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

11 September–13 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****Resolution adopted by the Human Rights Council  
on 12 October 2023****54/27. From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance***The Human Rights Council,*

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

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

*Recalling also* all previous resolutions on racism, racial discrimination, xenophobia and other related forms of intolerance, including Human Rights Council resolution 47/21 of 13 July 2021, and urging the United Nations High Commissioner for Human Rights, the relevant special procedures of the Human Rights Council and international mechanisms to enhance and broaden their efforts to implement the Durban Declaration and Programme of Action, and inviting relevant United Nations bodies to do the same,

*Emphasizing* the relevance of the International Convention on the Elimination of All Forms of Racial Discrimination as an important international instrument to combat the scourge of racism, and in this regard noting with concern that the commitment made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to achieve universal ratification of this primary instrument by 2005 was regrettably not fulfilled, and recalling the recommendation contained in the Durban Declaration and Programme of Action to prepare complementary international standards to strengthen and update international instruments against racism, racial discrimination, xenophobia and related intolerance in all their aspects,<sup>1</sup>

*Acknowledging* the importance of the Durban Declaration and Programme of Action as a milestone in the common fight against racism, racial discrimination, xenophobia and related intolerance, as it addresses the deep historical roots of contemporary racism, acknowledges that slavery and the slave trade are – and should always have been – crimes against humanity, takes into account the legacy of some of the most appalling chapters of

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<sup>1</sup> A/CONF.189/12, p. 71, para. 199.



human history, and constitutes a holistic call to action that encompasses measures to deliver remedies to victims-survivors of racism, to strengthen education and awareness-raising, to fight poverty and marginalization and to secure inclusive sustainable development,

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

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

*Recalling* that racism, racial discrimination, xenophobia and related intolerance are manifested on the grounds of race, colour, descent or national or ethnic origin, and that victims-survivors can suffer from multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, disability, political or other opinion, social origin, property, birth or other status, and in this regard recalling also that it is essential that integrated, intersecting and holistic approaches be adopted to ensure the effectiveness of policies and other measures against racism, racial discrimination, xenophobia and related intolerance,

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

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

*Recalling* all previous Human Rights Council resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and the International Decade for People of African Descent,

*Acknowledging with deep concern* that many years later, notwithstanding the adoption of the Durban Declaration and Programme of Action years ago and the concerted efforts of the international community, many people around the world, including Africans and people of African descent, Asians and people of Asian descent, migrants, refugees and persons belonging to other racial, ethnic, linguistic or religious minorities continue to be confronted by racism, racial discrimination, hate speech, targeted violence, xenophobia and other related intolerance, which have been exacerbated by the coronavirus disease (COVID-19) pandemic,

*Recognizing* that the design and use of emerging digital technologies, while offering new opportunities in the global campaign against all forms of racism and racial discrimination, can exacerbate and compound existing inequalities, many of which exist on racial, ethnic and national origin grounds, and that the prevalence of emerging digital technologies in determining everyday outcomes in employment, education, health care and criminal justice, which introduces the risk of systemized discrimination on an unprecedented scale, is a major concern,

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

*Noting* the efforts made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, and also those made by the other Durban follow-up mechanisms, namely the Ad Hoc Committee on the

Elaboration of Complementary Standards for the report on its thirteenth session,<sup>2</sup> the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action at its eighth and ninth sessions and the Working Group of Experts on People of African Descent at its thirty-ninth session,

*Stressing* that law enforcement officials, in the performance of their duties, shall respect and protect human dignity and maintain and uphold the human rights of all persons, and underscoring that the independence and impartiality of the judiciary, the integrity of the judicial system and an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy,

*Acknowledging* the multiple and aggravated forms of racial discrimination, which exacerbate individuals' experiences with police violence and increased vulnerability,

*Taking note* of the reports 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 the excessive use of force and other human rights violations by law enforcement officers through transformative change for racial justice and equality,<sup>3</sup> encouraging States to consider implementing the recommendations contained therein, and requesting the High Commissioner to pay further attention to this matter in upcoming reports by addressing the continued excessive use of force and other human rights violations by law enforcement officers against Africans and people of African descent in different parts of the world,

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

*Recalling also* General Assembly resolution 76/226, in which the Assembly requested the Human Rights Council to consider the question of developing a multi-year programme of activities to provide for the renewed and strengthened outreach activities needed to inform and mobilize the global public in support of the Durban Declaration and Programme of Action and to strengthen awareness of the contribution that they have made in the struggle against racism, racial discrimination, xenophobia and related intolerance,

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

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

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

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

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<sup>2</sup> A/HRC/54/65.

<sup>3</sup> A/HRC/51/53 and A/HRC/54/66.

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

4. *Stresses* in this respect the need to also address stereotypes, stigmatization and identity-assignment based on race as essential in the fight against racism, racial discrimination, xenophobia and related intolerance;

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

6. *Also encourages* States to continue to fully cooperate with the International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement and to continue to implement the comprehensive set of measures to end systemic racism and address racial discrimination and human rights violations, notably by law enforcement, contained in the agenda of the United Nations High Commissioner for Human Rights towards transformative change for racial justice and equality;

7. *Requests* the Expert Mechanism to present its annual report to the General Assembly, and in this regard requests the Chair of the Expert Mechanism to engage in an interactive dialogue with the Assembly under the agenda item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance”;

8. *Stresses* the importance of the fact-finding country visits of the Expert Mechanism and the recommendations stemming from them, and in this context requests the Expert Mechanism to submit all reports on its country visits as addenda to its annual report to the Human Rights Council;

9. *Calls upon* States to comply with their obligations under international law to protect those standing up against racism, including human rights defenders, from being discredited, harassed, intimidated or subjected to increased surveillance, both within and outside the context of assemblies;

10. *Takes note* of the conclusions and recommendations made by the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, which, at its thirteenth session, continued its discussions on the elaboration of a draft additional protocol to the Convention;<sup>4</sup>

11. *Requests* the High Commissioner, in the further fulfilment of the mandate of the Ad Hoc Committee on the Elaboration of Complementary Standards to the International Convention on the Elimination of All Forms of Racial Discrimination, to continue to engage with the group of legal experts, representing different regions and legal systems, referred to by the Human Rights Council in its resolution 51/32 of 7 October 2022, and to task them to continue to provide the Chair-Rapporteur with precise guidance and inputs to allow for the preparation of the Chair’s document, in accordance with the Committee’s mandate;

12. *Also requests* the High Commissioner to facilitate the participation of these legal experts in the fourteenth session of the Ad Hoc Committee, and to task them with providing advice with a view to contributing to discussions on the elaboration of a draft additional protocol criminalizing acts of a racist and xenophobic nature, in order to implement the Committee’s mandate;

13. *Requests* the Chair-Rapporteur of the Ad Hoc Committee to present in person a progress report to the General Assembly at its seventy-ninth session, and to participate in the interactive dialogue and carry out consultations with New York-based delegations and stakeholders, in order to continue progress in the elaboration of complementary standards to

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<sup>4</sup> See A/HRC/54/65.

the Convention, filling procedural and substantive gaps as a matter of urgency, necessity and priority;

14. *Takes note* of the elements for the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent made by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its twentieth session;<sup>5</sup>

15. *Requests* the Chair-Rapporteur of the Intergovernmental Working Group to continue her research and to present to the Working Group at its next session a document compiling existing language to issues pertaining to the draft declaration on the promotion and full respect of the human rights of people of African descent;

16. *Requests* the Intergovernmental Working Group to invite the chairs of the Permanent Forum on People of African Descent and the Working Group of Experts on People of African Descent to all its sessions devoted to discussions on the draft United Nations declaration on the promotion and full respect of the human rights of people of African descent;

17. *Takes note* of the reports of the Working Group of Experts on People of African Descent and the important work it has carried out in the 20 years since its establishment, including its conclusions and recommendations on how to address more efficiently the human rights concerns of people of African descent;<sup>6</sup>

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

19. *Decides* that the Group of Independent Eminent Experts will meet annually in Geneva for a four-day session, to be organized at an opportune moment in order to ensure visibility for the role and work of the Group and good participation by all stakeholders, including Member and Observer States of the United Nations and civil society representatives;

20. *Also decides* that the annual session will continue to be webcast and will be, in future, held in a hybrid format to allow for remote participation and for greater awareness-raising among the communities concerned;

21. *Requests* the Group of Independent Eminent Experts to conduct two annual advocacy visits of two working days each, to opportune places and at opportune moments, to raise awareness about the need to enhance the fight against racism, racial discrimination, xenophobia and related intolerance and to increase political support for the implementation of the Durban Declaration and Programme of Action;

22. *Decides* that the Group of Independent Eminent Experts will report annually on its session and activities to the Human Rights Council, and that its report will be also transmitted and presented to the General Assembly, and in this regard requests the Chair of the Group to engage in an interactive dialogue with the Assembly under the agenda item entitled “Elimination of racism, racial discrimination, xenophobia and related intolerance”;

23. *Recalls* its request to the five regional groups to nominate a candidate for appointment to the Group of Independent Eminent Experts in a timely fashion, thereby ensuring that the Group can fulfil its mandate;

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

<sup>5</sup> See A/HRC/52/78.

<sup>6</sup> A/HRC/54/67 and A/HRC/54/67/Corr.1, and A/HRC/54/71.

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

26. *Proposes* that particular attention be given by all relevant actors to enhancing the contribution of the treaty bodies monitoring the implementation of the core human rights conventions to the fight against racism, racial discrimination, xenophobia and related intolerance, including through a systemic approach leading to more intensive cooperation among them;

27. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare an expert study that takes stock of how the work of the different treaty bodies has contributed to the implementation of the Durban Declaration and Programme of Action, to make recommendations on how to address the challenges identified, and to present the study to the Human Rights Council at its fifty-seventh session;

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

29. *Strongly condemns* the allegations of discriminatory treatment, unlawful deportations, excessive use of force and deaths of African migrants and migrants of African descent, including refugees and asylum-seekers, at the hands of law enforcement officials engaged in migration and border governance in different countries;

30. *Calls upon* States to ensure proper accountability measures and reparations for human rights violations at borders and to adopt a racial justice approach, including by adopting policies to address structural racism in the management of international migration flows;

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

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

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

34. *Also recalls* that, in its resolution 51/32, the Human Rights Council requested the Secretary-General and the High Commissioner to provide the human and financial resources necessary to support the implementation of the mandate of the Permanent Forum on People of African Descent;

35. *Welcomes* the convening of the first two sessions of the Permanent Forum on People of African Descent and the large participation of civil society and people of African descent from around the world;

36. *Decides* that the annual session of the Permanent Forum on People of African Descent will be held in a hybrid format and will be webcast to allow for remote participation;

37. *Requests* the Office of the High Commissioner to extend the two-year comprehensive communications strategy requested by the Human Rights Council in paragraph 17 of its resolution 48/18 of 11 October 2021 until the end of 2025, to continue to raise awareness about and mobilize global public support for racial justice and equality and the fight against racism, racial discrimination, xenophobia and related intolerance; the strategy should include the effective promotion of the Durban Declaration and Programme of Action, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Decade for People of African Descent and other relevant instruments, and publicize the work and activities of the different United Nations anti-racism mechanisms, including the dissemination of the annual thematic reports of the Working Group of Experts on People of African Descent and its 20-year review report, in accessible formats to all constituents and the general public; the strategy should also include engagement, at different levels, with United Nations information centres and the field presences of the Office of the High Commissioner, civil society organizations, universities, schools and other educational entities, media outlets and professionals, and the general public, in particular young people; the strategy should be deployed on diverse platforms, including social media and web-based platforms, and encompass a variety of formats, such as digital and printed products, including easily accessible and youth-friendly materials, in all official languages of the United Nations; and requests the Secretary-General to provide the resources necessary for the communication strategy;

38. *Encourages* all special procedures of the Human Rights Council and the treaty bodies to include consideration of the impact on their mandates of systemic, structural and institutional racism, racial discrimination, xenophobia and other related intolerance in their reports;

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

40. *Acknowledges* the work done by the Office of the High Commissioner, and requests the High Commissioner to continue to provide the resources necessary for the effective functioning of Durban follow-up mechanisms and to transform these mandates and mechanisms from the current old-order mandates to the new-order mandates to ensure equality of resources, and to give high priority to the issue of preventing and combating racism, racial discrimination, xenophobia and related intolerance in the work of the Office;

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

*48th meeting  
12 October 2023*

[Adopted by a recorded vote of 33 to 7, with 7 abstentions. The voting was as follows:

*In favour:*

Algeria, Argentina, Bangladesh, Benin, Bolivia (Plurinational State of), Cameroon, Chile, China, Costa Rica, Côte d'Ivoire, Cuba, Eritrea, Gabon, Gambia, Honduras, India, Kazakhstan, Kyrgyzstan, Malawi, Malaysia, Maldives, Mexico, Morocco, Pakistan, Paraguay, Qatar, Senegal, Somalia, South Africa, Sudan, United Arab Emirates, Uzbekistan and Viet Nam

*Against:*

Czechia, France, Germany, Montenegro, Ukraine, United Kingdom of Great Britain and Northern Ireland and United States of America

*Abstaining:*

Belgium, Finland, Georgia, Lithuania, Luxembourg, Nepal and Romania]

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