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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**

## **Report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action on its eighteenth session\***

### *Summary*

The present report of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action provides information on the work done at its eighteenth session, held in Geneva from 12 to 23 October 2020.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitters' control.



## **I. Introduction**

1. The present report is submitted by the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action in accordance with Human Rights Council resolution 34/34.

## **II. Organization of the session**

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

### **A. Attendance**

3. The session was attended by representatives of States Members of the United Nations, observers for non-Member States, United Nations bodies and intergovernmental and non-governmental organizations (see annex).

### **B. Opening of the session and election of the Chair-Rapporteur**

4. The eighteenth session of the Working Group was opened by the United Nations High Commissioner for Human Rights.

5. In her opening statement, the High Commissioner stated that the World Conference held in Durban, South Africa, in 2001, had been a milestone in the fight against racism, racial discrimination, xenophobia and related intolerance. It was the first time that the deep historical roots of contemporary racism had been addressed at a United Nations conference. The Durban Declaration and Programme of Action constituted a holistic agenda that addressed contemporary forms of racism, including new forms such as hate speech on digital platforms. She recalled that the impacts of the coronavirus disease (COVID-19) pandemic disproportionately affected people who were already in vulnerable and disadvantaged situations, including those whose rights have been denied by systematic racial discrimination, such as indigenous peoples, people of African descent and people belonging to national or ethnic, religious and linguistic minorities. She noted the rise in xenophobic attitudes affecting Asians and people of Asian descent, among other groups. She expressed concern about the lack of disaggregated data on how the COVID-19 pandemic had been affecting victims of racial discrimination. She also expressed concern about continuous reports of police brutality and racism against people of African descent and emphasized greater equality as a prerequisite for building back better from the COVID-19 pandemic.

6. The Permanent Representative of Lesotho to the United Nations Office and other international organizations in Geneva, Refiloe Litjobo, was elected Chair-Rapporteur.

7. After the election of the Chair-Rapporteur, the Working Group adopted the programme of work for its eighteenth session.

### **C. Statements**

8. The Chair-Rapporteur invited general statements from participants.

9. The representative of Burkina Faso, on behalf of the Group of African States, emphasized the need for all States to reaffirm their commitment to eradicating racial discrimination and to fully implementing the Durban Declaration and Programme of Action as they moved towards the celebration of its twentieth anniversary. He added that the Durban Declaration and Programme of Action, which marked a fundamental development in the field of human rights, provided a concrete plan of action to combat racism.
10. The representative of South Africa noted the role of the relevant follow-up mechanisms and the importance of the International Decade for People of African Descent for achieving the effective implementation of the Durban Declaration and Programme of Action. Furthermore, he welcomed the adoption of Human Rights Council resolution 43/1. He reaffirmed the commitment of his delegation to actively engaging in the celebrations marking the twentieth anniversary of the Durban Declaration and Programme of Action.
11. The representative of Botswana noted that the impact of the COVID-19 pandemic had been more pronounced on marginalized communities, including Africans and people of African descent. She recalled the global outcry and public protests against the injustices and brutality faced by people of African descent and the response of the Human Rights Council through its resolution 43/1.
12. The representative of Costa Rica called upon States to take action to address structural inequalities, including through affirmative action and by finalizing the establishment of the modalities of the Permanent Forum on People of African Descent. She expressed support for the recent peaceful protests and the Black Lives Matter movement and called for combating hate speech and populism.
13. The representative of Bangladesh noted that, despite the adoption of the Durban Declaration and Programme of Action 20 years previously, social intolerance due to racism and religious intolerance were on the rise and often escalated through hate speech on social media.
14. The representative of Tunisia stated that efforts at the national, regional and international levels must be strengthened to combat racism and related violence. He called for the full implementation of all provisions of the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination.
15. The representative of Algeria expressed concern about the resurgence of contemporary forms of racism. He recalled that, in 2020, Algeria had adopted a law on preventing and combating discrimination and hate speech, which included the establishment of a national observatory.
16. The representative of Indonesia expressed concern about the rise in racism, Islamophobia, xenophobia and ethnic hatred. He added that fears caused by the COVID-19 pandemic had created a new wave of such negative sentiments and called upon States to address discrimination in access to health, including equal access to treatment for COVID-19.
17. The representative of India noted that the commemoration of the twentieth anniversary would create greater political will and momentum internationally to enhance the implementation of the Durban Declaration and Programme of Action by nurturing multicultural, democratic and pluralistic traditions.
18. The representative of Guatemala noted that the Durban Declaration and Programme of Action remained deeply relevant, provided information on measures implemented in her country to promote equity and non-discrimination and to avoid all forms of racism, reiterated the commitment to strengthening efforts to overcome pending challenges and called upon all countries to actively participate in the twentieth anniversary activities.
19. The representative of Nigeria called for greater international cooperation and a strong commitment towards the effective and comprehensive implementation of the Durban Declaration and Programme of Action, with a view to ending racism, racial discrimination, xenophobia and related intolerance.

20. The representative of the European Union expressed concern about the rise in racism and stressed that fighting that scourge required joint efforts. She presented initiatives taken by the European Union to that end, such as the adoption of a new anti-racism action plan for 2020–2025, and expressed the support of her delegation for the celebration of the twentieth anniversary of the Durban Declaration and Programme of Action.

21. The representative of the Bolivarian Republic of Venezuela highlighted the importance of the International Decade for People of African Descent for raising awareness about the history and contributions of people of African descent and for effectively addressing racism against them.

22. The representative of Egypt expressed concern about the rise in discriminatory trends based on extremist ideologies that propagated religious intolerance, defamation of religions, racial profiling, stigmatization and incitement to racial and religious hatred. He added that, as part of efforts to realize the full and effective implementation of the Durban Declaration and Programme of Action, it was necessary to formulate complementary standards to international instruments against racial discrimination.

23. The representative of Brazil said that the protection of the rights of people of African descent should be reinforced, taking into account the programme of activities for the implementation of the International Decade for People of African Descent. He recalled that Brazil had been an active supporter of a United Nations declaration on the human rights of people of African descent and called upon all parties to resolve outstanding issues regarding the establishment of the modalities of the Permanent Forum on People of African Descent.

24. The representative of Kenya reaffirmed that the Durban Declaration and Programme of Action remained a key document that committed States to preventing, combating and eradicating racism, and urged the global community to review the achievements and the challenges encountered in fulfilling the objectives of the Durban Declaration and Programme of Action and achieving its full implementation.

25. The representative of Namibia noted that, despite the fact that the principle of non-discrimination and equality had achieved the status of peremptory norm under international law, many people around the world continued to face racial discrimination. He stated that addressing racism was one of the most fundamental challenges facing the international community.

26. Several representatives, including of civil society organizations, expressed the hope that marking the twentieth anniversary of the Durban Declaration and Programme of Action would renew the global commitment against racism, racial discrimination, xenophobia and related intolerance and enhance international cooperation for fully implementing the Durban Declaration and Programme of Action.

### **III. Discussions on agenda item 5, on the situation of racial discrimination worldwide, taking into account the implementation of the Durban Declaration and Programme of Action in the context of its twentieth anniversary, and agenda item 6, on review of progress achieved concerning the implementation of the programme of activities for the International Decade for People of African Descent**

27. The Working Group considered agenda items 5 and 6, on which the following gave presentations: Monica Ferro, United Nations Population Fund (UNFPA); Joshua Castellino, Minority Rights Group; Joel Modiri, University of Pretoria; Helena Dalli, Commissioner for Equality of the European Commission; Rossalina Latcheva, European Union Agency for Fundamental Rights; Kanyana Mutombo, Popular African University; Susana Matute, Directorate for Policies for the Afro-Peruvian Population of Peru; Pastor Murillo, former member of the Committee on the Elimination of Racial Discrimination; Carlos Viáfara Universidad del Valle, Colombia; Carlos Álvarez, Department of Ethnic-Racial Equity, Migrants and Refugees of the Secretariat of Human Rights of Argentina; Dominique Day,

Chair, Working Group of Experts on People of African Descent; Edna Santos Roland, Chair, Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action; Rachel Neild, Open Society Justice Initiative; Rozena Maart, University of KwaZulu-Natal; Jan Lönn, World against Racism Network; and E. Tendayi Achiume, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance.

28. Ms. Ferro stressed that women and girls of African descent faced intersectional forms of discrimination based on gender and race. They continued to suffer sexual and gender-based violence and barriers in access to education. Moreover, they were often subjected to institutional discrimination in the health sector, including when seeking reproductive and sexual health care services, as exemplified by the fact that they had the highest level of maternal mortality in the western hemisphere. The COVID-19 pandemic, which had disproportionately affected people of African descent, had made existing structural discrimination more evident. UNFPA was working to strengthen the capacity of countries in Latin America to improve the collection, analysis and dissemination of data. In collaboration with the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNFPA was also conducting consultations with communities of African descent to make the impact of the pandemic on these communities more visible.

29. Mr. Castellino argued that reparations were an important tool for addressing structural racism. The key challenges of today, namely climate change and the mechanization of global capital, were rooted in European colonization and had been exacerbated by entrenched structural discrimination. Colonial regimes continued to contribute to climate change through the illegal dispossession of communities, the destruction of circular economies, the facilitation of commercial exploitation, the promotion of overconsumption, the transition towards less durable products and the accumulation of capital. Those trends continued to shape the global political economy, with formerly colonized States being forced to participate in an unfair trading system. Mr. Castellino noted with concern that hate-driven politics was on the rise, thereby facilitating the scapegoating of minorities through hate speech and fake news. Yet, in the context of the COVID-19 pandemic, perpetrators of hate-driven politics had proved unable to deal with real threats, whereas societies that had invested in generating an inclusive national fabric were able to put in place measures to ensure safety and security for all. That second vision lay at the heart of the Sustainable Development Goals, the achievement of which required urgent action in addressing planetary issues for all.

30. Mr. Modiri stated that the world was still reeling from the effects of the unresolved and unbearable histories of enslavement, colonization, apartheid, neocolonialism and ethnic genocide. The effects of those phenomena included highly racialized socioeconomic inequalities, unequal participation in decision-making, vulnerability to violence, mass shootings and mass incarceration, which disproportionately affected people of African descent, racial minority groups, refugees, migrants and indigenous peoples, among others. Institutions of power, courts, universities and the media were still not sufficiently diverse and representative. At the same time, progressive movements for racial, gender, sexual and economic equality were also growing with greater vigour and visibility in response to continuing inequalities and injustices. Mr. Modiri recommended developing alternative approaches, taking into account the perspectives of the survivors and victims of colonization, enslavement and racial oppression; raising awareness about the historical roots and social constructions of race and racism; supporting research about the legacies of race and racism; empowering communities and social movements to combat racism; adopting urgent measures to curb racial extremism and hate groups; and prioritizing material and symbolic reparations and redress, including by strengthening existing mechanisms and instruments and by emphasizing the issues of land, poverty and equality.

31. Ms. Dalli reaffirmed that the European Commission was deeply committed to fighting racism and to implementing the Durban Declaration and Programme of Action and had put forward an ambitious anti-racism action plan for 2020–2025. In the action plan, it was acknowledged that racism was not only perpetrated by individuals but could also be structural. The action plan set out targeted measures to be incorporated into European Union policies, legislation and funding programmes. In terms of specific measures, the European Commission would ensure that all its member States fully implemented the relevant

European Union legal framework and strengthened national equality bodies. National action plans against racism had proved to be a successful way for member States to address racism. Half of member States already had such plans, adoption of which by the end of 2022 was encouraged through the anti-racism action plan. The European Union had also recognized the importance of promoting diversity in and countering discriminatory attitudes by law enforcement authorities. Only by mobilizing forces would it be possible to make progress against racism at the national, regional and international levels. Furthermore, it was important to build international partnerships to address those challenges jointly and coherently.

32. Ms. Latcheva shared the findings of a study that the European Union Agency for Fundamental Rights had conducted in 2018 on being black in the European Union. The purpose of the report was to mark the International Decade for People of African Descent and to draw the attention of policymakers in the European Union and its member States to gaps in the implementation of relevant laws. It was the first report containing comparable data on the situation of racial discrimination in the European Union. Effective responses were needed at the State and European Union levels. The report was based on a survey that the Agency had conducted in 2016. Over 25,000 people across the European Union, including first generation immigrants and descendants of immigrants, had been interviewed. Ms. Latcheva expressed concern about the fact that most member States did not collect information on people of African descent and did not provide official information on racial and ethnic origin in administrative data. Despite the existence of long-standing European Union legislation against discrimination, racism and xenophobia, existing data showed that, across the European Union, people of African descent continued to face widespread discrimination. One of the key findings was that racism was common, including at the hands of the police. Ms. Latcheva recommended that States fully implement existing anti-discrimination, hate speech and hate crime legislation; improve policy frameworks and policy coherence by adopting national action plans; strengthen monitoring bodies, including equality bodies; and encourage victims to report hate crimes and incidents.

33. Mr. Mutombo acknowledged that the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in 2001, constituted a historic gathering of the international community. He spoke about the widespread inaction of States, including the lack of national action plans against racism and reduced resources granted to civil society. He expressed concern about the fact that some States had disassociated themselves from the Durban Declaration and Programme of Action. He noted that the World Conference had generated undeniable momentum within black civil society throughout the world. Mr. Mutombo argued that it was necessary to discuss the private dimension of racism and the phenomenon of self-hatred ingrained through colonial and multidimensional mental alienation. He referred to the migration crisis and how it had amplified racism and racial discrimination. The conceptual framework that had been built at the World Conference, which continued to be relevant today, needed to be restored.

34. Ms. Matute said that Afro-Peruvians still faced discrimination and social exclusion. In order to reverse that situation, it was important to have figures and know who and where they are and what their needs were. A question on ethnic self-identification had been included in the Peruvian national census of 2017. As a result, 894,000 people over the age of 12 years had self-identified as Afro-Peruvians. The self-identification variable had also been included in other national surveys and national registries regarding health, violence against women and education, with the last of these facilitating the development of affirmative action policies in the area of education. Ms. Matute added that, in Peru, as in many other countries, the Durban Declaration and Programme of Action had made a historic change to the State agenda. The following, among other national policies, had contributed to improving the situation of Afro-Peruvians: the expression of apologies; the adoption of the national policy for Afro-Peruvians in 2016; and the development of a draft bill focusing on people of African descent. Ms. Matute called upon States to promote the rights of people of African descent not only during times of social unrest and sanitary crises but also in the long term.

35. Mr. Murillo expressed concern about the use of new technologies, such as artificial intelligence and machine learning, and recommended that States adopt a legislative framework to counter any possible discriminatory impact arising from their use. Racism and racial discrimination were at a tipping point, particularly after the public execution of George

Floyd and the global mobilization against police brutality. Mr. Murillo encouraged keeping the momentum and developing actions to guarantee sustainability and a new global awareness. He expressed concern about the instrumentalization of racism for political purposes and called for bold and collective action. He recommended that the United Nations and States consider holding a fourth world conference against racism and all forms of racial discrimination, as proposed at the Regional Conference for Latin America and the Caribbean on the International Decade for People of African Descent, held in Brasilia in 2015.

36. Mr. Viáfara argued that any discussion on racial discrimination should take into consideration disaggregated data. Using a study he had conducted as an example, Mr. Viáfara showed that Afro-Colombian women were more likely to be born poor and thus start their life at a disadvantage and that social origin determined educational opportunities and attainment, which in turn affected job opportunities and income. With the help of disaggregated data, he had analysed school dropout rates among women and girls based on their ethnic origin. He had found that women of African descent in Colombia were 66 per cent more likely than their white counterparts to drop out by the ninth grade. Furthermore, they were 58 per cent less likely to obtain a university degree than white men and 32 per cent less likely to do so than black men. He had observed similar outcomes when making comparisons in the labour market and the health-care system. Because of social stratification, women of African descent faced more disadvantages. Even when their educational attainment was high, the accumulation of disadvantages did not lead to good job opportunities; in fact, those disadvantages usually grew over time. The natural answer to the situation was affirmative action policies, which should not only focus on gender but also on ethnicity in order to break the vicious circle of cumulative disadvantages.

37. Mr. Álvarez explained that, in 2010, the racial variable had been included in the national census in Argentina and that, as a result, 250,000 people had self-identified as Afro-Argentines. Institutional violence, invisibility, lack of inclusion in educational programmes or curricula and ignorance about their contribution to the construction of the national identity were the main problems faced by Afro-Argentines. He called upon States to reaffirm the commitment they had made in Durban, to effectively implement the Durban Declaration and Programme of Action and to celebrate the twentieth anniversary of its adoption. He reported that an interministerial bureau had been created for the promotion of the International Decade for People of African Descent, with the participation of some of the main Argentinian ministries, including those working on labour, education, social development, law, justice, human rights, women and productive development. He urged States to finalize the establishment of the modalities of the Permanent Forum on People of African Descent and to start drafting a United Nations declaration on the human rights of people of African descent. In order to break the cycle of exclusion, discussions on reparations should take place and reparatory justice should be promoted.

38. The Chair of the Working Group of Experts on People of African Descent emphasized the importance of the global protests that had taken place in 2020 to show solidarity with the Black Lives Matter movement. She noted the challenges and risks that new technologies had created and, at the same time, the contribution of new information technologies in the fight against racism. The rise of mobile technologies and big data and the use of cameras on mobile telephones and of body-worn cameras by police officers produced content that had previously been unavailable. The Chair raised concerns about impunity, particularly among law enforcement officials, which were among the most visible arms of the State. Impunity was driving a crisis in legitimacy that had far-reaching impacts. Recent examples of police and State impunity included the cases of George Floyd, Ahmaud Arbery, Jacob Blake and Breonna Taylor. Impunity was not just continuing but also becoming more subtle and more sophisticated. The instrumentalization of legal processes covered up police misconduct, supported the State narrative of innocence and mollified people, including protesters. In closing, the Chair highlighted the importance of recognition and the dangers of impunity and supported the demands for integrity and due process.

39. The Chair of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action emphasized the importance of giving high priority to public information on commemorating the twentieth anniversary of the Durban Declaration and Programme of Action. The lack of public awareness about the actual content

of the Durban Declaration and Programme of Action constituted a major obstacle towards generating political will for its full and effective implementation. States had not done enough to integrate the Durban Declaration and Programme of Action into their human rights efforts. The Chair noted that the Durban Declaration and Programme of Action was relevant for long-term global initiatives such as the Sustainable Development Goals and for emergency responses such as the efforts to respond to the COVID-19 pandemic. She urged States to create within OHCHR a programme to carry out outreach activities with a view to informing and mobilizing the global public in support of the Durban Declaration and Programme of Action. She stressed the importance of providing the resources necessary for civil society to participate in those activities. She also suggested creating a network of universities to carry out research on manifestations of racism and good practices to counter it.

40. Ms. Neild focused on racial profiling and recommended that States establish an explicit prohibition against this practice in legal codes governing criminal justice practices and also establish remedies for those who have been targeted by police profiling. The adoption of new technologies in criminal justice was an area in which States' ex ante positive obligation should ensure that such technologies were neutral and effective. There was extensive evidence of bias in artificial intelligence, algorithmic decision-making and the use of biometrics such as facial recognition. She added that data and statistics on ethnicity were essential for addressing discrimination, particularly discriminatory practices. External accountability and oversight mechanisms needed strengthening through the provision of adequate powers, staff and budgets to support effective investigations. Videos recorded by members of the public on mobile telephones, she added, had played a transformational role in raising awareness of police bias and mobilizing demands for reform. In reaction, many States were imposing restrictions on the right to record. Protest rights (i.e., to assemble and expressing one's opinion) and the right to record public servants carrying out their official duties should be upheld and reinforced. Finally, Ms. Neild stated that, while continuing to advance academic research and debates, all organizations and forums must reflect on their own representation of viewpoints and experiences and take steps to ensure that the perspectives and expertise of those persons and groups targeted by discrimination were at the centre of non-discrimination efforts.

41. Ms. Maart noted that racism was alive in South Africa despite the abolition of apartheid, and spoke about xenophobia, poverty and violence in her country. It was not enough to focus on eliminating racism through legislation: there was a need to also address the historical and psychological trauma of racism's victims. Ms. Maart expressed concern about the lack of knowledge about the history of enslavement and the lack of information in history books. While South Africa was regarded as having one of the best constitutions in the world, the former oppressors and perpetrators of racism and apartheid had evaded their ethical responsibilities. Ms. Maart asked how it would be possible to raise the awareness and education of those people who had been oppressors or had benefited from a system designed to raise their prosperity. She emphasized the importance of producing "knowledge packages" to be included in national or international textbooks or manuals and of teaching how to take a stand and say no to racism and to examine one's own privileges. Legislation had failed to address the question of attitude because there was little understanding of how to undo history and historical racism.

42. Mr. Lönn noted that the Durban Declaration and Programme of Action was a visionary and victim-based document and had played an important role, especially in Latin America, in the development of programmes to combat racism. Its ability to inform and guide policymaking and to promote public support in other regions, in particular Europe and North America, was affected by negative perceptions of its true content. Mr. Lönn said that the lack of public knowledge about the real content of the Durban Declaration and Programme of Action constituted a major obstacle towards generating political will for its full and effective implementation. He noted that the United Nations expert mechanisms and civil society strongly supported the setting up of an OHCHR outreach programme to raise awareness of the Durban Declaration and Programme of Action. He suggested holding more participatory activities in addition to the formal commemorative events marking the twentieth anniversary of the Durban Declaration and Programme of Action. He further suggested that the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action could consider making a better contribution to the

twentieth anniversary by splitting its 2021 session into two parts: one before the General Assembly commemoration of the anniversary and one after. Finally, he underscored the importance of resources and said that if resources were not mobilized the Durban Declaration and Programme of Action could not get the priority it deserved.

43. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance emphasized the importance of transnational mobilization advocating racial injustice and the need for greater allocation of resources by States to ensure that the commemoration of the twentieth anniversary of the Durban Declaration and Programme of Action seized the momentum witnessed in recent months. She suggested that it was essential for both the General Assembly and the Human Rights Council to devote specific sessions to discussing the effective implementation of the Durban Declaration and Programme of Action and to allow not just States but also experts and members of civil society to engage in such discussions. She stressed the importance of increasing the visibility of the Durban Declaration and Programme of Action within the United Nations and national systems. She had been surprised to see, during her country visits, how rarely the Durban Declaration and Programme of Action was used as a resource for developing national action plans, legislation and policy. Greater commitment to raising the visibility of the Durban Declaration and Programme of Action required more resources, to ensure that it was available, known, mentioned and highlighted. The Special Rapporteur emphasized the importance of outreach programmes implemented by entities other than the United Nations, through which the document was printed and made available in all United Nations languages, including in accessible formats.

44. The representative of the Islamic Republic of Iran expressed serious concern about the negative implications of supremacist sentiments that propagated racist and xenophobic behaviour and that had led to spiralling unilateral coercive measures against some nations and to violations of the fundamental human rights of targeted populations. He strongly urged States to refrain from promulgating and applying against other nations any unilateral economic, financial or trade measures not in accordance with international law and the Charter of the United Nations, as such measures violated human rights and impeded the full achievement of economic and social development, particularly in developing countries.

45. The representative of Colombia emphasized that his country did not distinguish between migrants and citizens when it came to recognizing their economic, social and cultural rights. The Government worked to strengthen and facilitate the participation of the Afro-Colombian community in economic, social and cultural forums.

46. The representative of Belgium stated that his Government was strengthening its efforts to fight racial discrimination and that progress had been made in the drafting of a national action plan against racism. Moreover, in 2019, the Prime Minister had apologized for the suffering inflicted upon *métis* children and their families as a result of targeted segregation policies implemented during the colonial period.

47. The representative of China said that in some States systematic racial discrimination, police violence and social inequality were deeply entrenched in society and that manifestations of racism and xenophobia were increasing. In some countries, politicians had tried to deny responsibility for the way in which the COVID-19 pandemic was handled. He also expressed concern about people of African descent suffering multiple forms of discrimination in access to health, education and other areas.

48. The representative of the Russian Federation highlighted the importance of combating ideas of racial supremacy, hate speech and violence based on racial and ethnic grounds. She pointed out that some official authorities used the idea of freedom of speech to justify racism.

49. The representatives of Algeria and Botswana expressed concern about the plight of all peoples under foreign occupation and recognized their inalienable right to self-determination.

50. The representative of the International Human Rights Association of American Minorities mentioned the need to demonstrate political will to address racism and all forms of discrimination, in particular ideas of racial superiority, apartheid and crimes against humanity suffered by peoples under colonial domination and foreign occupation.

#### **IV. Discussion on agenda item 7, on measures to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in their work**

51. The representative of South Africa recalled that many Member States had not published the Durban Declaration and Programme of Action. He recommended that information about the Durban Declaration and Programme of Action be made available and that related publications be made accessible to the public.

52. The representative of the European Union recommended that Member States review and assess the existing mechanisms against racism and define priorities. She recalled that the European Union was still not convinced of the added value of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action and reiterated the request of the European Union to rescind the Group. Nor had the European Union ever been in favour of the creation of the Ad Hoc Committee on the Elaboration of Complementary Standards. The representative noted that the International Convention on the Elimination of All Forms of Racial Discrimination should remain the basis for all efforts to combat racism. She argued that there was no agreement on or evidence to show that the Convention had gaps. She expressed the readiness of the European Union to discuss the streamlining of those mechanisms.

53. The representative of the Bolivarian Republic of Venezuela spoke about his Government's efforts in the fight against racism, including the national plan against discrimination on supporting civil society and bringing about the objectives, purposes and goals enshrined in the Durban Declaration and Programme of Action.

54. The representative of Botswana recalled that United Nations mechanisms only functioned and were successful if Member States engaged with them. She argued that the International Convention on the Elimination of All Forms of Racial Discrimination, which dated to the 1960s, did not fully define and articulate certain issues, such as xenophobia. She reiterated that that was the position that the Group of African States had articulated in many instances.

55. The representative of South Africa stated that the Group of Independent Eminent Experts had an important role to play in the implementation of the Durban Declaration and Programme of Action. While the Group had been less active for a time, the report on the 2019 session clearly showed that it had been revitalized and had produced good reports.

56. The representative of Burkina Faso, on behalf of the Group of African States, recalled the importance of the mechanisms to combat racism, racial discrimination, xenophobia and related intolerance. Racism had become more complex and required the existing mechanisms to be strengthened. The major challenge remained increasing synergies among existing mechanisms and speeding up effectiveness and efficiency.

57. The representative of the European Union stated that, when it came to the International Convention on the Elimination of All Forms of Racial Discrimination, the key problem was related to its implementation, not the Convention itself. She suggested focusing more on its full implementation and on how to make progress in that regard.

#### **V. Discussion on agenda item 8, on preparations for the twentieth anniversary and on proposals for activities for the commemoration**

58. The representative of South Africa recommended that a high-level panel discussion be held during the forty-sixth session of the Human Rights Council and during the high-level segment of the seventy-sixth session of the General Assembly to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action. The panel discussion should raise awareness about the content of the Durban Declaration and Programme of Action and focus on outstanding issues. Celebrations of the twentieth

anniversary should mobilize political will on the full and effective implementation of the Durban Declaration and Programme of Action. The representative suggested that simplified promotional material on the content of the Durban Declaration and Programme of Action needed to be made available and reach the general public.

59. The representative of the European Union referred to Human Rights Council resolution 45/23 on the commemoration of the twentieth anniversary of the Durban Declaration and Programme of Action and reported that the European Union had suggested that the annual high-level panel discussion of the Council on human rights mainstreaming, to be held in 2021, be dedicated to the twentieth anniversary of the Durban Declaration and Programme of Action. She also reported that the European Union was planning to organize a conference on the twentieth anniversary in 2021.

## **VI. Conclusions and recommendations**

60. **The Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action:**

(a) **Reaffirms that the Durban Declaration and Programme of Action represents a milestone in our common fight against racism, racial discrimination, xenophobia and related intolerance. 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 and takes into account the legacy of some of the most appalling chapters of our human history. Furthermore, the Durban Declaration and Programme of Action constitutes a holistic agenda. It encompasses measures to deliver remedies to victims of racism, to strengthen education and awareness-raising, to fight poverty and marginalization and to secure inclusive development;**

(b) **Reaffirms that the principles of equality and non-discrimination and the fundamental principles of international human rights and international humanitarian law are essential in the fight against racism, racial discrimination, xenophobia and related intolerance;**

(c) **Reaffirms that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for promoting equality and non-discrimination in the world;**

(d) **Reaffirms that the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action offers an important opportunity for the international community to renew its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance and to reflect on progress made, share good practices and identify challenges with regard to its implementation;**

(e) **Emphasizes the critical importance of the full implementation of the Durban Declaration and Programme of Action and of increasing public awareness and support for it;**

(f) **Notes with concern that lack of public knowledge about the content of the Durban Declaration and Programme of Action has constituted a serious obstacle towards generating political will for its full and effective implementation;**

(g) **Takes note of the efforts undertaken at the international, regional and national levels and welcomes the progress achieved since the adoption of the Durban Declaration and Programme of Action to implement its provisions;**

(h) **Welcomes with appreciation all the positive steps taken by States towards the effective and full implementation of the Durban Declaration and Programme of Action, including constitutional and legislative reforms, the adoption of national action plans and other national policies and measures, participation in and support to the follow-up mechanisms of the Durban Declaration and Programme of Action, the mainstreaming of racial equality in international forums and the promotion of regional, international and multi-stakeholder initiatives in matters related to the Durban**

**Declaration and Programme of Action to curb racism, racial discrimination, xenophobia and related intolerance;**

(i) Expresses concern about the fact that challenges and obstacles identified in the Durban Declaration and Programme of Action remain to be addressed and overcome in order to effectively prevent, combat and eradicate racism, racial discrimination, xenophobia and related intolerance and that there are still many areas where more achievements could be made and there is a need to address these challenges with greater political will;

(j) Reaffirms that persecution against any identifiable group, collectivity or community on racial, national, ethnic or other grounds that are universally recognized as impermissible under international law, as well as the crime of apartheid, constitute serious violations of human rights and, in some cases, qualify as crimes against humanity;

(k) Recalls that, in the Durban Declaration and Programme of Action, States acknowledged that in many parts of the world people face racism, racial discrimination, xenophobia and related intolerance, including Africans and people of African descent, Asians and people of Asian descent, indigenous peoples, mestizo populations, migrants, displaced persons, refugees, asylum seekers, victims of human trafficking, persons belonging to national or ethnic, religious and linguistic minorities, including the Roma, Sinti, Gypsy and Traveller, among others;

(l) Also recalls that, in the Durban Declaration and Programme of Action, States recognized with deep concern increases in antisemitism and Islamophobia, as well as violent movements based on racism and discriminatory ideas against Jews, Muslims and Arab communities, and observes that, unfortunately, those concerns persist, together with other forms of discrimination, for example against Christians and other religious groups, and are in fact on the rise in several countries;

(m) Further recalls that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin, and that victims can suffer 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;

(n) Reiterates that poverty, underdevelopment, marginalization, social exclusion and economic disparities are closely associated with racism, racial discrimination, xenophobia and related intolerance and contribute to the persistence of racist attitudes and practices that in turn generate more poverty;

(o) Expresses concern that the COVID-19 pandemic and its impacts are disproportionately affecting individuals and groups facing racism, racial discrimination, xenophobia and related intolerance. The pandemic has highlighted and exposed underlying structural inequalities and fundamental problems in various areas of social, economic, civil and political life and exacerbated existing inequalities. Systemic and structural racism and racial discrimination further exacerbate inequality in access to health care and treatment, leading to racial disparities in health outcomes and a higher rate of mortality and morbidity among individuals and groups facing racial discrimination, including people of African descent, indigenous peoples, migrants and other persons belonging to national or ethnic, religious and linguistic minorities;

(p) Expresses concern that the COVID-19 pandemic and its impacts are disproportionately affecting individuals and groups facing racism, racial discrimination, xenophobia and related intolerance and people suffering from the impact of human rights violations;

(q) Also expresses concern about the particular vulnerability of migrants to stigmatization, xenophobia and discrimination, as well as about laws, policies and practices that exclude migrants from gaining access to rights, including in the context of the public health and recovery response to COVID-19; reaffirms that everyone, including all migrants regardless of their migration status, must be taken into account and viewed as an integral part of any effective public health and recovery response to

COVID-19; and underlines that including all migrants in the response to this crisis is the only effective way to protect the rights of migrants and to prevent fuelling xenophobia and endangering the health of society as a whole;

(r) Recognizes that the right to the enjoyment of the highest attainable standard of physical and mental health of indigenous peoples was already of particular concern prior to the pandemic, and recognizes also that the vulnerable situation they are in has been exacerbated by the crisis, as the underlying challenges have not been addressed. In particular, indigenous communities are often located in remote regions and therefore run a higher risk of being left behind with limited or insufficient health-care and medical support. Indigenous peoples are entitled to all human rights, including those contained in the United Nations Declaration on the Rights of Indigenous Peoples;

(s) Acknowledges that the widespread closure of schools and other educational and training institutions has caused an unprecedented disruption of education and training for millions of children globally and expresses concern about the fact that many children and youth, particularly those facing racism, racial discrimination and xenophobia, do not have equal access to remote learning tools, the Internet or adequate parental support. These challenges are likely to further set back the education of these children and deepen existing racial inequalities. Children and young people facing racial discrimination are also more dependent on schools for free meals and other social services, raising the prospect that children in these communities and young people facing racial discrimination will have to deal with additional nutritional and health challenges;

(t) Expresses concern about the fact that, in addition to the devastating health consequences of COVID-19 and its disproportionate effect on population groups facing racial discrimination, there has been a significant increase in racial verbal abuse, hate speech, harassment and violence in public spaces, particularly targeting people of Asian descent, in the context of the current crisis;

(u) Expresses its profound repudiation of the racism, racial discrimination, xenophobia and related intolerance that persist in some States in the functioning of their administration of justice systems and in the application of the law, as well as in the actions and attitudes of institutions and individuals responsible for law enforcement, especially in relation to practices of racial profiling, excessive use of force by law enforcement officers and the overrepresentation of persons subjected to racism, racial discrimination, xenophobia and related intolerance in places of detention, including prisons;

(v) Recognizes that the design and use of emerging digital technologies can exacerbate and compound existing inequalities, many of which exist along racial, ethnic and national origin grounds. Among the concerns is 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 (see A/HRC/44/57);

(w) Believes that digital transformations and emerging technologies should work for the benefit of all people, in all societies, not just for the benefit of a few. People should be able to trust digital technologies, including artificial intelligence. Everyone should have an equal opportunity to prosper and flourish, choose freely and engage in society through a secure digital environment that respects privacy, dignity, integrity and other rights in full transparency;

(x) Reaffirms that all peoples and individuals constitute one human family, rich in diversity, and that all human beings are born free and equal in dignity and rights; and strongly rejects any doctrine of racial superiority and any theory that attempts to determine the existence of so-called distinct human races;

(y) Reiterates that cultural diversity is a cherished asset for the advancement and welfare of humanity at large and should be valued, enjoyed, genuinely accepted and embraced as a permanent feature that enriches our societies;

(z) Recognizes that preventing, combating and eradicating racism, racial discrimination, xenophobia and related intolerance are of crucial importance and key elements for the promotion of democracy, the rule of law, peace and sustainable development;

(aa) Reiterates that States are those mainly responsible for the fight against racism, racial discrimination, xenophobia and related intolerance, stresses the need to increase appropriate preventive measures to eliminate all forms of racial discrimination, and emphasizes the important role that Governments, international and regional organizations, national human rights institutions, national equality bodies, the media, non-governmental organizations and civil society can play in developing such measures.

## **A. Increased State engagement and actions**

61. The Working Group recommends that States accelerate actions at every level to fully implement the Durban Declaration and Programme of Action, in particular in respect of the areas set out below.

### **Policies and laws**

62. The Working Group recommends that States:

(a) Adopt or strengthen comprehensive anti-discrimination legislation and ensure its effective implementation, take steps towards the enactment of legislation to prohibit discriminatory practices on the grounds of race, colour, descent or national or ethnic origin and provide for the application of appropriate penalties against offenders and remedies and adequate compensation for the victims;

(b) Adopt, strengthen and implement action-oriented policies, programmes and projects to combat racism, racial discrimination, xenophobia and related intolerance and elaborate national plans of action to promote diversity, equality, equity, social justice, equality of opportunity and the participation of all;

(c) Establish and/or strengthen national racial equality mechanisms or institutions;

(d) Adopt, as appropriate, integrated, intersecting and holistic approaches to ensure the effectiveness of policies and other measures against racism, racial discrimination, xenophobia and related intolerance.

### **Education on equality and awareness-raising, particularly with relation to the twentieth anniversary of the Durban Declaration and Programme of Action**

63. The Working Group recommends that States:

(a) Encourage actions at the national and international levels to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action in all regions through a wide range of activities;

(b) Promote greater knowledge and recognition of and respect for the culture, history and heritage of people historically discriminated, including through research and education, and promote the full and accurate inclusion of their history and their contributions in the construction of societies, in educational curricula and in the media;

(c) Ensure that textbooks and other educational materials reflect accurately historical facts related to past tragedies and atrocities, in particular slavery, the slave trade, the transatlantic slave trade and colonialism, including the role of the respective countries therein, so as to avoid stereotypes and the distortion and falsification of these historical facts, which may lead to racism, racial discrimination, xenophobia and related intolerance;

(d) Continue to condemn and promote greater knowledge about the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist

ideologies based on racial or national prejudice, and state that these phenomena can never be justified in any instance or in any circumstance;

(e) Undertake activities aimed at educating all people, including young people, in human rights and democratic citizenship, at instilling values of solidarity, mutual respect and understanding and at promoting interculturalism.

#### Information-gathering

64. The Working Group recommends that States:

(a) Collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures that are necessary to assess regularly the situation of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance. Such statistical data should be disaggregated in accordance with national legislation. Any such information shall, as appropriate, be collected with the explicit consent of the victims, based on their self-identification and in accordance with provisions on human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused;

(b) Assess progress made in collecting information, identifying social gaps and increasing the visibility of individuals and groups facing racial discrimination, including in respect of the disproportionate impact of the COVID-19 pandemic on such individuals and groups. Such information should guide the formulation of policies and actions to prevent, combat and eradicate racial discrimination and inform post-pandemic recovery policies.

#### Administration of justice

65. The Working Group recommends that States:

(a) Introduce measures to ensure equality before the law, notably in the enjoyment of the right to equal treatment before the tribunals and all other organs administering justice;

(b) Design, implement and enforce effective measures to eliminate the phenomenon popularly known as “racial profiling”;

(c) Eliminate institutionalized stereotypes concerning individuals and groups facing racism, racial discrimination, xenophobia and related intolerance and bring to justice law enforcement officials who act on the basis of racial profiling;

(d) Ensure that individuals and groups facing racial discrimination have full access to effective protection and remedies through the competent national tribunals and other State institutions against any acts of racial discrimination and that they have the right to seek from such tribunals just and adequate reparation or satisfaction for any damage and persecution suffered as a result of such discrimination;

(e) Address systemic racism and racial bias in their administration of justice systems by designing and fully implementing effective policies and programmes to prevent, detect and ensure accountability for misconduct by police officers and other law enforcement personnel that is motivated by racism, racial discrimination, xenophobia and related intolerance and to prosecute perpetrators for such misconduct and by launching independent investigations and ensuring accountability in all cases of excessive use of force by police and other law enforcement officials;

(f) Ensure that all emergency measures taken in response to the COVID-19 pandemic are designed and implemented in a manner that is free from any direct or indirect discrimination or stereotyping based on race, national or ethnic origin, gender or other status.

#### Measures on poverty and access to food

66. The Working Group recommends that States:

(a) Recognize that poverty is both a cause and a consequence of discrimination and adopt or strengthen, as appropriate, national programmes for eradicating poverty and reducing social exclusion that take account of the specific needs and experiences of individuals and groups facing racism, racial discrimination, xenophobia and related intolerance;

(b) Recognize that no country alone can combat poverty and reiterate their commitment to pursuing collective efforts in the spirit of solidarity to eradicate poverty;

(c) Ensure that food is accessible, available and sufficient to satisfy the dietary needs of all people, paying particular attention to those who are marginalized or are subject to racial discrimination, including in the context of the COVID-19 pandemic.

#### Education

67. The Working Group recommends that States:

(a) Take all measures necessary to give effect to the right of children and young people facing racism, racial discrimination, xenophobia and related intolerance to free primary education and access to all levels and forms of quality public education without discrimination;

(b) Take measures to ensure that public and private education systems do not discriminate against or exclude children facing racism, racial discrimination, xenophobia and related intolerance, that children are protected from direct or indirect discrimination, negative stereotyping, stigmatization and violence from peers or teachers and, to this end, that teachers receive training;

(c) Undertake efforts to stop the spread of COVID-19 and ensure that efforts made to rebuild in a sustainable and equitable manner should specifically assess and address the needs of children and young people who are already facing racial discrimination, marginalization and exclusion;

(d) Ensure that online learning tools do not exacerbate existing racial inequalities and meaningfully work with all relevant stakeholders, including United Nations agencies like the United Nations Children's Fund (UNICEF) and the private sector, to bridge the digital divides through technical and technological capacity-building;

(e) In their responses to the pandemic, put the best interests of the child first, adjust education programmes and school meal programmes during these emergency circumstances and implement measures to ensure that all children and youth have equal access to education and food and are not disproportionately affected by the crisis.

#### Employment

68. The Working Group recommends that States take concrete measures to eliminate racism, racial discrimination, xenophobia and related intolerance in the workplace against all workers, including migrant workers; ensure the full equality of all before the law, including labour law; and eliminate barriers, where appropriate, to participation in vocational training, collective bargaining, employment, contracts and trade union activity, to access to judicial and administrative tribunals dealing with grievances, to seeking employment in different parts of their country of residence and to working in safe and healthy conditions.

#### Health

69. The Working Group recommends that States:

(a) Ensure equal and equitable access to health care, including vaccines, diagnostics and therapeutics, and eliminate any discriminatory practices against racial or ethnic groups, including by initiating and implementing programmes and projects in the field of health for these communities, bearing in mind their disadvantaged situation;

(b) **Prioritize access to testing, medications, vaccines and needed procedures, including intensive care services, for those at higher risk, without discrimination against members of racial and ethnic groups and migrants, who have been disproportionately affected by COVID-19;**

(c) **Distribute essential medical and preventive information in local languages through digital, print and other appropriate means;**

(d) **Involve communities and their representatives and associations in designing and implementing health programmes and projects concerning racial and ethnic groups;**

(e) **Ensure that all human rights are respected, protected and fulfilled while combating the pandemic and that States' responses to the COVID-19 pandemic are in full compliance with their human rights obligations and commitments.**

#### **Housing**

70. **The Working Group recommends that States:**

(a) **Develop and implement policies and projects, as appropriate, aimed at, inter alia, ensuring that individuals and groups who face racism, racial discrimination, xenophobia and related intolerance gain and sustain safe and secure homes and communities in which to live in peace and dignity, taking into account that they often live in poor and insecure housing conditions;**

(b) **Take immediate measures to mitigate the disproportionate impacts of the COVID-19 pandemic on individuals and groups facing racism, racial discrimination, xenophobia and related intolerance.**

#### **Multiple or aggravated forms of discrimination**

71. **The Working Group recommends that States:**

(a) **Adopt and implement policies and programmes that provide effective protection for, and review and repeal all policies and laws that could discriminate against, individuals facing multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property, birth, disability or other status;**

(b) **Mainstream a gender perspective when designing and monitoring public policies, taking into account the specific needs and realities of women and girls facing racism and racial discrimination.**

### **B. Increased regional and international engagement and actions, including actions to celebrate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action**

72. **The international community, including States, international and regional organizations, in particular relevant United Nations programmes, funds, specialized agencies and other bodies, international financial and development institutions, and other international mechanisms within their areas of competence should give high priority to programmes and projects specifically tailored to combating racism and racial discrimination, taking fully into account the Durban Declaration and Programme of Action and the International Convention on the Elimination of All Forms of Racial Discrimination, and should, inter alia:**

(a) **Assist States in the full and effective implementation of their commitments under the Durban Declaration and Programme of Action, taking into account the disproportionate impact of the COVID-19 pandemic on individuals and groups facing racism, racial discrimination, xenophobia and related intolerance;**

(b) Take measures to raise awareness about the Durban Declaration and Programme of Action, including through awareness-raising campaigns and by organizing and supporting other activities;

(c) Continue to disseminate widely the Durban Declaration and Programme of Action;

(d) Continue to raise awareness about the International Convention on the Elimination of All Forms of Racial Discrimination;

(e) Fully include individuals and groups facing racism, racial discrimination, xenophobia and related intolerance in their efforts to achieve the 2030 Agenda for Sustainable Development;

(f) Request the United Nations to carry out effective media campaigns in connection with the twentieth anniversary, to enhance the visibility of the message of the Durban Declaration and Programme of Action and its follow-up mechanisms, while also being mindful of the importance of strengthening the information and outreach capacity of OHCHR, as requested by the General Assembly;

(g) Request an update on the invitation extended by the Working Group at its thirteenth session to OHCHR to contribute to the development of a multi-year programme of action 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 it has made in the struggle against racism, racial discrimination, xenophobia and related intolerance;

(h) Request an update from the High Commissioner on the preparation of public information materials on the twentieth anniversary, to be disseminated at various events and through United Nations information centres and the website of OHCHR and of other United Nations entities;

(i) Request the High Commissioner to improve and streamline the section of the OHCHR website dedicated to the Durban Declaration and Programme of Action to enhance the visibility of the follow-up activities of the Human Rights Council, its working groups, its special procedure mandate holders and the human rights treaty bodies in relation to its implementation;

(j) Take measures to strengthen resource mobilization to enhance the effectiveness of the comprehensive implementation of the Durban Declaration and Programme of Action at the United Nations, through increased regular budget and extrabudgetary resources, and in this respect request the Secretary-General to reactivate and revitalize the trust fund for the Decade for Action to Combat Racism and Racial Discrimination prior to the forty-seventh session of the Human Rights Council;

(k) Request the High Commissioner to consider preparing a report on the occasion of the twentieth anniversary of the Durban Declaration and Programme of Action on progress made in implementing the Durban Declaration and Programme of Action and on how the United Nations human rights system may promote its implementation with a view to addressing the resurgent violent manifestations of racism, racial discrimination, xenophobia and related intolerance worldwide and making recommendations to inform the discussions of the Working Group at its nineteenth session;

(l) Encourage the mobilization of political will at the national, regional and international levels for the full and effective implementation of the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, and the political declaration of the General Assembly to commemorate the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, and their follow-up processes.

### **C. International Decade for People of African Descent**

73. The Working Group requests that Member States:

(a) Officially launch the International Decade for People of African Descent as soon as possible, if they have not already done so, as an essential activity, with the broadest participation, including from civil society, and based on the programme of activities for the Decade and commit themselves to delivering tangible and meaningful results by the end of the Decade;

(b) Accelerate actions at every level to implement the various parts of the programme of activities for the Decade;

(c) Continue to take steps towards the establishment of the modalities of the Permanent Forum on People of African Descent, which will serve as a consultation mechanism for people of African descent and other interested stakeholders and as a platform for improving the quality of life and the livelihoods of people of African descent;

(d) Consider taking further measures to promote and protect the human rights of people of African descent, as enshrined in international instruments, including through the elaboration of a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent.

74. The Working Group reiterates its request to OHCHR to publish the programme of activities for the Decade in the form of an easily accessible brochure, in the official languages of the United Nations, for wide dissemination and invites States to publish translations thereof.

75. The Working Group also reiterates that, consistent with the opening paragraph of the programme of activities, the Decade should not be celebrated by people of African descent alone and that its commemoration requires the United Nations, Member States, civil society and all other relevant actors to be fully engaged, to join together in partnership with people of African descent and to take effective measures for the implementation of the programme of activities in a spirit of recognition, justice and development.

### **D. Measures to enhance the effectiveness of the follow-up mechanisms to the Durban Declaration and Programme of Action and to ensure better synergy and complementarities in the work of those mechanisms**

76. The Working Group recognizes the importance of continued efforts aimed at improving the efficiency and effectiveness of the Durban follow-up mechanisms and commits to increasing efforts aimed at avoiding overlapping and/or the duplication of initiatives. It reiterates its request for more cooperation between the Durban follow-up mechanisms and relevant human rights bodies, including treaty bodies and special procedure mandate holders, with the aim of developing synergy and complementarities among those mechanisms, bearing in mind their respective mandates, and invites the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action and the Working Group of Experts on People of African Descent:

(a) To leverage the contributions of other United Nations mechanisms aimed at the elimination of racial discrimination;

(b) To increase efforts aimed at avoiding overlapping and/or the duplication of initiatives, in respect of which the Working Group underlines that the scarcity of resources should not affect the implementation of the Durban Declaration and Programme of Action, while acknowledging the need to enhance the effectiveness of the mechanisms related to or addressing racial discrimination, xenophobia and related intolerance, with a view to achieving better synergy, coordination, coherence and complementarity of work.

77. The Working Group underlines the imperative importance of the full and effective implementation of the Durban Declaration and Programme of Action and is of the view that the twentieth anniversary of its adoption should be seen as an important opportunity to strengthen its role as a comprehensive tool for the anti-racism agenda and as an occasion to assess the impact of the work of the Durban follow-up mechanisms and to increase visibility and outreach on their contributions.

78. The Working Group commits itself to demonstrating the political will to address the scourges of racism, racial discrimination, xenophobia and related intolerance, while acknowledging that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid and slavery is permitted, as defined in the obligations under the relevant human rights instruments.

79. Requests that the concrete proposals of the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action contained in the report of the Group on its sixth session (A/74/173) be included in an action-oriented outreach and advocacy programme on the fight against racism based on the content of the Durban Declaration and Programme of Action and invites the Group to further develop its proposals in consultation with States, experts and civil society organizations.

80. Requests OHCHR, in scheduling the relevant sessions of the Durban Declaration and Programme of Action follow-up mechanisms, to avoid overlap between their respective sessions and with the sessions of the Human Rights Council and its various mechanisms, in order to allow the meaningful participation of States, regional and subregional organizations, national human rights institutions or similar bodies and civil society organizations.

## Annex

### List of participants

#### Member States

Algeria, Argentina, Bangladesh, Belgium, Bolivia (Plurinational State of), Botswana, Brazil, Burkina Faso, Chad, China, Colombia, Costa Rica, Cuba, Djibouti, Ecuador, Egypt, Eswatini, Greece, Guatemala, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Kazakhstan, Kenya, Lesotho, Libya, Mali, Mexico, Nepal, Nicaragua, Pakistan, Panama, Peru, Portugal, Qatar, Russian Federation, Senegal, Somalia, South Africa, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela (Bolivarian Republic of)

#### Non-Member observer States

Holy See

#### United Nations entities and specialized agencies

United Nations Population Fund

#### Intergovernmental organizations

European Union

#### Non-governmental organizations

Africa culture internationale

Alliance Defending Freedom

American Association of Jurists

Centre for Gender Justice and Women Empowerment

Comité des observateurs des droits de l'homme

Commission africaine des promoteurs de la santé et des droits de l'homme

International Human Rights Association of American Minorities

International Movement against All Forms of Discrimination and Racism

International Organization for the Elimination of All Forms of Racial Discrimination

International Service for Human Rights

International Youth and Student Movement for the United Nations

Organisation pour la communication en Afrique et de promotion de la coopération économique internationale

Servas International

Youth against Racism

World against Racism Network