

**Human Rights Council****Fifty-fourth session**

11 September–6 October 2023

Agenda item 9

**Racism, racial discrimination, xenophobia and related forms of intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action****Facilitating the journey from rhetoric to reality****Report of the Working Group of Experts on People of African Descent\* \*\****Summary*

The present document contains the report of the Working Group of Experts on People of African Descent prepared pursuant to Human Rights Council resolution 51/32.

In the report, the Working Group takes stock of its 20 years of work since its establishment in 2002, presents a review of that work and includes conclusions and recommendations on how to address more efficiently the human rights concerns of people of African descent. The Working Group highlights the initiatives it has taken under its mandate, in particular the thematic analyses and dedicated country visits, and emphasizes the need for commitments and resources from Member States to enable the Working Group to continue its critical work.

\* Agreement was reached to publish the present document after the standard publication date owing to circumstances beyond the submitter's control.

\*\* The annexes to the present report are circulated as received, in the language of submission only.



## I. Introduction

1. The present report is submitted in accordance with paragraph 13 of Human Rights Council resolution 51/32, in which the Council requested the Working Group of Experts on People of African Descent to submit a report to the Council at its fifty-fourth session, reviewing the work it had carried out in the 20 years since its establishment and including conclusions and recommendations on how to address more efficiently the human rights concerns of people of African descent.
2. In preparation for the report, stakeholders were asked to share relevant updates, including specific examples, stemming directly or indirectly from the work of the Working Group, including the implementation of thematic or country-specific recommendations.<sup>1</sup> In addition, the Working Group conducted online consultations with civil society organizations, national human rights institutions and former members of the Working Group.
3. The Working Group would like to thank Australia, Brazil, Chile, Ecuador, Guyana, Italy, Luxembourg, Mexico, Netherlands (Kingdom of the), Norway, Portugal, Qatar, Spain, Sweden, Switzerland and Trinidad and Tobago for their input. It also thanks the European Anti-Poverty Network, the International Decade for People of African Descent Assembly – Guyana, Ilex Acción Jurídica, the Racial Justice and Law Centre of the Getúlio Vargas Foundation São Paulo Law School, the International Association against Torture, the Victorian Equal Opportunity and Human Rights Commission jointly with Victoria University, AI for the People and the City of Cologne, Germany. Annex I to the present report contains a summary of all contributions.

## II. Promise of the Durban Declaration and Programme of Action: establishment and evolution of the mandate

4. In the Durban Declaration and Programme of Action, adopted in 2001 at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the international community recognized the transatlantic slave trade and trafficking in enslaved Africans as a tragedy and a crime against humanity. It highlighted the ways in which the barbarism, magnitude and organized nature of the triangular trade had also demanded the systematic dehumanization of Africans and people of African descent.<sup>2</sup> Despite their significant contributions even while enslaved, Africans and people of African descent have suffered from long-term, ongoing racial inequality due to extractive policies, barriers to migration and the normalizing of atrocity. In many countries, extractive policies persist, even as the countries' wealth can be traced to the exploitation of the labour, resources and innovation of Africans and people of African descent.
5. Today, amid persistent social and economic inequalities across regions and borders, Africans and people of African descent continue to experience the systemic impact of colonialism and its consequences. The Durban Declaration and Programme of Action acknowledged the social biases and discrimination prevailing in public and private institutions against Africans and people of African descent and sought to reclaim the promise of the recognition of their rights to culture, identity, civic, economic and cultural participation, self-determination, development and the use, enjoyment and conservation of natural resources.<sup>3</sup> The Programme of Action included a request to the Commission on Human Rights to consider establishing a mechanism to study the racial discrimination faced by people of African descent.<sup>4</sup>
6. The Working Group was established by the Commission on Human Rights on 25 April 2002 pursuant to its resolution 2002/68 on racism, racial discrimination, xenophobia and related intolerance. Its establishment was part of a strategy for the comprehensive

---

<sup>1</sup> See <https://www.ohchr.org/en/calls-for-input/2023/report-un-working-group-experts-people-african-descent-reviewing-20-years-work>.

<sup>2</sup> Durban Declaration, para. 13.

<sup>3</sup> *Ibid.*, paras. 34 and 35.

<sup>4</sup> Programme of Action, para. 7.

implementation of and follow-up to the Durban Declaration and Programme of Action. Over the next 20 years, the mandate of the Working Group was renewed and expanded by the Commission<sup>5</sup> and by the Human Rights Council.<sup>6</sup>

### III. Membership

7. The Working Group consists of five independent experts appointed on the basis of equitable geographical representation.<sup>7</sup> Since its establishment, members have hailed from Algeria, Bangladesh, Brazil, France, Greece, Guyana, Hungary, India, Jamaica, North Macedonia, the Philippines, Poland, Romania, South Africa, Sweden, the Syrian Arab Republic, Uganda, the United States of America and Zambia.<sup>8</sup> Since 2002, 12 women and 11 men have been appointed to the Working Group.

8. The current members are Dominique Day (United States), Bina D'Costa (Bangladesh), Miriam Ekiudoko (Hungary), Barbara G. Reynolds (Guyana) and Catherine S. Namakula (Uganda).

### IV. Mission, impact and achievements

9. The Working Group is mandated to propose measures to ensure full and effective access to justice by people of African descent; to make recommendations on the design, implementation and enforcement of effective measures to eliminate racial profiling of people of African descent; and to elaborate short-, medium- and long-term proposals for the elimination of racial discrimination against people of African descent, including proposals for a mechanism to monitor and promote their human rights. The Working Group seeks close collaboration with international and development institutions and United Nations agencies in this regard. The Working Group is also mandated to support relevant initiatives at the community level, both locally and in transnational contexts; to facilitate the exchange of information and technical assistance; to promote investments in health, education, housing, electricity, drinking water and environmental control measures; and to promote equal opportunities in employment and affirmative or positive action initiatives within the human rights framework.<sup>9</sup>

10. Renewals of the mandate have recognized the capacity and expanded the work of the Working Group, ensuring that the scope and methods of its work encompass the promotion, protection and full realization of the human rights of people of African descent. The Working Group implements its mandate through country visits, annual reports, annual sessions (private and public), the communications procedure (allegation letters, urgent appeals, comments on legislation), amici curiae briefs, technical visits, press releases, stakeholder consultations and the elaboration of recommendations to Member States and other key stakeholders.

11. The Working Group has offered important leadership and analyses globally in the fight to combat racism since its inception. Among other things, it led the International Year for People of African Descent (2011), which was focused on raising awareness of the challenges faced by people of African descent globally. It also played a key role in the development of the programme of activities for the implementation of the International Decade for People of African Descent. In addition to the thematic focus in its annual public

<sup>5</sup> See Commission on Human Rights resolution 2003/30.

<sup>6</sup> See Human Rights Council resolutions 9/14, 18/28, 27/25, 36/23 and 45/24.

<sup>7</sup> Commission on Human Rights resolution 2002/68, para. 8.

<sup>8</sup> Marie-Evelyne Petrus-Barry (France); Mireille Fanon-Mendès France (France); Linos-Alexandros Sicilianos (Greece); Joe Frans (Sweden); Sabelo Gumede (South Africa); Maya Sahli (Algeria); Peter Lesa Kasanda (Zambia); Michal Balcerzak (Poland); Mirjana Najčevska (North Macedonia); Irina Moroianu-Zlatescu (Romania); Sushil Raj (India); Ricardo A. Sunga III (Philippines); Monorama Biswas (Bangladesh); George Nicolas Jabbour (Syrian Arab Republic); Ahmed Reid (Jamaica); Verene Shepherd (Jamaica); Ralston Milton Nettleford (Jamaica); and Roberto Borges Martins (Brazil).

<sup>9</sup> Commission on Human Rights resolution 2002/68, paras. 8–10.

sessions, the Working Group has published key thematic reports, including on the role of negative racial stereotypes and the stereotyping of people of African descent in perpetuating racially biased decision-making, racial disparities and racial injustice,<sup>10</sup> in 2019, and on the coronavirus (COVID-19) pandemic, systemic racism and global protests,<sup>11</sup> in 2020. In December 2020, responding to the apparent and alarming invisibility of people of African descent in initiatives relating to the Sustainable Development Goals, the Working Group adopted Operational guidelines on the inclusion of people of African descent in the 2030 Agenda.<sup>12</sup> The Working Group also actively assisted the Office of the United Nations High Commissioner for Human Rights (OHCHR) in preparing a report on systemic racism, police impunity and human rights violations against Africans and people of African descent by law enforcement, in accordance with Human Rights Council resolution 43/1. The Working Group analysis contributed to the final report<sup>13</sup> and conference room paper, which also built on the prior work of the Working Group. The Working Group was also the first body within the United Nations to advocate for and give visibility to the call for reparations for people of African descent.

12. The Working Group's bilateral and multilateral advocacy has been robust. It has consistently advocated for the broader implementation of the Durban Declaration and Programme of Action and participated in activities marking its twentieth anniversary. It also participated in the midterm review of the International Decade for People of African Descent and has consistently advocated for the implementation of the related programme of activities. The Working Group actively campaigned for the establishment of the Permanent Forum on People of African Descent, including through bilateral advocacy and participation in stakeholder consultations, welcomed its establishment in 2022 and participated in its sessions.

#### **A. Communications procedure, press releases and amicus curiae**

13. From 1 January 2013 until 30 June 2023, the Working Group sent over 100 communications, often jointly with other special procedures of the Human Rights Council. Of those communications, 50.72 per cent were sent to States in the Latin American and Caribbean Group, 31.88 per cent to the Group of Western European and Other States, 6.52 per cent to the Group of African States and 3.2 per cent to the Group of Asia-Pacific States. The remaining 7.25 per cent were sent to other stakeholders, including private businesses. The communications, concerning approximately 901,206 alleged victims, are available to the public online.<sup>14</sup> Governments have replied to 63 per cent of the Working Group's communications. The replies are also available online.

14. Through the communications procedure, the Working Group has examined individual claims of human rights abuses and violations outside of the context of its country visits and sessions. The communications draw attention to violations of the rights of people of African descent and request the authorities concerned to take action to prevent, investigate or curtail such violations, to promote accountability and to ensure that remedies are available to victims or their families. They have allowed the Working Group to identify emerging trends and practices, even in the absence of quantitative data. The Working Group has also issued many press releases to facilitate public understanding of serious concerns or to welcome positive developments.

15. Many communications involve claims of the unlawful, excessive or lethal use of force by law enforcement officials and discriminatory policies and practices against migrants, refugees and asylum-seekers. The Working Group has intervened in cases involving a lack of access to justice, forced removals of children, systemic racism and structural racial

<sup>10</sup> [A/74/274](#).

<sup>11</sup> [A/HRC/45/44](#).

<sup>12</sup> See

[https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/WGEAPD/Guidelines\\_inclusion\\_2030\\_Agenda.pdf](https://www.ohchr.org/sites/default/files/Documents/Issues/Racism/WGEAPD/Guidelines_inclusion_2030_Agenda.pdf).

<sup>13</sup> [A/HRC/47/53](#).

<sup>14</sup> See <https://spcommreports.ohchr.org>.

discrimination, barriers to the right to health and due process, and enforced disappearances, torture and other cruel, inhuman or degrading treatment or punishment. It has also drawn attention to the issues of enslavement and the auctioning of enslaved African migrants, forced removals of children from their parents, extrajudicial killings of children during anti-drug operations, environmental racism, reprisals against human rights defenders, attacks against leaders and communities of people of African descent, racial discrimination, xenophobia, forced eviction and the disproportionate targeting of Africans and people of African descent by State and private actors during the COVID-19 pandemic, and more.

16. The Working Group has followed several emblematic cases with relevance to its mandate and has submitted or petitioned to submit amicus curiae or expert briefs for consideration by courts.<sup>15</sup> For example, on 19 November 2019, the Working Group filed an amicus curiae brief with a family court in the Kingdom of the Netherlands in the case involving Jude Kasangaki, Anita Mavita and their children discussing violations of the Convention on the Rights of the Child and, on the grounds of racial discrimination, of refugee law. On 15 February 2022, the Working Group filed an amicus curiae brief before the Inter-American Commission on Human Rights in the matter of *Rutgers Law School International Human Rights Clinic v. the United States* on voting rights for incarcerated people. On 27 May 2022, the Working Group published an expert report to be filed in the criminal courts in Switzerland in the case of *Brian K. v. Switzerland*, discussing the ongoing role of systemic racism in decision-making within the justice system that had violated the rights of a child of African descent. On 6 December 2022, the Working Group filed an amicus curiae brief in the case *Commonwealth of Pennsylvania v. Mumia Abu-Jamal* with the objective of contributing to the analysis of systemic racism in the criminal justice system relating to the probity and relevance of long-withheld evidence.<sup>16</sup> The Working Group also petitioned for permission to file an amicus curiae brief in the case of *B.H.K. v. Switzerland*, which is currently pending before the European Court of Human Rights.

## B. Country visits

17. Since 2002, the Working Group has conducted 23 country visits, including 5 follow-up visits, at the invitation of Governments and under the terms of reference of the special procedures. The Working Group has visited Argentina,<sup>17</sup> Australia,<sup>18</sup> Belgium,<sup>19</sup> Brazil,<sup>20</sup> Canada,<sup>21</sup> Ecuador,<sup>22</sup> Germany,<sup>23</sup> Guyana,<sup>24</sup> Italy,<sup>25</sup> Netherlands (Kingdom of the),<sup>26</sup>

<sup>15</sup> See <https://www.ohchr.org/en/special-procedures/wg-african-descent/activities>.

<sup>16</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/amicus-curiae/20221206-WGEPAD-Amicus-Mumia-Abu-Jamal.pdf>.

<sup>17</sup> See [A/HRC/42/59/Add.2](#).

<sup>18</sup> See <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/2022-12-20/2022-12-20-EOM-WGEPAD-Australia.pdf>.

<sup>19</sup> See [E/CN.4/2006/19/Add.1](#), [A/HRC/42/59/Add.1](#) and [A/HRC/42/59/Add.3](#).

<sup>20</sup> See [A/HRC/27/68/Add.1](#).

<sup>21</sup> See [A/HRC/36/60/Add.1](#).

<sup>22</sup> See [A/HRC/13/59](#) and [A/HRC/45/44/Add.1](#).

<sup>23</sup> See [A/HRC/36/60/Add.2](#) and [A/HRC/36/60/Add.4](#).

<sup>24</sup> See [A/HRC/39/69/Add.1](#).

<sup>25</sup> See [A/HRC/33/61/Add.1](#).

<sup>26</sup> See [A/HRC/30/56/Add.1](#) and [A/HRC/30/56/Add.3](#).

Panama,<sup>27</sup> Peru,<sup>28</sup> Portugal,<sup>29</sup> Spain,<sup>30</sup> Sweden,<sup>31</sup> Switzerland,<sup>32</sup> the United Kingdom of Great Britain and Northern Ireland<sup>33</sup> and the United States.<sup>34</sup>

18. During its country visits, the Working Group assessed the human rights situation of people of African descent and gathered information on the forms of contemporary racism, racial discrimination, xenophobia, Afrophobia and related intolerance that they face. It studied the official measures taken and mechanisms intended to prevent structural racial discrimination and protect victims of racism, and responses to multiple forms of discrimination according to the concept of intersectionality.

19. To this end, the Working Group considered the historical and the present contexts and reviewed closely the legal frameworks and steps taken for the protection of the human rights of people of African descent, including institutional and policy measures. For the consideration of the manifestations of racial discrimination, the Working Group investigated criminal justice systems, representation, negative racial stereotypes and how the media publicized information regarding people of African descent.

20. The Working Group also investigated disparities in access to education, health care, housing and employment, and multiple forms of discrimination.

21. In addition to opportunities for investigation and analysis by the Working Group, country visits provided an opportunity for the Governments concerned to showcase positive policies and practices already in place and, in some cases, to advance policies or legislation following the visit that had been in an early stage during the visit. The country visits and related reports also allowed the Working Group to share good practices. A compendium of the positive policies and practices displayed by countries during the visits is contained in annex II.

22. In the preparation of the present report, the Working Group requested updates from countries on the implementation of the recommendations made pursuant to its visits. The Working Group welcomes the cooperation and replies of Australia, Brazil, Ecuador, Guyana, Italy, Netherlands (Kingdom of the), Portugal, Sweden and Switzerland.

### C. Technical visits

23. Since its establishment, the Working Group has engaged closely with international organizations, including those focusing on development, and with specialized agencies of the United Nations. Technical visits allow the Working Group to offer technical assistance to stakeholders in an effort to ensure that their stated commitments to racial justice have real-world impact. The Working Group has conducted three technical visits. In addition, it has engaged with the World Bank and the Statistics Division and other specialized agencies to encourage a stronger focus on the protection of the human rights of people of African descent in development programming.

24. From 13 to 16 December 2021, the Working Group conducted a technical visit to Paris, hosted by the United Nations Educational, Cultural and Scientific Organization as part of its project entitled “Routes of Enslaved Peoples: Resistance, Liberty and Heritage”. The visit was focused on culture and knowledge production as drivers of economic development, consistent with the Sustainable Development Goals. The Working Group emphasized that

<sup>27</sup> See [A/HRC/24/52/Add.2](#) and [A/HRC/24/52/Add.4](#).

<sup>28</sup> See [A/HRC/45/44/Add.2](#) and [A/HRC/45/44/Add.3](#).

<sup>29</sup> See [A/HRC/21/60/Add.1](#) and [A/HRC/51/54/Add.2](#).

<sup>30</sup> See [A/HRC/39/69/Add.2](#) and [A/HRC/39/69/Add.4](#).

<sup>31</sup> See [A/HRC/30/56/Add.2](#).

<sup>32</sup> See [A/HRC/51/54/Add.1](#).

<sup>33</sup> See [A/HRC/24/52/Add.1](#) and [A/HRC/24/52/Add.3](#). See also <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/statements/2023-01-27/eom-statement-UK-WGEPAD-2023-01-27.pdf>.

<sup>34</sup> See [A/HRC/15/18](#) and [A/HRC/33/61/Add.2](#).

achieving the 2030 Agenda for Sustainable Development required States to address the racialized experiences of people of African descent.

25. The Working Group also conducted two technical visits: to Montevideo, from 21 to 24 March 2023, hosted by the United Nations country team and the Office of the Resident Coordinator in Uruguay, and to Mexico City, in addition to Guerrero and Acapulco, Mexico, from 27 to 30 March 2023, hosted by the Mexico Country Office of the United Nations Population Fund. During the visits, the Working Group advocated for an increased focus on people of African descent in development programming and provided technical assistance on a human rights-based approach to the implementation of the Sustainable Development Goals as they related to Africans and people of African descent. It also provided support within the United Nations system and to development partners on strategies to implement the International Decade for People of African Descent and its programme of activities at the national and local levels.

#### **D. Thematic work**

26. Since its establishment, the Working Group has offered analysis and coordinated expertise to examine key issues worldwide that continue to have a significant impact on the lives and opportunities of people of African descent. These issues, often rooted in historical and systemic discrimination, are strongly influenced by local contexts and historical backgrounds, yet the Working Group has also observed surprising consistencies across regions and borders, given the transnational nature of the trade and trafficking in enslaved Africans, colonialism and the social construct of race. Some prevalent themes highlighted by the Working Group include:

- (a) Racial discrimination, including institutional racism, racial profiling and bias in education, employment, housing and criminal justice systems;
- (b) Poverty and socioeconomic inequality, including employment discrimination and downgrading, inadequate institutional support for civil society and social initiatives and barriers to access to public goods, services and accommodations;
- (c) Educational disparities, including unequal access to quality education, institutional discouragement from proceeding to tertiary education, persistent disadvantage, higher dropout rates and underrepresentation in institutions of higher education;
- (d) Health disparities, including inadequate access to health care, discrimination in medical settings and negative socioeconomic factors, including significantly higher mortality rates, physical illnesses and mental health disorders directly related to chronic racial stress and post-slavery and post-colonialism trauma;
- (e) Housing disparities, including housing discrimination, segregation and restrictive policies and practices, which can lead to unequal living conditions and limited access to affordable and safe housing and living environments for people of African descent;
- (f) Disparities in the experience of the criminal justice system, including racial profiling, overpolicing, persistent surveillance and control, harsher sentencing, higher rates of incarceration, especially for adolescent boys and young men of African descent, and the impact of punitive drug policies and racial stereotyping;
- (g) Violence and hate crimes, including hate speech and racially motivated crimes, with their severe physical and psychological impacts on individuals and communities;
- (h) Negative attitudes and practices regarding migrants and refugees, including xenophobia and discrimination, limited access to social services and double standards in status determination, resettlement and other legal decision-making;
- (i) Intersectional discrimination, including the ways that people of African descent with intersectional identities, including women, LGBTQ+ persons and migrants, experience extremes of violence and vulnerability, as racial bias and discrimination persist even within vulnerable populations;

(j) Calls for recognition and reparations, including recognition and redress for historical injustices, including slavery and colonialism, and for ongoing systemic racism, including calls for acknowledgment and reparative justice.

27. In addition, the existence of ongoing racial biases and racial stereotyping is reflected throughout society, including in advertisements, social media, political rhetoric and decision-making in health care, education and employment, often perpetuating racial discrimination and contributing to the social marginalization of people of African descent.<sup>35</sup>

28. The Working Group has organized public sessions<sup>36</sup> to explore various themes and has published over 20 thematic reports<sup>37</sup> dealing with issues impeding the full realization of the human rights of people of African descent. Thematic sessions and reports<sup>38</sup> have addressed, inter alia, access to employment, education, health care and housing; the administration of justice; access to information technology; structural discrimination; the situation of children of African descent; recognition through education, cultural rights and data collection; access to justice, development and economic emancipation; systemic racism, racial disparities and racial injustice; negative racial stereotyping of people of African descent and the perpetuation of racially biased decision-making; how the climate crisis affects people of African descent; the importance of mainstreaming the situation of people of African descent in plans for achieving the Millennium Development Goals; reparations; the empowerment of women of African descent; and the role of political parties in the integration of people of African descent into political life and decision-making processes.

29. The Working Group was the first body to advocate for and give visibility to the call for reparations for people of African descent at the United Nations. Since 2003, it has disseminated relevant analyses and data, devoted at least one segment of all its annual public sessions to reparations and made recommendations about reparatory justice in its country visits and other interventions. The Working Group has also looked at various proposals for reparations at the local, regional and national levels and formally endorsed the 10-point plan of the Caribbean Community. On 16 February 2021, the Working Group sent an open letter to the United States Congress regarding H.R. 40, a long-standing reparations bill, emphasizing the important role of the bill in understanding, acknowledging, addressing and ultimately dismantling systemic racism and promoting racial equity. The Working Group has urged States to actively pursue reparatory justice for people of African descent and has encouraged initiatives to address recognition, justice and development for people of African descent.<sup>39</sup>

30. The Working Group has played a key role in United Nations initiatives focused on people of African descent and human rights. These have included the International Year for People of African Descent, proclaimed by the General Assembly for 2011 in its resolution 64/169, in recognition of the need to strengthen national actions and regional and international cooperation to ensure that people of African descent fully enjoy economic, cultural, social, civil and political rights. The Working Group actively supported the initiative with research, analyses and consultations. These activities directly fed the planning of and preparation for the International Decade for People of African Descent.

31. In this regard, and pursuant to General Assembly resolution 66/144, the Working Group submitted a draft programme of action in support of the International Decade for People of African Descent, proposing the theme of “Recognition, Justice, Development”.<sup>40</sup> The document became the basis for deliberations at the intergovernmental level, culminating in General Assembly resolution 68/237, in which the Assembly proclaimed the International

<sup>35</sup> See [A/76/302](#).

<sup>36</sup> See <https://www.ohchr.org/en/special-procedures/wg-african-descent/sessions>.

<sup>37</sup> [A/69/318](#), [A/70/309](#), [A/71/297](#), [A/72/319](#), [A/73/228](#), [A/74/274](#), [A/75/275](#), [A/76/302](#), [A/77/232](#), [A/HRC/4/39](#), [A/HRC/7/36](#), [A/HRC/10/66](#), [A/HRC/14/18](#), [A/HRC/18/45](#), [A/HRC/21/60](#), [A/HRC/24/52](#), [A/HRC/27/68](#), [A/HRC/30/56](#), [A/HRC/33/61](#), [A/HRC/36/60](#), [A/HRC/39/69](#), [A/HRC/42/59](#), [A/HRC/45/44](#), [A/HRC/48/78](#), [A/HRC/51/54](#), [E/CN.4/2003/21](#), [E/CN.4/2004/21](#), [E/CN.4/2005/21](#) and [E/CN.4/2006/19](#).

<sup>38</sup> See <https://www.ohchr.org/en/special-procedures/wg-african-descent/annual-reports>.

<sup>39</sup> [A/HRC/33/61](#), paras. 50–72.

<sup>40</sup> [A/HRC/21/60/Add.2](#).

Decade for People of African Descent, to run from 1 January 2015 to 31 December 2024, with the theme proposed by the Working Group. Since then, the Working Group has promoted the Decade to public and private entities.

32. In October 2020, in its resolution 45/24, the Human Rights Council asked the Working Group to contribute to the report that it had requested in its resolution 43/1 from the United Nations High Commissioner for Human Rights on systemic racism and violations of international human rights law against Africans and people of African descent by law enforcement agencies. The Working Group actively cooperated with OHCHR to prepare the report and its analysis contributed to the final report<sup>41</sup> and to a conference room paper of the High Commissioner on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers. Both documents made reference to the prior work of the Working Group. By all accounts, the Working Group's substantive cooperation was key in the development of the High Commissioner's report.

### **Recognition through education**

33. The recognition of people of African descent as a distinct group is essential to increasing their visibility and thus to the full realization of their human rights and fundamental freedoms. People of African descent must be recognized as such in national constitutions and legislation and by means of education, awareness-raising and respect for their cultural rights. Self-recognition is also critical for people of African descent. Data collection as a means of confirming the presence, activities and overall situation of people of African descent is crucial for the attainment of full recognition.<sup>42</sup>

34. At its twelfth session, the theme of which was "Recognition through education, cultural rights and data collection",<sup>43</sup> the Working Group emphasized the importance of inclusive and equitable education for people of African descent. This included addressing the historical omissions and misrepresentations of the history and contributions of Africa; promoting cultural diversity and inclusivity in curricula; and ensuring access to quality education for all individuals of African descent. The Working Group highlighted the significance of preserving and promoting the cultural heritage of people of African descent. It called for the recognition and protection of cultural rights, including language, art, music and traditional practices.

35. The Working Group has also advocated for increased recognition of the achievements, contributions and diversity of people of African descent in various aspects of society. This includes their representation in leadership positions, the media, the arts and other fields where their voices have historically been underrepresented. At its twelfth session, it urged States to revise current curricula and teaching materials and develop ones that respected and recognized the history of people of African descent, including material on the enslavement of Africans and the illegal transatlantic slave trade. During country visits, the Working Group has consistently recommended to Governments that they include the element of recognition in education systems. States must ensure that people of African descent have access to quality education, which would enable them to compete on an equal footing with others in the labour market.

36. The right to education is critical for people of African descent, not only as a means of extricating themselves from historical exclusion and discrimination, but also for the enjoyment, respect and recognition of their cultures, traditions and knowledge. Women and girls of African descent, who face multiple and intersectional discrimination, suffer disproportionately from a lack of access to education and from high levels of illiteracy, which constitute significant barriers to their overall progress and empowerment.

<sup>41</sup> [A/HRC/47/53](#).

<sup>42</sup> [A/HRC/24/52](#), para. 49.

<sup>43</sup> See [A/HRC/24/52](#).

### Data for intersectional racial justice

37. The lack of statistical data disaggregated by race drives both invisibility and hypervisibility for people of African descent, including negative racial stereotypes disconnected from truth and the denial of the history and contributions of people of African descent to their nations' development. The Working Group has emphasized the need for comprehensive data collection that specifically includes information on people of African descent. Collecting disaggregated data would allow for a better understanding of the scope and nature of racial disparities affecting communities and enable the development of targeted policies and interventions to address disparities. The failure to collect such data constitutes a fundamental barrier to recognizing and addressing ongoing and serious racial discrimination and injustice in education, health, employment, housing, detention, the administration of justice and more.

38. In 2018, the Working Group started mapping the human rights situation of people of African descent to establish a baseline against which to measure progress. Such data can help to identify patterns of discrimination and inform evidence-based policies aimed at achieving racial justice and equality.<sup>44</sup>

39. The Working Group has noted that States may fail to achieve their human rights targets in the absence of racially disaggregated data to illustrate areas of ongoing concern, show trajectories of improvement over time and allow racial disparities to drive efforts at remediation and redress. Data can help to identify patterns of discrimination, inform evidence-based policies and measure progress towards achieving racial justice and equality.<sup>45</sup> The Working Group has urged States, to collect, compile, analyse, disseminate and publish, with explicit consent, reliable and disaggregated statistical data at the national and local levels based on self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees.

40. The Working Group has called for data transparency, with information made publicly available, to ensure accountability and promote trust between communities and institutions. It recognizes the intersectionality of identities and encourages data collection that captures the unique experiences of individuals who belong to multiple marginalized groups, including people of African descent.

41. The Working Group has discussed the ethics and governance of artificial intelligence and of bias in technological advances, such as facial recognition, and software used in the criminal justice sector in certain countries.<sup>46</sup> It has raised concerns that little effort has been made to ensure that the racial biases reflected throughout societies have not been embedded in algorithms, coding and data-driven commercial and military products, such as facial-recognition software, autonomous weapons systems and signature strike targeting programmes. Legacy mindsets remain embedded in decision-making, often because of the failure of the decision makers to confront their own biases. Making these views apparent could mitigate their impact, particularly the biases reflected in algorithms, which lack reflective capacity and effective independent oversight.

42. Racial biases and stereotypes are reflected throughout society, including in advertisements, social media, political rhetoric and decision-making in health care, education and employment. The persistence and ubiquitousness of such biases and stereotypes perpetuate racial discrimination in many areas, including artificial intelligence, and contribute to the social marginalization of people of African descent.<sup>47</sup>

43. The Working Group has urged States and stakeholders to recognize the importance of qualitative data. Anecdotal, narrative and individual data, in addition to witness testimonies, are vital for accurately interpreting the existing quantitative data so that systemic racism and individual bias do not result in the misinterpretation or mischaracterization of data trends and their import.

<sup>44</sup> See <https://www.ohchr.org/en/special-procedures/wg-african-descent/24th-session-working-group>.

<sup>45</sup> See [A/HRC/42/59](#).

<sup>46</sup> *Ibid.*

<sup>47</sup> See [A/76/302](#) and [A/HRC/42/59](#).

### **Criminal justice system and access to justice**

44. The two main issues regarding racism in the administration and functioning of the criminal justice system are adherence to the principle of equality before the law and the criminalization of racism.<sup>48</sup> Children and young people of African descent constitute one of the groups in situations of vulnerability that experience disproportionately low rates of access to high-quality education and alarmingly high rates of violence, including at the hands of law enforcement officers. Children and young people of African descent are often seen as adults and are too often racially profiled and targeted by the police for stop-and-search, fostering anger, frustration and a lack of faith in law enforcement agencies and, in extreme cases, provoking suicide.

45. The difficulties that women experience in gaining access to justice are compounded by several factors, including societal discrimination, a lack of education and awareness of their rights and a lack of readily available legal assistance. The situation is even more troubling for women of African descent, even though relevant international norms exist, including those reflected in Committee on the Elimination of Racial Discrimination general recommendations No. 31 (2005) and No. 32 (2009).

46. The Working Group has expressed concern about the racial profiling and discrimination faced by people of African descent within the criminal justice system. It has called for measures to address and prevent racial profiling by law enforcement and to ensure equal treatment before the law. It has consistently, including in country visit reports, raised awareness about the overrepresentation of people of African descent in the criminal justice system and has urged Governments to address the underlying factors contributing to such overrepresentation, such as socioeconomic inequalities and bias in policing and sentencing.

47. The Working Group has noted that racial and sexual violence and harassment deprive women of African descent from accessing justice. The problem is even worse for women of African descent incarcerated in foreign countries where legal and consular services are unavailable. It has recommended that legal assistance for women of African descent be prioritized through awareness-raising, including the development of user-friendly, gender-sensitive information guides on the administration of justice.

48. The Working Group has underlined the importance of questioning the very concept of justice in all fields and the need to broaden the definition of justice to include social justice, access to justice and the application of the legal system to address historical injustices.

49. The Working Group has emphasized the importance of ensuring that people of African descent have equal access to legal representation and assistance. It has called for measures to address barriers to legal representation, such as affordability and geographical availability.

50. The Working Group has condemned the excessive use of force by law enforcement against people of African descent and has advocated for accountability and justice in cases of death in State custody. It has also advocated for awareness-raising for law enforcement, judges and legal professionals to address racial biases and stereotyping and to promote justice. It has stressed the importance of collecting and analysing disaggregated data to better understand the experiences of people of African descent in the criminal justice system. Such data are crucial for evidence-based policymaking and for monitoring progress in addressing inequalities.

### **Development**

51. The legacy of colonialism and centuries of enslavement, manifested in contemporary inequality, structural discrimination and racism against people of African descent, has impeded the full realization of their right to development. The Working Group recognizes that historical injustices have undeniably contributed to the poverty, underdevelopment, marginalization, social exclusion, economic disparities, instability and insecurity that affect many people in different parts of the world, in particular in developing countries, and also recognizes the need to develop programmes for the social and economic development of these societies and of African diaspora communities within the framework of a new

<sup>48</sup> [A/HRC/27/68](#), para. 19.

partnership based on a spirit of solidarity and mutual respect in areas such as debt relief, poverty eradication, market access and the promotion of foreign direct investment.<sup>49</sup>

52. The Working Group has concluded that inequalities are deeply entrenched in structural barriers that intersect and reinforce each other. Given their cross-cutting nature, the Sustainable Development Goals and targets thereof will not be achieved if these persistent structural barriers are not acknowledged. The Sustainable Development Goals and the International Decade for People of African Descent offer opportunities to advance the human rights of people of African descent. Structural racism, racial discrimination, Afrophobia, xenophobia and related intolerance are the root causes of such inequality and must be addressed.<sup>50</sup>

53. In this regard, the operational guidelines on the inclusion of people of African descent in the 2030 Agenda reference the reports of the Working Group and international human rights law regarding importance of a specific focus on people of African descent in the 2030 Agenda in order to leave no one behind and to reach the furthest behind first. The guidelines were field-tested during the Working Group's visits to Ecuador and Peru in 2019 and 2020 and were validated on 20 November 2020 at an expert meeting that included representatives from the United Nations Population Fund and the Economic Commission for Latin America and the Caribbean. The guidelines are aimed at achieving the recognition and inclusion of people of African descent as stakeholders in a human rights-based approach to the achievement of the Sustainable Development Goals.

#### **Interlinkages between recognition, justice and development**

54. The interlinkages, interrelationship and interdependence among the three pillars of the International Decade for People of African Descent – recognition, justice and development – are inextricable. Systemic discrimination and the structural and institutional invisibility faced by people of African descent stem from non-recognition, namely the erasure of their history and contributions through a process of reframing, rewriting, falsification or denial. In this regard, the administration of justice offers an important means of eliciting the truth. Justice includes reparations encompassing the elements of cessation, assurance and guarantees of non-repetition, as well as restitution, compensation and satisfaction, yet faced with structural discrimination and invisibility, people of African descent face an uphill battle in claiming their rights.

#### **Draft United Nations declaration on the promotion, protection and full respect of the human rights of people of African descent**

55. The General Assembly, in paragraph 11 of its resolution 76/226, invited the Permanent Forum on People of African Descent and the Working Group to contribute to the development of a draft United Nations Declaration on the promotion, protection and full respect of the human rights of people of African descent fairly recently, in 2021. However, the Working Group had been highlighting the necessity of adopting such a declaration and developing complementary standards since at least 2012.<sup>51</sup>

56. The Working Group dedicated its twenty-second session to the theme of a framework for a declaration on the promotion and full respect of human rights of people of African descent.<sup>52</sup> It noted that such a declaration would provide an opportunity to consider the impact of historical injustices and structural racism on people of African descent and to remedy the consequences. It would also provide an opportunity to elaborate rights that had not yet been enshrined in the international legal framework and that were specific to the experience of people of African descent.

57. The Working Group called for the draft declaration to establish or reaffirm standards relating to the individual and collective rights of people of African descent, including the right to reparations; to their recognition as ethnic communities and groups; to the communal

<sup>49</sup> Durban Programme of Action, para. 158; and [A/HRC/30/56](#), para. 43.

<sup>50</sup> [A/HRC/36/60](#), paras. 51–88.

<sup>51</sup> [A/HRC/21/60](#), para. 59.

<sup>52</sup> See [A/HRC/39/69](#).

ownership of ancestral lands; to the preservation of traditional knowledge; and to an equitable share of resources. The Working Group has recommended that the draft declaration:

(a) Contain a call for States to recognize the existence of their populations of people of African descent and the cultural, economic, political and scientific contributions made by them, with an emphasis on the relationship between the legacy of the transatlantic slave trade and colonialism and the persistence of racism, racial discrimination, xenophobia and related forms of intolerance directed towards people of African descent today;

(b) Address the marginalization, poverty and exclusion faced by people of African descent and their vulnerable condition, which resulted from multiple and intersecting forms of discrimination, and underline the importance of eradicating all forms of discrimination faced by people of African descent, including within the framework of the 2030 Agenda;

(c) Emphasize that people of African descent, as a collective and as individuals, have the right to the full enjoyment of all human rights and fundamental freedoms as recognized in international human rights law and require all States to ratify the relevant treaties and ensure that national legislation was compatible with international human rights law;

(d) Include guarantees for civil and political rights and economic, social and cultural rights, and include reparations, the protection of land rights, protection from State violence, including racial profiling, protection against hate crimes, protection for human rights defenders, and protection for migrants, refugees and asylum-seekers of African descent. States should also be called upon to establish positive measures to ensure the participation of people of African descent at all levels of society and in all areas of employment, including guaranteeing a high level of political participation.<sup>53</sup>

58. At their recent sessions, the Working Group and the Permanent Forum have also established the importance of articulating the specific ways that systemic racism is embedded in systems and practices, for example, forcible child removals in abuse or neglect proceedings and the impact of environmental and climate policy on people of African descent.

#### **COVID-19, systemic racism and global protests**

59. The COVID-19 pandemic revealed racial discrimination in institutions designed to confer justice, equity and redress and make recommendations. For example, although people of African descent disproportionately experienced COVID-19 infections, including with greater severity and higher mortality than other populations, law enforcement agencies failed to offer protection. Instead, in many States, law enforcement officials targeted people of African descent violently and with impunity, even enforcing pandemic restrictions without regard to social protection or human rights for entire communities. During the pandemic, the Working Group expressed concern about the disproportionate impact of such restrictions on people of African descent, in particular regarding their access to health care, economic disparities and the increased vulnerability of communities of African descent to the health and socioeconomic effects of the pandemic.<sup>54</sup>

60. The Working Group also addressed the intersection of the pandemic and human rights, focusing in particular on the ways in which the pandemic exacerbated existing inequalities and human rights challenges faced by people of African descent. It urged Governments and international organizations to ensure that their responses to the pandemic and social unrest were inclusive and equitable and took into account the specific needs and vulnerabilities of people of African descent. The Working Group said that it was vitally important that States acknowledge that people of African descent were among the most at risk and in need of protection and that they consider the social determinants of health. Failure to appreciate the risks faced by people of African descent facilitated racial disparities during the pandemic in addition to violence and disregard for their human rights.

61. The disparities reflected in many aspects of everyday life during the pandemic, such as in relation to quarantining, social distancing and mask mandates, disproportionately

<sup>53</sup> A/HRC/39/69, paras. 65 and 80–82.

<sup>54</sup> See A/HRC/45/44.

affected people of African descent, including their exposure to the risk of infection, because of their high level of representation among first responders, essential personnel and undocumented essential workers. No special measures were taken for the at-risk populations of people of African descent. Deprioritization and disregard in policymaking throughout the pandemic compounded the harm to people of African descent. One clear example in some countries was access to financial assistance, with stimulus payments and unemployment assistance excluding undocumented persons, a population disproportionately composed of people of African descent.

62. During the pandemic, people of African descent all over the world reported rising levels of police violence, often on the pretext of enforcing social-distancing requirements. The abuses of authority witnessed during the pandemic also set the stage for global protests over systemic racism in law enforcement and quasi-law enforcement prompted by the killing of several people of African descent.<sup>55</sup>

63. In response to the global protests sparked by the killing of George Floyd in May 2020<sup>56</sup> and the broader movement against racial injustice and police brutality, the Working Group expressed solidarity with the protesters and emphasized the need to address systemic racism and discrimination faced by people of African descent worldwide. It called for accountability for human rights violations; police reform; and measures to combat racial profiling and discrimination.

64. Given the significance of both the pandemic and the protests regarding human rights, the Working Group reiterated its call for improved data collection and monitoring to better understand the impact of these events on people of African descent and to inform evidence-based policy responses. It noted the decision in some jurisdictions to refrain from keeping data disaggregated by race or from publishing it, particularly once the racial disparities characterizing the pandemic became clear.<sup>57</sup> Such affirmative obstruction directly limits knowledge production and understanding.

#### **Children of African descent**

65. In its 2022 report on children of African descent,<sup>58</sup> the Working Group focused on human rights relating to the racial discrimination and inequality faced by such children, including in the administration of justice, law enforcement, education, health, family regulation systems and development, and also considered the issue of redress for the legacies of enslavement, colonialism and racial segregation. The report was issued in follow-up to the thematic discussion the Working Group had held in 2009, which had been focused on children of African descent, including the violence perpetrated against them and their access to education and health care. The discussion with stakeholders and panellists had led to key conclusions, including the importance of efforts to prevent the disproportionate representation of children of African descent in the juvenile justice system.<sup>59</sup>

66. At the public session of the Working Group in 2022, it was highlighted that children of African descent were confronted with racialized barriers to the fulfilment of their best interests, which prevented them from realizing their full potential. Such barriers created, *inter alia*, the intergenerational transmission of poverty and race-based traumatic stress, a lack of access to the highest attainable standard of physical and mental health and the criminalization of identity. For children of African descent, negative racial stereotypes often prevailed over age, denying them the systemic protections normally accorded to children.

67. The 2022 report detailed the ways in which persistent negative racial stereotypes of presumed criminality, culpability and dangerousness influenced decision-making, including by police officers, prosecutors, lawyers and judges globally. The childhood of people of African descent was stolen by persistent racial biases in policing and family interventions,

<sup>55</sup> [A/HRC/45/44](#), paras. 41–44.

<sup>56</sup> See <https://www.ohchr.org/en/press-releases/2020/06/un-experts-condemn-modern-day-racial-terror-lynchings-us-and-call-systemic>.

<sup>57</sup> See [A/76/302](#), paras. 54, 55, 81 and 92.

<sup>58</sup> [A/HRC/51/54](#).

<sup>59</sup> See [A/HRC/10/66](#).

including the removal of children and the termination of parental rights and racialized decision-making and outcomes.

68. The Working Group also noted the historical basis for such actions. Internationally, the families of people of African descent had been torn apart and deeply affected by legalized separation initiatives since the beginning of trade and trafficking in enslaved Africans and the international agreement that people of African descent and their children were property to be sold, trafficked and traded. Supporting that system were the ships of the enslavers, the auction block, systematic rape and forced breeding and inhumane work expectations during and after pregnancy. Also connected were the criminalization of poverty, substance use and abortion and the racial norms that hypersexualized women of African descent, labelled them as immoral and delegitimized their authority and investments in their own children and families.

### **Environmental racism, the climate crisis and people of African descent**

69. People of African descent continue to be subjected to environmental racism and disproportionately affected by the climate crisis. Environmental racism refers to environmental injustice in practice and policies in racialized societies. Environmental racism is a measurable contemporary manifestation of racism, racial discrimination, xenophobia, Afrophobia and related intolerance.<sup>60</sup>

70. Environmental racism is perpetrated by States, international corporations and other non-State actors, often in violation of international human rights obligations and local laws, and with deliberate indifference to the impact on communities of African descent. It is for this reason that the Durban Declaration and Programme of Action contains a request that States, supported by international cooperation, as appropriate, consider positively concentrating additional investments in environmental control in communities of primarily African descent. Environmental justice and reparations are human rights to which people of African descent are entitled.

71. The climate crisis, which is characterized by global warming and climate change as a result of human decision-making, has already had a disproportionate impact on the lives of people of African descent. Disproportionate effects have also been reported on the African continent. Communities and even entire States that occupy and rely upon low-lying coastal lands, tundra and Arctic ice, arid lands and other delicate ecosystems are at particular risk. Policymaking, including for States' responses to the climate crisis, may strengthen the impact of the climate crisis on communities of African descent, which often have less political and positional power locally and globally. Addressing the climate crisis requires a human rights-based approach that prioritizes the inclusion of people of African descent in decision-making at all stages, including preparedness, mitigation, response and recovery.

72. The Working Group has noted that priority should be given to increasing the participation of people of African descent in the design and implementation of climate change emergency response, adaptation and mitigation measures. Opportunities should be taken to address climate change and racial discrimination together, rather than treating them separately.<sup>61</sup>

## **V. Cooperation with other mechanisms**

73. The Working Group, as a special procedure of the Human Rights Council, cooperates and takes joint action, including for communications, press releases and other activities, with other mandate holders, in particular with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

74. As one of the mechanisms created to ensure the effective implementation of the Durban Declaration and Programme of Action, the outcome of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Working

<sup>60</sup> See [A/HRC/48/78](#).

<sup>61</sup> [A/HRC/48/78](#), paras. 73–87.

Group is functionally linked to and cooperates with other follow-up mechanisms. It regularly participates in and provides expertise to the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,<sup>62</sup> the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination.

75. The Committee on the Elimination of Racial Discrimination is a principal partner of the Working Group. The Committee experts participate actively in the sessions of the Working Group and the two mechanisms conduct regular consultations on thematic issues and country-specific situations in preparation for their mandated activities. Both mechanisms work to coordinate and support the implementation of relevant recommendations, particularly those arising from country visits and reviews. The Working Group also provides input into general debates and the general recommendations of the Committee.<sup>63</sup>

76. During its 20 years of work, the Working Group has conducted thematic consultations and annual sessions, carried out over 20 country visits and prepared various thematic reports. In discharging its mandate, the Working Group has been inclusive and broadly consultative, engaging international organizations, specialized agencies and other entities of the United Nations and national human rights institutions, academics, grass-roots organizations and specialized bodies within Governments. Its recommendations have been incorporated into the work of the universal periodic review<sup>64</sup> and the United Nations treaty bodies and mechanisms.<sup>65</sup>

77. The Working Group has held many consultative sessions with people of African descent in civil society, including victims and families. As work moved online in 2020 because of the pandemic, it was the first to organize online regional information-gathering consultations with people of African descent.

78. The Working Group has also strengthened its cooperation with regional human rights mechanisms, including with the Rapporteur on the Rights of Persons of African Descent and against Racial Discrimination of the Inter-American Commission on Human Rights,<sup>66</sup> the Caribbean Community and the African Commission on Human and Peoples' Rights. In November 2022, the Working Group participated in the seventy-third ordinary session of the African Commission on Human and Peoples' Rights in Banjul. It advocated for an increased focus on the state of human rights of Africans and people of African descent in diaspora communities in the framework of the mandate of the Commission. The Working Group presented a draft resolution on people of African descent and Africans in the diaspora, which the Commission endorsed, resulting in the adoption of its resolution on the African reparations agenda and the human rights of Africans in the diaspora and people of African

<sup>62</sup> A/HRC/46/66, para. 38; A/HRC/49/89, paras. 27 and 37; and A/HRC/52/78, paras. 23 and 56.

<sup>63</sup> See <https://www.ohchr.org/en/treaty-bodies/cerd/general-recommendations>.

<sup>64</sup> Data generated from the Universal Human Rights Index database shows that, over the course of the universal periodic review cycles completed thus far, a total of 236 recommendations relevant to the work of the Working Group were addressed to the 33 States under review. Among the recommendations were a focus on the overall themes of racial discrimination (21.6 per cent) and equality and non-discrimination (21.4 per cent), with significant linkages to legal and institutional reform (10.3 per cent) and the administration of justice and fair trials (8.2 per cent), with somewhat less attention to the constitutional and legislative framework (5.3 per cent). Recommendations on the right to education are represented in 3.7 per cent of the recommendations, access to justice and remedy also in 3.7 per cent and the right to physical and moral integrity in 3.2 per cent. The majority of recommendations referring to persons of African descent were linked to Sustainable Development Goal 10, on reducing inequality within and among countries (44.2 per cent), and to Goal 16, on promoting peaceful and inclusive societies for sustainable development, providing access to justice for all and building effective, accountable and inclusive institutions at all levels (39.3 per cent), with a greater range of related Goals in smaller percentages, including Goal 5, on achieving gender equality and empowering all women and girls (5.8 per cent), indicating some attention to intersectionality.

<sup>65</sup> All recommendations are available from the Universal Human Rights Index database at <https://uhri.ohchr.org/en/search-human-rights-recommendations>.

<sup>66</sup> A/HRC/21/60, para. 84.

descent worldwide. The Working Group also organized side events on the African reparations agenda and on the International Decade for People of African Descent and participated in the non-governmental organization and national human rights institution forums preceding the session.

79. In addition to contributing to the creation of the Permanent Forum on People of African descent, which was established by the General Assembly in its resolution 75/314, the Working Group has worked closely with the Permanent Forum and with the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, established by the Human Rights Council in its resolution 47/21.

## VI. Persistent and emerging trends

80. During its 20 years of work, the Working Group has noted that the lack of data disaggregated by race remains a major impediment to the full realization of human rights for people of African descent. Disaggregated data offer a means of ensuring the recognition of people of African descent and of overcoming their historical, social and structural invisibility.<sup>67</sup>

81. Despite advances in some countries, the culture, history and contributions of people of African descent are largely absent from primary and secondary school curricula. University students and personnel report the devaluation of African studies and of African authors in the established canon of literature. When taught, the history of colonization often implicitly or explicitly privileges colonial legacies and norms, and most States have not ensured that textbooks and educational materials reflect historical facts accurately with regard to past tragedies and atrocities, particularly enslavement, the transatlantic slave trade, the exploitation of African people, land and resources, and colonialism.<sup>68</sup> Governments should build understanding and awareness of the history and contributions of people of African descent, including the impacts of wealth-building during the colonial period on the stability of nations in Africa and of the diaspora and the legacies of colonialism and of trade and trafficking in enslaved Africans on individual, family and community wealth, health and access to resources.

82. Globally, the Working Group has also observed a persistent culture of denial, including of the existence of racism or systemic racism, and the devaluing and delegitimizing of individual experiences of racial bias, systemic racism and racial injustice. It has noted current and historical instances of this culture of denial in the operation of the media and of educational and public institutions, including systems of justice. Such denial remains a persistent yet invisible barrier to access to justice.<sup>69</sup>

83. The overrepresentation of people of African descent in the criminal justice system persists, together with instances of serious injustice and derogations from due process, highlighting the challenge of convincing justice system decision makers to confront their own biases. Racial bias pervades all levels of the criminal justice system, with people of African descent overrepresented at all stages of the criminal justice process, from stop-and-search to sentencing. The persistence of the unlawful or excessive use of force against people of African descent by the police, border control authorities, security forces and other law enforcement agencies extends across regions. From racial profiling to the exercise of prosecutorial discretion, the imposition of pretrial incarceration and racial disparities in sentencing, people of African descent continue to disproportionately experience surveillance, social control and double standards, despite fairly accessible and widespread information on the ways in which bias affects decision-making with respect to people of African descent.<sup>70</sup>

84. Institutional and structural racism and racial discrimination are legacies of enslavement, colonialism, neocolonialism and centuries of dehumanization. People of African descent continue to be disproportionately discriminated against in the administration

<sup>67</sup> A/HRC/42/59/Add.1, para. 19.

<sup>68</sup> Ibid., paras. 26 and 27.

<sup>69</sup> A/HRC/27/68/Add.1, para. 59.

<sup>70</sup> A/HRC/36/60/Add.1, para. 34.

of justice. Racial profiling gives rise to police brutality and other violations, particularly against people of African descent. The Working Group is gravely concerned about trends in the treatment of people of African descent, ranging from stop-and-search to killings by law enforcement officials.

85. In its resolution 36/23 on the mandate of the Working Group of Experts on People of African Descent, the Human Rights Council expressed its alarm at the rising tide of racism and racial hatred worldwide, as evidenced by the resurgence of white supremacy and extremist nationalist and populist ideologies. Some elected officials and others openly promote a false equivalency between white supremacist ideologies and anti-racism initiatives. Governments should reject the idea that anti-racism commitments are extremist and lead the public discourse to expose the claims of equivalency between fascism and anti-racism. Human rights should not be undermined by political considerations.

86. The Working Group has observed and documented the widening digital divide, including the impact of algorithmic bias on the lives of people of African descent. From risk instruments that encode legacy biases to the accreditation of artificial intelligence products tested on all-white data sets that embed serious, racialized inaccuracies to improper practices masked by inscrutable algorithms, it has become easier to exclude people of African descent from access to information, financial and educational resources and health care, as the bias in algorithmic decision-making is not easily perceptible to lay users.

87. People of African descent disproportionately lack access to participation and inclusion in policymaking and decision-making and to proportional representation in politics, academia, executive leadership, senior positions and the media. The lack of representation of people of African descent in decision-making roles on the issues defining their social protection drives significant gaps in expertise, legitimacy and understanding in policymaking.

## VII. Conclusions and recommendations for the future

88. Despite promising initiatives, discrete achievements and numerous important engagements in the 20 years since its establishment the year after the adoption of the Durban Declaration and Programme of Action, there is no less need for the Working Group today, reflecting a powerful, global culture of denial that has minimized or ignored the systemic aspects of racial discrimination, disparity and injustice. Many anti-racism initiatives are uninformed by analysis or valid expertise on how racism may persist or be transformed. The growing global discourse on systemic racism may represent the most enduring achievement under the mandate of the Working Group and the Durban Declaration and Programme of Action. The mandate of the Working Group remains vital. Fulfilling it requires increased international commitment, Member State engagement and support, including increased resources.

89. The Working Group has been at the origin of the much-needed expansion of the anti-racial discrimination architecture within the United Nations. Mechanisms with complementary mandates have been established, which have the capacity to add depth and nuance to the global understanding of the persistence and nature of systemic racism. Better coordination within this architecture, including mandated opportunities to collaborate and the building of networks and relationships among the different mechanisms, could lead to long-overdue synergy and complementarity.

90. The Working Group has provided a platform for civil society, grass-roots organizations and academics to discuss the ways in which the struggle for justice, recognition and reparations is manifested across disciplines, regions and generations. Its engagement on racial transformation with civil society organizations and local actors, including during country visits, has fostered important understanding, terminology and articulation of systemic racism for national and international advocacy efforts. The Working Group's own analysis is deeply enriched by such engagement, as the legitimacy of analyses at the intersection of systemic racism and human rights must be iteratively informed and guided by persons with local relevance

and lived experience. Support and opportunities are needed to strengthen these platforms and to support the initiatives that arise from these discussions.

91. The Working Group's follow-on activities, including follow-up country visits, have uncovered evidence of the persistence of significant human rights abuses and violations, including where previously identified by the Working Group as systemic contributions to racial discrimination, disparity and injustice. In some States, demonstration projects targeting racial equality or police impunity that had been highlighted previously to the Working Group were later represented as new initiatives, although they had remained largely unchanged over the course of a decade or more. In others, anti-racism initiatives had failed to meaningfully include or support people of African descent, whose lived experience and expertise would have provided important insights into impact, credibility and legitimacy. Still others cited current events or complexity or mobilized the culture of denial to defend conduct that was clearly associated with persistent racial disparity and injustice. The Working Group calls upon all stakeholders and Member States to actualize commitments to racial equality and equity. It stands ready to provide technical assistance and engagement upon request.

92. The Working Group has observed a reduction in and retrenchment of racial equality and justice for people of African descent in some countries, often masked by investments in communications strategies rather than in communities. Thus, while the country visits have contributed to increased awareness, accountability and policy changes internationally, a sense of complacency has limited both the impact of the mandate and the capacity of Member States to adequately leverage the recommendations of the Working Group or the lived experience and expertise of their own people, compromising their commitments to racial equity and equality.

93. Today, the visibility, prioritization and funding of key human rights initiatives leverage the legitimacy of data-driven, evidence-based norms. The Working Group has focused on two key issues in this regard. First, the startling dismissal of qualitative data and individual narratives flattens and distorts the reality of people of African descent so that it fits easily observable conclusions evident in large data sets. Data disaggregated by race is touted as the gold standard for visibility regarding the issues facing people of African descent and yet the proper understanding, interpretation and monitoring of data-driven initiatives, even when data are disaggregated by race, also require significant investments in qualitative data, including anecdotal and narrative data. These include everyday experience and information connecting human rights violations to intersectional populations, which might disappear within the quantitative data, for example, the high rates of State and non-State violence against transgender women and gender-diverse persons of African descent, including in health-care spaces.

94. Second, the Working Group has confronted many States that eschew the collection of data disaggregated by race, citing privacy, universalism, the legacy of the Second World War or other concerns, yet such States maintain and publish data on gender, which is equally a social construct. They fail to engage the discourse on protections that could mitigate such concerns, including self-identification and modern data-privacy provisions. They also fail to confront how a lack of data disaggregated by race obscures the ways in which racial bias and profiling drive police impunity, harassment and violence. The Working Group has observed no State initiative, policy or practice that is not informed by racially disaggregated data that adequately addresses the erasure of the racialized nature of human rights abuses and violations evident in their populations at scale. States could fail to achieve human rights targets without racially disaggregated data based on the principle of self-identification to illustrate areas of ongoing concern, show trajectories of improvement over time and enable racial disparities to drive efforts at remediation and redress.

95. The Working Group calls upon Member States to confront the role of racial bias and systemic racism in the disproportionate surveillance, stop-and-search and harassment of people of African descent across regions and in the overrepresentation of people of African descent under social control, whether incarceration, probation or other situations. In some States, including global super-Powers that export policing expertise, the legacies of colonialism and the trade and trafficking in enslaved Africans

directly fed policy and practice, including the police function. Thus, the persistence of police impunity for violence against people of African descent across borders, regions and development contexts reflects the transnational roots of the social construct of race and racism as mechanisms to control Black bodies.

96. The Working Group has noted that police violence against and the mass incarceration of people of African descent are not exclusively policing issues, where widespread impunity, misconduct and brutality exist within an enabling environment for racialized misconduct. To pretend otherwise is to disregard a racialized through line that consistently lowers expectations and worsens outcomes along racial lines. The operation of systemic racism across sectors reflects the historical development of interlocking systems that have exploited, rather than protected, people of African descent. States must explicitly acknowledge and state their intent to combat mass incarceration and police impunity as a mechanism to confront systemic racism and as part of reparatory justice.

97. Within the United Nations mechanisms and other entities of the United Nations system, Member States and civil society, there is a routine erasure of people of African descent as such. The racialized nature of human rights abuses and violations is often unconsidered or unacknowledged in human rights analyses relating to, for example, children, human rights defenders and migrants. This may be one manifestation of the culture of denial of systemic racism. As the Working Group has noted with concern, such erasure persists even following reporting from country visits or other engagement. Despite the efforts of the Working Group, meaningful collaboration and awareness-raising activities are constrained by a lack of resources or capacity. International, regional and national organizations, including United Nations entities, should adopt a specific mandate on people of African descent and should routinely embed analysis on the ways in which systemic racism is manifested and the legacies of the trade and trafficking in enslaved Africans inform policy and practice in their thematic or geographical areas.

98. The Working Group has actively participated in the development of international instruments and guidelines relating to the rights of people of African descent. Calls for a second International Decade for People of African Descent, with the increased engagement of civil society and Member State and multilateral support, are resounding globally. The Working Group should continue to work at the forefront of the promotion and implementation of the programme of activities for the implementation of the International Decade.

99. The Working Group calls upon all States to engage with United Nations entities and mechanisms to enhance the effective implementation of its recommendations. It encourages civil society to engage constructively with States in the implementation of the recommendations made by the Working Group following its country visits. United Nations country teams are also relevant partners for this activity.

100. The Working Group recommends that States and other duty bearers implement the International Convention on the Elimination of All Forms of Racial Discrimination, the Durban Declaration and Programme of Action and the programme of activities for the implementation of the International Decade for People of African Descent, and take action to address the root causes and current manifestations of racism, racial discrimination, xenophobia, Afrophobia and related intolerance, including environmental racism, with the active participation and meaningful inclusion of people of African descent with key expertise in leadership roles at all levels.

101. The Working Group's advocacy for reparations reflects global calls for justice and should be broadly engaged by Member States and civil society. As the United Nations High Commissioner for Human Rights has acknowledged, no State has comprehensively accounted for the past or for the current impact of systemic racism.<sup>71</sup>

---

<sup>71</sup> [A/HRC/47/53](#), para. 60.

**In this regard it is equally important that initiatives claiming to represent reparatory justice have adequate scope, impact and inclusion to be truly reparatory.**

## Annex I

### **Summaries of the inputs provided by stakeholders for the elaboration of the report on the 20 years of work of the Working Group of Experts on People of African descent**

1. The stakeholders that replied to the call for inputs of the Working Group include Member States, civil society organizations, specialized agencies/ ministries within Governments as well as independent experts. Their inputs are summarized in this section.
2. Australia reaffirmed its commitment to positive engagement with the UN human rights system. It welcomed the Working Group's fact-finding mission and considers the review process as an opportunity to showcase good practices and remains dedicated to fulfilling its human rights obligations.
3. Brazil highlighted the efforts in promoting racial equality and combating racism through the implementation of various public policies and measures. Key milestones include the incorporation of Afro-Brazilian history and culture in the official curriculum, the creation of the Special Secretariat for Policies for the Promotion of Racial Equality, and the enactment of laws reserving vacancies in higher education and public job contests for people of African descent. Notably, the establishment of the Ministry of Racial Equality in 2023 has led to additional measures, such as making racial injury a non-bailable and imprescriptible crime and introducing the "FIAR" Program to address structural racism in the public service. Education has shown significant progress, with a 400% increase in Afro-descendant students in higher education between 2010 and 2019. These efforts demonstrate Brazil's commitment to combat racial inequality and promote racial equality in the country.
4. Chile noted it has taken significant steps to combat discrimination and promote the rights of indigenous and Afro-descendant communities. Laws, such as the Law No. 20.609, have been enacted to prevent arbitrary discrimination and establish penalties for discriminatory acts. The government has also recognized the legal status of the Chilean Afro-descendant tribal people, ensuring protection of their cultural identity, language, and traditions. Efforts have been made to include these communities in national surveys and censuses, allowing for a better understanding of their needs and concerns. Additionally, national plans on human rights and action against racism and discrimination have been developed with active participation from indigenous and Afro-descendant representatives, ensuring their voices are heard in policymaking.
5. In addressing the needs of its Afro-descendant population and promoting racial equality, Ecuador highlighted the implementation of various policies and initiatives across different sectors. The Ministry of Public Health has played a crucial role in addressing health disparities and promoting intercultural healthcare for marginalized communities, including Afro-Ecuadorians. Furthermore, Ecuador has implemented affirmative actions to promote diversity and inclusion in the workplace, ensuring representation of Afro-Ecuadorians and other marginalized groups within the Ministry of Public Health. Ecuador emphasizes the country's commitment to social inclusion, health equity, and the recognition of its diverse population's cultural and health needs. These efforts reflect the nation's dedication to advancing racial equality and promoting the well-being of all citizens.
6. Guyana highlights its commitment to eliminate racial discrimination and promote harmony. It notes it has a strong framework to protect human rights and prohibit racism. Recent legislative developments include restorative justice, bail reform, and judicial efficiency. Measures ensure Afro-Guyanese rights and provide opportunities in education and social security. Additionally, the MEN on MISSION program encourages men to be more engaged in their families and communities for the welfare of their children and community development.
7. Italy noted the establishment of the National Office for Racial Anti-discrimination (UNAR) to safeguard victims and combat discrimination based on various grounds. Though collecting data on racial discrimination is challenging, Italy aims to address discrimination

triggered by skin colour. Efforts are underway to prepare a new National Plan of Action against racism, and the country is actively involved in projects to integrate migrants and refugees, promoting vocational training and job opportunities. Italy noted that the Working Group's recommendation to include people of African descent in relevant decision-making mechanisms aligns with Italy's commitment to equality, and it is exploring reforms to grant undocumented migrants access to basic human rights and pathways to citizenship.

8. Luxembourg's efforts to combat racism and racial discrimination involve a combination of approaches. A general approach concerning all the population without distinction of race or ethnic origin, and a targeted one focusing on groups at risk of discrimination including people of African descent. It noted that concrete measures have been implemented in research, training, awareness-raising, and legislation. Research aims to understand and measure racism, while training focuses on capacity-building and awareness of racial biases. Awareness initiatives are undertaken by civil society organizations with public funding, promoting inclusion and challenging stereotypes. Legislation includes laws facilitating nationality access, protecting victims of discrimination, and consolidating non-discrimination principles in the Constitution. A National Action Plan against racism is being developed in collaboration with stakeholders, and a law on intercultural coexistence is being drafted to replace the current integration law, emphasizing the fight against racism and discrimination.

9. Mexico highlighted that the constitution and the Federal Law to Prevent and Eliminate Discrimination (LFPED) protect the right to equality and non-discrimination. The National Program for Equality and Non-Discrimination (PRONAIND) implements strategies and actions to combat racism and discrimination systematically. It aims to change norms, promote cultural sensitivity, and generate inclusive measures in various sectors. Specific actions include strengthening medical services regulation, combating stigmas related to drugs and disabilities, addressing school bullying, and promoting inclusion for marginalized groups. Additionally, the National Survey on Discrimination (ENADIS) provides data on discrimination's extent and its impact on vulnerable communities, such as indigenous and Afro-Mexican populations. These efforts demonstrate Mexico's commitment to equality, inclusion, and eradicating racism and discrimination.

10. Netherlands noted its efforts to address racism and promote equality for people of African descent. Acknowledging the existence of racism, the government committed to combating institutional racism and issued an apology for its historical role in enslavement. The appointment of a National Coordinator against Discrimination and Racism (NCDR) aimed to engage all stakeholders in countering discrimination and hate crime. Training sessions for civil servants were initiated to raise awareness and combat discriminatory decision-making. Improved data collection and analysis on discrimination incidents facilitated targeted positive measures. The government also emphasized media and cultural representation to combat stereotypes and promote inclusivity. Moreover, changes to the Sinterklaas celebration were made to address negative stereotyping. Despite these achievements, ongoing efforts are necessary to bridge gaps, increase financial support to Curaçao, and repeal legislation resulting in differential treatment within the Kingdom to ensure a more inclusive and equal society.

11. Norway highlighted various measures taken to combat racism and discrimination based on ethnicity, national origin, and skin colour. The country has implemented action plans against racism and discrimination in different sectors, focusing on promoting diversity, inclusion, and dialogue. Norway has established a grant scheme to support initiatives against racism and hate speech, and a new Integration Act aims to ensure early integration of immigrants into Norwegian society. The government has funded research on public attitudes towards ethnic and religious minorities and has developed measures to address racism and discrimination based on external characteristics. Efforts are made to increase diversity and inclusion in arts, cultural life, media, voluntary work, and sports. The sports sector works actively to prevent racism and discrimination, promoting zero tolerance for any form of discrimination and harassment.

12. Portugal has taken significant and comprehensive measures to address the recommendations of the Working Group. They have implemented a Plan for Prevention of Discrimination in Security Forces, launched Guidelines on Preventing and Combating Racial

Discrimination in Schools, and revised curricula to recognize the history of colonialism and slavery. The country is actively commemorating the International Decade for People of African Descent and has expedited amendments to the Penal Code to prevent hate speech and hate crimes. Additionally, Portugal is engaging in extensive training for public officials and justice professionals to raise awareness about the prohibition of racial discrimination. They have also created new protocols to ensure free legal aid and established an Agency for Integration, Migration, and Asylum to improve immigration and asylum processing and enhance the integration of migrants.

13. Spain highlighted the legislative measures in place, such as the comprehensive law for equality and non-discrimination, as well as ongoing efforts to address intersecting forms of discrimination. It emphasized the prohibition of identity checks based on racial or ethnic profiling, the establishment of national offices to combat hate crimes and protect human rights, and the allocation of resources to fight racial discrimination. Additionally, it underscores the importance of awareness campaigns and dialogue with African and Afro Descendant communities to promote inclusivity and understanding. Overall, the text emphasizes Spain's dedication to addressing racism and fostering a more equitable society.

14. Switzerland stressed government's efforts in implementing recommendations made by international bodies, particularly those related to people of African descent. Switzerland acknowledges the existence of racism, highlights ongoing initiatives to combat it, and addresses the challenges and opportunities presented by federalism in addressing discrimination. It also mentions steps taken to regulate online hate speech and the government's response to recommendations from the Committee on the Elimination of Racial Discrimination and the Universal Periodic Review.

15. Trinidad and Tobago notes the various initiatives of the Ministry of Sport and Community Development (MSCD) to address the concerns and promote the well-being of people of African descent. Some of these initiatives include participating in the Community Recovery Committee, relaunching the MpowerTT program for young males' development, supporting the republication of a booklet on African heritage sites, commemorating Nelson Mandela's life and work, providing financial assistance to organizations promoting African heritage awareness, and supporting Emancipation Day celebrations. Through these efforts, the MSCD aims to empower and uplift people of African descent and raise awareness of their history and contributions while addressing social issues affecting their communities.

16. Qatar notes it has implemented several initiatives to combat human trafficking and protect migrant workers' rights. They published a guide on forced labour and human trafficking, established communication channels to report cases, and signed memorandums with organizations to aid trafficking victims. Educational activities and training sessions were organized by the National Committee to Combat Human Trafficking in collaboration with institutions and embassies. Qatar is leading the Gulf-Africa Dialogue on Labour Migration, aiming to improve cooperation and promote fair work for expatriate workers. Partnerships with Msheireb Real Estate Museums have led to cultural programs raising awareness about trafficking and historical slavery. These efforts demonstrate Qatar's commitment to combating human trafficking, protecting human rights, and fostering international cooperation and awareness.

17. European Anti-Poverty Network provided highlights of its Portugal project addressing migration and integration challenges for people of African descent. The project includes "Opportunities" and the "Local Immigrant Council." The recommendations emphasize meaningful participation of migrants, a holistic approach to migration issues, and promoting equal treatment. Specific thematic recommendations cover combating racism in the legal framework, inclusive education, and equal opportunities in the job market.

18. The International Decade for People of African Descent Assembly-Guyana, a good practice established to serve Guyana as the country coordinating mechanism for the decade and an umbrella organization with a network of 67 member organizations in remote and urban communities, that works through advocacy and programmes, informed that the recommendations of the Working Group following its country visit to Guyana had not been effectively implemented. They noted the need for the Government to highlight historic

contributions of African Guyanese to the country, and for affirmative action or reparatory justice for African Guyanese.

19. Ilex Acción Jurídica, an organization advocating for racial justice in Colombia and Latin America, highlighted their focus on two key areas: landmark Colombian Constitutional Court decisions protecting the rights of Afro Descendants during the COVID-19 pandemic and recognizing the significance of traditional midwifery in the Pacific region, and the importance of collecting disaggregated ethnic-racial data to address inequalities and monitor institutional racism. Ilex recommends the Working Group to focus on the need for monitoring judicial decisions' implementation, enhanced collaboration with other UN mechanisms, and improved communication with civil society organizations for more effective follow-up on human rights issues affecting Afrodescendant communities.

20. The Racial Justice and Law Center of the São Paulo Law School of the Getúlio Vargas Foundation highlighted that even after the Working Group's visit to Brazil in 2013 and the recommendations they provided, there continues to be a chronic situation of police violence and brutality against black people in the country. The cases analyzed in the research highlight how the police word still carries significant weight in court, leading to acquittals even when there is evidence from civil witnesses and experts pointing to police misconduct. This indicates a lack of progress in addressing the issue and implementing the necessary changes to hold police accountable for their actions and protect the human rights of Afro-descendants in Brazil.

21. The City of Cologne noted its diverse population and that it considers diversity as a strength and opportunity. The city is committed to promoting inclusivity and addressing racism and colonial heritage. Initiatives and activities have been supported to give more visibility to Afro-diasporic communities and encourage their participation. The city banned the use of the N-word and funded Black History Month events. Education and cultural projects were also supported to celebrate African heritage and contributions. The city is actively dealing with its colonial past, with an expert committee appointed to develop recommendations for action by the end of 2023. In December 2022, the City of Cologne reached an agreement to transfer ownership of historic Benin bronzes to Nigeria, aiming to return looted cultural assets to their rightful owners.

22. The Victorian Equal Opportunity and Human Rights Commission jointly with the Victoria University noted that the visit of the Working Group to Australia in December 2022 shed light on challenges faced by the community, including anti-blackness and policies leading to overrepresentation in detention. The community received the Working Group's recommendations as a credible effort to address their human rights concerns. The visit also fostered connections between the African Australian community and civil society, enabling advocacy skills development and collaboration on promoting human rights. As a result of the strengthened ties, a delegation of five African Australian individuals attended the 32nd session of WGEPAD on Economic Empowerment of People of African Descent, increasing awareness of the presence and contributions of people of African descent in Australia and the Asia Pacific region.

23. AI for the People, illustrated how recommendation 84 of the report of the Working Group of Experts on People of African Descent on Data Justice ([A/HRC/42/59](#)) shaped AI for the People's advocacy for the crafting and introduction of the Algorithmic Accountability Act to the US House of Representatives in June 2019. This federal bill would hold technology companies accountable for algorithmic harm levied against Black and other people of African descent. Further to the recommendation of the Working Group the discussion on the addition of human rights impact assessments was considered. The murder of George Floyd when combined with this policy advocacy has resulted in AI for the People having a seat on Tik Tok's Content Moderation Advisory Board, working alongside Google Health on their next generation of devices.

24. The Working Group also took note of the oral contributions during the online consultation. Contributions focused on the importance of the role of the Working Group as an amplifying voice for people of African Descent, including women as they often face multiple forms of discrimination. It was mentioned that the work in the reports brings to the attention of government complex issues such as systemic discrimination, not solely confined

to the criminal system but that extends to the civil and administrative sectors. One of the participants also highlighted the work of the Working Group in addressing the delicate balance between freedom of expression and systemic discrimination and hate speech. Several speakers highlighted the work of the experts on the issue of reparations for people of African Descent and the reality of intersectionality. They reiterated the call made by the Working Group in its reports for stronger policies and action to address systemic discrimination. Speakers highlighted the need for policy and legislative framework that ensures the government's obligation to address systemic anti-Black racism.

25. Civil society highlighted the positive impact of the Working Group's country visits reports and noted the positive engagement of governments with the Working Group and called for a follow-up to that dialogue and efforts as well as to the recommendations made in the reports. The reports create opportunities to put governments on notice of the issues affecting people of African descent in the specific national contexts. The Working Group's recommendations have been used as an umbrella to create a national policy recommendation as a means to assess the government's actions in addressing the protection of human rights of people of African Descent.

26. Regarding the relationship between civil society and the Working Group stressed the importance of continuing collaboration emphasizing the intergeneration nature of the issues and the inclusive approach of the Working Group. One of the speakers suggested the formation of a Council of Elders of People of African Descent to complement the focus on youth and to ensure wisdom and experience of the older generation is documented and passed on.

27. Civil society groups spoke about the positive impact of sharing reports online. They noted that it allows individuals to engage with the content at their own pace, share it and use it for advocacy and projects. Speaking on the Working Group's sessions, participants highlighted the opportunity the sessions provide to share findings and recommendations with people of African descent across the globe and receive expert feedback and advice. They however noted the need for sessions to be more inclusive and suggested they be held elsewhere. On the issue of inclusiveness, the lack of interpretation in Portuguese was highlighted given the number of participants of the Lusophone community. One of the speakers noted the exodus of youth from the African continent which he believed should be addressed alongside the fight against racism, systemic racism, and racial profiling.

28. Some speakers welcomed the insistence of the Working Group in requesting States to collect disaggregated data and encouraged the Working Group to continue their advocacy on this important issue.

## Annex II

### Compendium of good practices and policies identified by the Working Group of Experts on People of African descent during country visits

1. Argentina launched its National Human Rights Plan of Action (2017–2020) based on the international commitments made by the State and the 2030 Agenda for Sustainable Development. Its axes are inclusion, non-discrimination and equality; public security and non-violence; memory, truth, justice and reparation policies; universal access to rights; and civic culture and commitment to human rights. The Plan of Action outlines concrete actions to give visibility to the Afro-descendant community in the framework of the International Decade for People of African Descent.<sup>1</sup> Law No. 26852 (2013), designates 8 November as National Day of Afro-Argentines and Afro-Culture. This is an effort to acknowledge and correct history in order to restore the symbolic and cultural legitimacy of the role played by people of African descent in establishing the national identity of Argentinean society and Law No. 4355 institutes Afro Women's Day on 25 July in Buenos Aires.

2. The Australian Human Rights Commission works on the development of the National Anti-Racism Framework, the State Commissions and the Ombudsman to protect the human rights of people of African descent and other communities that face racial discrimination in the country. Australia also offered support to organisations, alliances, community leaders and communities of African descent to ensure the human rights of their constituencies.<sup>2</sup>

3. In 2018, Belgium renamed the former Square du Bastion in Brussels as Square Patrice Lumumba and an exhibition commemorating Congolese soldiers who fought in the First World War. Belgium also launched the International Decade for People of African Descent at the national level in 2019 to contribute both to the practical implementation of the Decade at the national level and to the preparation of a future national action plan against racism, through specific measures for people of African descent.<sup>3</sup>

4. Brazil's affirmative action in 2012 with the adoption of the Quota Law (Law No. 12.711),<sup>4</sup> had an impact on the higher educational opportunities of Afro-Brazilians as well as other disadvantaged groups and is a landmark step towards equality in education. This followed the 2003 adoption of Law No. 10.639 to address racist discrimination against people of African descent by amending the General Education Law to include African and Afro-Brazilian history in the national curriculum making African and Afro-Brazilian history and culture compulsory at basic and secondary education levels.

5. In Canada, in 2017 the Government of Ontario passed Bill 114, the Anti-Racism Act, which recognizes the distinct nature of anti-Black racism and the need to address it on an ongoing basis.<sup>5</sup> It also formally recognized the International Decade for People of African Descent<sup>6</sup> and released A Better Way Forward: Ontario's 3-year Anti-Racism Strategic Plan part of the provincial government's commitment to fight systemic racism and create fair and equitable outcomes for Black, indigenous and other racialized people.<sup>7</sup> The Government of Quebec issued a publication highlighting the contribution of African Canadians to the history and development of Quebec society and the organization of intercultural awareness activities in schools by the Black History Month Round Table. In Nova Scotia's Department of Education, the African Canadian Services Division advises the provincial government on

<sup>1</sup> A/HRC/42/59/Add.2, para. 16.

<sup>2</sup> <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgeapd/2022-12-20/2022-12-20-EOM-WGEPAD-Australia.pdf>.

<sup>3</sup> A/HRC/42/59/Add.1, paras. 22–23.

<sup>4</sup> A/HRC/27/68/Add.1, para. 35–43.

<sup>5</sup> A/HRC/36/60/Add.1, para. 20.

<sup>6</sup> A/HRC/36/60/Add.1, para. 23.

<sup>7</sup> A/HRC/36/60/Add.1, para. 24.

African Canadian education, promotes understanding of African Canadians and their history, heritage, culture, traditions and contributions to society.

6. Through Executive Decree No. 915, Ecuador declared the International Decade for People of African Descent a national policy. Ecuador also elaborated the Agenda for the Equal Rights of Indigenous Nationalities and Peoples, Afro-Ecuadorian People and Montubio People 2019–2021.<sup>8</sup> Ecuador's Constitution of 2008 contains specific provisions to protect the human rights of people of African descent, including recognition of their collective rights. Through Executive Decree No. 60, the Plurinational Plan for the Elimination of Racial Discrimination and Ethnic and Cultural Exclusion was adopted with a view to minimizing rates of discrimination and exclusion and improving the situation of populations that have historically suffered discrimination (indigenous, Afro-Ecuadorian and Montubio peoples), including affirmative action measures.<sup>9</sup>

7. In Germany, the National Action Plan against Racism explicitly refers to increased efforts by Government in the fight against racial discrimination and the recognition of people of African descent, in view of the proclamation of the International Decade for People of African Descent. The National Action Plan also includes measures in the field of political education and research as well as awareness-raising in relation to the colonial past.<sup>10</sup>

8. Guyana has set aside the month of August for Emancipation Month. The Working Group welcomed the formation of the Guyana Reparations Committee and the Government's commitment to fund it, and the civil society-led initiative to coordinate the programmes, plans and events for the International Decade for People of African Descent in Guyana. The Government has also made a call for the submission of funding proposals for activities relating to the International Decade for People of African Descent in Guyana.<sup>11</sup>

9. Italy's legal framework includes a range of criminal, civil and administrative provisions to combat racism and incitement to racial hatred. In particular, the Mancino Law, allows judges to increase a sentence if the crime was committed with the purpose of discrimination or hatred based on ethnicity, nationality, race or religion. It also makes it a crime to "instigate in any way or commit violence or acts of provocation to violence for racist, ethnic, national or religious motives", and to "propagate ideas based on racial superiority or racial or ethnic hatred, or to instigate to commit or commit acts of discrimination for racial, ethnic, national or religious motives."<sup>12</sup>

10. In the Netherlands, the Minister of the Interior and Kingdom Relations sends the House of Representatives a yearly letter on action taken to combat discrimination and is also responsible for the Municipal Anti-Discrimination Services Act. All the municipalities report to the Ministry of the Interior every year about complaints on discrimination.<sup>13</sup> The Netherlands has a proactive approach in the collection of disaggregated data, including by ethnicity.<sup>14</sup>

11. Panama adopted a Presidential Decree providing for the creation of the Executive Secretariat of the National Council of the Black Ethnic Community – a Presidential advisory body responsible for addressing certain aspects of the disparities that affect people of African descent.<sup>15</sup> The Ministry of Education noted that in the new curricular contents for basic and secondary education includes areas of knowledge related to the history and contributions of Afro-descendants to Panamanian society.<sup>16</sup> In 2010, for the first time self-identification as a person of African descent was possible in the census questionnaire.<sup>17</sup>

<sup>8</sup> A/HRC/45/44/Add.1, paras. 21–22.

<sup>9</sup> A/HRC/45/44/Add.1, para. 15.

<sup>10</sup> A/HRC/36/60/Add.2, para. 22.

<sup>11</sup> A/HRC/39/69/Add.1, para. 19.

<sup>12</sup> A/HRC/33/61/Add.1, paras. 25–27.

<sup>13</sup> A/HRC/30/56/Add.1, para. 43.

<sup>14</sup> A/HRC/30/56/Add.1, para.51.

<sup>15</sup> A/HRC/24/52/Add.2, para. 17.

<sup>16</sup> A/HRC/24/52/Add.2, para. 33.

<sup>17</sup> A/HRC/24/52/Add.2, paras. 4–6.

12. In July 2016, the Government of Peru approved the National Development Plan for the Afro-Peruvian Population (2016–2020).<sup>18</sup> Another example is the establishment of a registry of Afro-Peruvian representative organizations alongside a working group to facilitate dialogue between the Executive and Afro-Peruvian civil society for the formulation and monitoring of public policy.<sup>19</sup> In 2014, the Government mandated that Afro-Peruvian culture would be celebrated in June. June 4<sup>th</sup> is the National Afro-Peruvian Culture Day.<sup>20</sup> The Office of the Ombudsperson and the Government have published studies on the situation of people of African descent in Peru on the situation and legal framework for their protection. The Indigenous and Afro-Peruvian Peoples Directorate has established public policies, consolidated representative participation, developed an information system, and strengthened the visibility and institutional coordination of Afro-Peruvians.<sup>21</sup> In 2009, Peru made a historical apology to Afro-Peruvians, asking for forgiveness for the abuses, exclusion and discrimination perpetrated since the colonial period to recognize the legacy of the Afro-Peruvian people.

13. Portugal adopted its first National Plan to combat racism and discrimination (2021–2025). This plan includes the creation of an independent observatory on hate speech, racism and xenophobia; and envisages assessing the possible revision of the legislation on combating discrimination and hate speech.<sup>22</sup> The High Commission for Migration undertook regular activities to promote the International Decade for People of African Descent, focusing on awareness-raising among the youth of issues related to discrimination, equality and dialogue across cultures, among others. It also has elaborated a national plan of activities to promote the International Decade.<sup>23</sup>

14. Spain has approved Act No. 19/2007 has been approved to combat violence, racism, xenophobia and intolerance in sport and is aimed at preventing, controlling and penalizing any violent manifestation with racist, xenophobic or intolerant connotations in any sporting activity.<sup>24</sup> The establishment of a number of institutions at the national, provincial and local levels including the Council for the Elimination of Racial or Ethnic Discrimination, specialized offices dealing with hate crimes and discrimination in all provincial prosecutorial offices in Spain, the Spanish Observatory on Racism and Xenophobia, are also important initiatives for combating racial discrimination.<sup>25</sup> The National Museum of Anthropology hosted some exhibitions in relation to the history of people of African descent, which were supported by the General Sub directorate for the Promotion of Fine Arts of the Ministry of Culture.<sup>26</sup>

15. In Sweden, the new Discrimination Act entered into force in 2009. It prohibits discrimination associated, inter alia, with ethnicity, religion or other belief. It also includes compensation for discrimination to facilitate the provision of higher levels of compensation to victims of discrimination.<sup>27</sup> The Swedish Government awarded a grant to the Multicultural Centre to undertake a study on Afrophobia in Sweden.<sup>28</sup> The Equality Ombudsman was to be given an assignment to carry out awareness-raising measures regarding Afrophobia during 2015 and 2016.<sup>29</sup> It is also important to mention the Strategic Plan for Anti-Discrimination in Malmö, a study to implement the Afrophobia report recommendations and a textbook review to map, and correct where necessary, misrepresentations of the history of Sweden and its role during the transatlantic trade in captured Africans, enslavement and colonialism.<sup>30</sup>

<sup>18</sup> A/HRC/45/44/Add.2, para. 16–18.

<sup>19</sup> A/HRC/45/44/Add.2, para. 18.

<sup>20</sup> A/HRC/45/44/Add.2, paras. 10–11.

<sup>21</sup> A/HRC/45/44/Add.2, para. 12.

<sup>22</sup> A/HRC/51/54/Add.2, paras. 9–11.

<sup>23</sup> A/HRC/51/54/Add.2, para. 13.

<sup>24</sup> A/HRC/39/69/Add.2, para. 11.

<sup>25</sup> A/HRC/39/69/Add.2, para. 13.

<sup>26</sup> A/HRC/39/69/Add.2, para. 43.

<sup>27</sup> A/HRC/30/56/Add.2, paras. 21–27.

<sup>28</sup> A/HRC/30/56/Add.2, para. 37.

<sup>29</sup> A/HRC/30/56/Add.2, para. 40.

<sup>30</sup> A/HRC/30/56/Add.2, para. 45.

16. In Switzerland, in 2019, the city of Neuchâtel renamed a plaza to honour Tilo Frey, the first person of African descent elected to the National Council of Switzerland. The plaza had been named after a nineteenth-century scientist who leveraged his reputation in the area of glaciation into an advocacy platform for “scientific” racism. In Neuchâtel and Zurich, the revision of public narratives has included plaques with historical context being added to public buildings. Other initiatives include tenders for monuments and public works of art; the creation of an educational itinerary of the historical past and modern links; a permanent exhibition on Neuchâtel citizens’ involvement in the triangular trade; and a website to situate those truths within the official municipal history.<sup>31</sup> Since 2016, the canton and city of Geneva have recognized anti-Black racism as a particular form of human rights violation and has approved a budget line for the prevention of and the fight against anti-Black racism.<sup>32</sup>

17. In 2014, the Government of the United States launched the My Brother’s Keeper to address opportunity gaps that African American boys and young men face in regard to their access to basic health care, good nutrition, high-quality education, and labour opportunities, and in reduction of violence.<sup>33</sup> The Government also adopted the Patient Protection and Affordable Care Act, which has allowed 2.3 million African American adults to gain medical health insurance.<sup>34</sup>

18. In the United Kingdom of Great Britain and Northern Ireland, the Parliamentary Joint Committee on Human Rights 2020 report on Black People, Racism and Human Rights, concluded that the Government must urgently take action to protect the human rights of Black people, including within healthcare, criminal justice, nationality and immigration and democracy; and its leadership in articulating the concerns, progress, missteps, and a way forward on human rights including in providing scrutiny of Government Bills for compliance with human rights. The Lammy Review and the Race Disparity Audit are also positive examples of the Government’s action to identify disparities in outcomes for ethnic groups, including Black, Asian and minority Ethnic individuals.<sup>35</sup>

---

<sup>31</sup> [A/HRC/51/54/Add.1](#), para. 12–14.

<sup>32</sup> [A/HRC/51/54/Add.1](#), para. 24.

<sup>33</sup> [A/HRC/33/61/Add.2](#), para. 15.

<sup>34</sup> [A/HRC/33/61/Add.2](#), para. 17.

<sup>35</sup> <https://www.ohchr.org/sites/default/files/documents/issues/racism/wgepad/statements/2023-01-27/eom-statement-UK-WGEPAD-2023-01-27.pdf>.