of civil society actors** of African descent and protects them, in particular women, from threats, acts of intimidation, attacks, reprisals, and harassment, including hate speech and violence.
- Where the right to participate in public affairs is recognized as a continuum that requires **long-term commitment of public authorities, political will and a shift in mindset** regarding the way of doing things.
- With a legislative and regulatory framework that upholds an **independent and diverse media and online space** that is inclusive, representative, and protective of people of African descent and the issues they face, and that ensures that media do not perpetuate negative stereotypes.

Key recommendations at different stages of decision-making

People of African descent should be able to participate from an early stage and at all stages of decision-making. Public authorities should give genuine consideration to the contributions of people of African descent throughout the different stages.

Participation before decision-making

- Notify people of African descent across communities and identities where a proposed project, plan, programme, law or policy is likely to affect them or where they might have a particular interest in the subject-matter so that they can participate. Such notification should be timely, adequate, and effective, taking into account barriers to access, such as language.
- Enable people of African descent to participate in shaping the agenda and modalities of decision-making processes to ensure that their priorities and needs are reflected in the identification of the subject matter, content, and format for discussion, as well as in the planning and budgeting stages.
- Allow people of African descent sufficient time to prepare and make contributions before and during decision-making processes.

Participation during decision-making

- Maximize transparency and tailor formats and information regarding modalities and other aspects so they are accessible to people of African descent, especially women and youth, in a manner that takes into consideration barriers to access.
- Allow for submissions of any information, analysis, and opinions to public authorities through various modalities of participation, such as through the use of ICT and other online tools and in-person – with equal weight given to all contributions.
- Enhance capacity of public officials on meeting facilitation, data collection and reporting, bearing in mind the needs of people of African descent.

Participation after decision-making

- Provide information on the outcome of participation processes in a timely, comprehensive, and transparent manner. Such information should include feedback on how contributions were considered.
- Involve people of African descent in the implementation, monitoring and evaluation phases.
- Ensure equal and effective access to justice and effective remedies by competent judicial authorities for violations of the right to participate in public affairs.

Without adhering to these standards and principles, participation is likely to be perceived as tokenistic and result in decision-making that is divorced from the lived experiences and expertise of people of African descent, thereby failing to meet the obligations and commitments of States to guarantee the right to participate in public affairs and bring about transformative change towards racial justice and equality.

Key international human rights norms and standards relating to the right to participate in public affairs

The [Universal Declaration of Human Rights](#) laid the foundations of the right to participate in public affairs by setting out the rights to take part in government, directly or through freely chosen representatives; to equal access to public service; and to periodic and genuine elections by universal and equal suffrage and by secret ballot. (Article 21)

The [International Convention on the Elimination of All Forms of Racial Discrimination](#) provides that States parties undertake to prohibit and to eliminate racial discrimination and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, including in relation to the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage; to take part in the Government as well as in the conduct of public affairs at any level; and to have equal access to public service. (Article 5)

The [International Covenant on Civil and Political Rights](#) defines the obligations of States parties with regard to the right to participate in public affairs, including the rights to take part in the conduct of public affairs, directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections by universal and equal suffrage and secret ballot; and to have equal access to public service. It guarantees the rights in the Covenant without distinction of any kind, such as race, colour, or national or social origin, among other prohibited grounds. (Articles 25 and 2)

The [Durban Declaration and Programme of Action](#) recognizes the right of people of African descent to participate freely and in equal conditions in political, social, economic and cultural life. It further calls on States to ensure the full, equal and effective participation of women in decision-making at all levels, in particular in the design, implementation and evaluation of policies and measures which affect their lives.

The [International Decade for People of African Descent](#) reiterates the call on States to adopt measures to enable their full, equal and effective participation.

The [Declaration on the Right to Development](#) highlights the right to participate in, contribute to, and enjoy economic, social, cultural and political development, and the duty of States to formulate appropriate national development policies on the basis of active, free and meaningful participation. (Articles 1(1) and 2(3))

Further relevant international human rights resources

- Human Rights Committee [General Comment No.25](#) on ‘the right to participate in public affairs, voting rights and the right of equal access to public service’ (Article 25)
- Committee on the Elimination of Racial Discrimination General Recommendations [No.32](#) on ‘the meaning and scope of special measures in the International Convention on the Elimination of All Forms Racial Discrimination’ and [No.34](#) on ‘racial discrimination against people of African descent’
- [Guidelines for States on the effective implementation of the right to participate in public affairs](#)
- [Agenda towards transformative change for racial justice and equality \(A/HRC/47/53, its annex and accompanying conference room paper A/HRC/47/CRP.1\); A/HRC/51/53; and A/HRC/54/66.](#)
- [Protecting Minority Rights – A Practical Guide to Developing Comprehensive Anti-Discrimination Legislation \(HR/PUB/22/6\).](#)