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Item 73(b) of the provisional agenda[[1]](#footnote-2)\*

**Elimination of racism, racial discrimination, xenophobia**

**and related intolerance: comprehensive implementation of**

**and follow-up to the Durban Declaration and Programme**

**of Action**

Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Note by the Secretary-General[[2]](#footnote-3)\*\*

The Secretariat has the honour to transmit to the General Assembly the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, prepared pursuant to General Assembly resolution 75/237.

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| *Summary* |
| In the present report, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance commemorates the 20th anniversary of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa. The Special Rapporteur explains the significant human rights achievements of the Durban Conference and the continuing relevance and urgency of full implementation of the Durban Declaration and Programme of Action (DDPA). She addresses the continuing disinformation campaign that seeks to undermine the blueprint for action against systemic racism, racial discrimination, xenophobia and related intolerance provided by the DDPA. She also offers recommendations for overcoming barriers to implementation of the DDPA. |
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I. Introduction

1. At the 20th Anniversary of the historic 2001 Durban World Conference Against Racism (“the Durban Conference”), the global fight against racism, racial discrimination, xenophobia and related intolerance remains as urgent and daunting as ever. The ongoing COVID-19 pandemic illustrates this viscerally.
2. In the United States, Native American, Latino and Black people have a COVID-19 mortality rate double the rate of white Americans.[[3]](#footnote-4) In Brazil, Afro-Brazilians are 1.5 times more likely to die of the disease.[[4]](#footnote-5) In the United Kingdom, “women of African descent and men of African descent were respectively 4.3 and 4.2 times more likely to die of COVID-19 than white people, the largest disparity of any ethnic group”.[[5]](#footnote-6) Studies have shown racialized impacts of the pandemic in Spain and Sweden; but throughout much of mainland Europe, States do not collect disaggregated data on COVID-19 outcomes, and so racial and ethnic differences in mortality are rendered invisible.[[6]](#footnote-7) On a transnational scale, wealthier countries in the Global North have received the majority of COVID-19 vaccinations, while exploited, predominantly non-white countries in the Global South disproportionally lag behind in access to life-saving vaccines.[[7]](#footnote-8)
3. Historically, the racial categorization of human beings was used during European colonialism to distribute rights and resources among peoples.[[8]](#footnote-9) The concept of race was used to naturalize inequality and monumental injustice on biological grounds. At Durban, UN member states again reiterated their rejection of “any doctrine of racial superiority, along with theories which attempt to determine the existence of so-called distinct human races”. At the same time, throughout the Durban Declaration and Programme of Action (“DDPA”), Member States also sought to confront the reality that as social constructions, race, ethnicity, national origin and other related categories continue to determine access to and enjoyment of fundamental rights. The blatant structural racial, ethnic and national origin impact of the COVID-19 pandemic shows the persistence of race, ethnicity, national origin and other categories as enforcing hierarchies among human beings and across borders.
4. At the Durban Conference, the international community reached a historic, near-universal consensus on a blueprint for implementing human rights commitments in pursuit of the total elimination of racism, racial discrimination, xenophobia and related intolerance.
5. The outcome of the Durban Conference, the Durban Declaration and Programme of Action (“the DDPA”),[[9]](#footnote-10) addresses racism, racial discrimination, xenophobia and related intolerance as historically and structurally rooted phenomena. In doing so, it falls within the tradition of pivotal anti-racism instruments such as the United Nations Declaration on the Granting of Independence to Colonial Countries and Peoples, the United Nations Declaration for the Establishment of a New International Economic Order, and the International Convention for the Elimination of Racial Discrimination.
6. This report highlights significant developments in the international promotion of formal and substantive racial equality that can be attributed to the influence of the DDPA and the Durban process. The DDPA expanded the relevant scope for addressing racism, racial discrimination, xenophobia and related intolerance to consider historical precedents. It provides actionable recommendations for how States, non-State actors and civil society can challenge racism as it manifests in individual relations, in legal systems and in societal structures, at local, national, regional and transnational levels. It highlights unequal economic and political structures as essentially connected to the problems of racism, racial discrimination, xenophobia and related intolerance. In doing all of this, the DDPA is a groundbreaking document that explicitly fuses decolonial, anti-racist, and anti-xenophobic commitments in a single human rights instrument. It is also unique in that it is the outcome of sustained, transnational advocacy by civil society actors and advocacy groups that are traditionally excluded from human rights norm creation.
7. The Durban process has been particularly important for organizing and promoting efforts to ensure human rights for people of African descent, building solidarity between Africans and the African Diaspora, and energizing the movement for reparations for slavery and the Trans-Atlantic Slave Trade. The DDPA has encouraged data collection on people of African descent and indigenous peoples, especially in Latin America, and led to the creation of national action plans, national equality bodies and regional human rights instruments against racial discrimination. It has enhanced recognition of racism against people of African descent, people of Asian descent, migrants, indigenous peoples, Roma and religious minorities. It was also one of the first international human rights instruments to utilize the concept of intersectional discrimination to consider how gender, class and other status mediates lived experiences of racism. And, although the DDPA does not mention caste, the Durban Conference was a key catalyst in organizing an international solidarity movement against caste-based discrimination which yielded important results.[[10]](#footnote-11)
8. The interpretation of racial equality and non-discrimination human rights standards has in many places tended to skew in favor of vindication of individual claims where racial or xenophobic hatred is explicit. Though in some cases international human rights law has addressed contexts of societal violence, redress and reparation for human rights violations are still often centered around individualized remedies rather than community-based or societal reparation. In this regard, one of the DDPA’s most positive contributions has been centering societal reparations within the international human rights framework.
9. Notwithstanding these and other contributions, the Durban Conference and the DDPA have has also been the subject of persistent controversy, which has been used to thwart engagement with its commitments. According to some States and civil society actors, the DDPA is itself a “racist document” that needs to be discarded. Nothing could be further from the truth, and false assertions such as this are part of a disinformation campaign dedicated to erasing the DDPA’s legacy from the human rights system. The Special Rapporteur strongly condemns these and other efforts to discard the powerful human rights equality and racial justice principles and commitments reflected in the DDPA.
10. As discussed in more detail below, it is well-known that amidst the vast majority of racial justice advocates at the Durban Conference, a small minority of groups advanced antisemitic statements, particularly through the NGO Forum. But this vocal minority failed to influence the outcome of the DDPA. The DDPA as it stands thus reflects an international consensus that affirms the rights of Israelis and Palestinians, deplores antisemitism, neo-Nazism and other forms of intolerance, and calls for an end to violence against Israelis and Palestinians.[[11]](#footnote-12) It is counter to foundational principles of human rights to condemn the DDPA for its recognition of the fundamental human rights of Palestinians, including their right as a people to self-determination. It is also counter to foundational principles of human rights to equate rejection of the racial subordination of Palestinians with antisemitism.
11. The General Assembly has made clear that the DDPA is “the only instructive outcome of the World Conference”.[[12]](#footnote-13) The controversy that was overcome by the rejection of intolerance should not continue to poison the international consensus that was decades in the making and forged out of racial justice advocacy that spanned continents.[[13]](#footnote-14)
12. Yet, rather than using the DDPA to advance the transnational fight against racism and offering momentum for new, improved versions of the framework, several States, including those most implicated by the DDPA’s analysis of the historical roots of racism, have instead signalled they intend to abandon the Durban process. In a troubling continuation of anti-DDPA action, a number of UN Member States boycotted the UN high-level commemoration of the 20th anniversary of the DDPA. These States are among some of the greatest beneficiaries of colonialism, slavery and the Trans-Atlantic Slave Trade. The Special Rapporteur calls on States participating in any form of DDPA boycott instead to demonstrate a genuine commitment to racial justice and equality by implementing the DDPA.
13. A year ago, the world witnessed an unprecedented, transnational racial justice uprising. Following the murder of George Floyd in Minneapolis, solidarity protests spread around the world under the banner of “Black Lives Matter”, as people connected their own experiences of systemic racism with a broader global movement. “Black Lives Matter” represents the most significant momentum for racial justice since the grass-roots advocacy and transnational coordination which paved the way for the Durban Conference. The demands of those who took to the streets in 2020 echoed the demands of those who mobilized to make the Durban Conference and DDPA a reality. In the historic Human Rights Council Urgent Debate that followed, Member States acknowledged and condemned systemic racism, pledging to redouble their efforts for justice and equality. Fulfilling these commitments, dismantling systemic racism and racial injustice, and combatting xenophobia and related forms of intolerance require full implementation of the DDPA.

II. The Historical Significance of the Third World Conference against Racism

1. The international human rights framework has progressively evolved to combat racism, racial discrimination, xenophobia and related intolerance. At its first session, the United Nations General Assembly produced two resolutions against racism – one calling for the end to “religious and so-called racial persecution and discrimination”[[14]](#footnote-15) and another specifically highlighting the treatment of Indian nationals in South Africa.[[15]](#footnote-16)
2. In 1949, the United Nations Educational, Scientific and Cultural Organization (“UNESCO”) began a campaign to challenge pseudo-intellectual ideologies of racial superiority.[[16]](#footnote-17) In the ensuing decades, UNESCO was a prominent early advocate for anti-racist discourse and programs, most notably through its Declaration on Race and Racial Prejudice[[17]](#footnote-18) and its scientific and standard-setting projects, as well as the ground-breaking “special programme against apartheid” and the Slave Route Project.[[18]](#footnote-19)
3. The early momentum of the international community’s struggle against racism culminated in the creation of the International Convention on the Elimination of All Forms of Racial Discrimination (“ICERD”), which was adopted by the General Assembly in 1965 and became effective in 1969. In fact, ICERD was the first major international human rights treaty, preceding even the International Convention on Civil and Political Rights (“ICCPR”). Newly decolonized States were among the chief proponents of the Convention and offered the impetus behind its adoption.
4. While ICERD is the most prominent instrument of the United Nations’ anti-racism architecture, other treaties have also enshrined equality and non-discrimination principles in international human rights law. For example, the ICCPR and the International Covenant on Economic, Social and Cultural Rights (“ICESCR”) both explicitly enshrine the non-discrimination principle.[[19]](#footnote-20) The UN system also includes other anti-racist instruments, such as the International Convention on the Suppression and Punishment of the Crime of Apartheid.
5. Racism, racial discrimination, xenophobia and related intolerance are also the product of unequal transnational power relations. They are the mechanisms through which certain nations and peoples dominate other nations and peoples. The UN system has acknowledged this phenomenon, especially through resolutions of the General Assembly.
6. At the same time the United Nations was fighting racial discrimination and apartheid through international human rights law, the General Assembly was also the site of momentous decolonial efforts to ensure an equitable international order. This included declarations in support of new international economic arrangements to remedy the history of exploitation enabled in part through international law and institutions.[[20]](#footnote-21) Although rarely treated as such, the General Assembly’s Declaration on the Establishment of a New International Economic Order (1974)[[21]](#footnote-22) and Declaration on the Right to Development (1986),[[22]](#footnote-23) for example, are instrumental pillars for combatting racism, racial discrimination, xenophobia and related intolerance. These instruments recognize and condemn racial domination rooted in colonialism as part of their call for international economic and political equity.[[23]](#footnote-24)
7. The Expert Mechanism on the right to development has recently highlighted that racial discrimination directly implicates development at national and international levels. “On an international level”, the Expert Mechanism has noted, “racism and racial discrimination can result in the deprivation of transnational economic opportunities for individuals, and of foreign direct investment and relief from debt for poor countries”.[[24]](#footnote-25)
8. The DDPA is a central pillar of the broader anti-racism and decolonial framework referenced above. The General Assembly’s mandate for the Durban Conference – which was the third World Conference Against Racism – was sweeping. It set out several objectives, including calls to “review the political, historical, economic, social, cultural and other factors leading to racism, racial discrimination, xenophobia and related intolerance”, and to “formulate concrete recommendations to further action-oriented national, regional and international measures”.[[25]](#footnote-26) The specific invocation of historical factors was a significant break from earlier resolutions calling for a conference; those resolutions had emphasized only contemporary manifestations of racism.[[26]](#footnote-27)
9. Unlike prior world conferences, which had largely failed to include civil society, the Durban Conference was dominated by broad participation of civil society actors from the beginning.[[27]](#footnote-28) The eventual choice to hold the conference in Durban, South Africa, rather than Geneva, contributed to this accessibility, as it moved the locus of efforts out of Europe and to a venue with deep symbolic importance for the global anti-racism movement and for people of African descent specifically.
10. The Durban Conference itself saw widespread buy-in from States, UN entities and non-governmental actors. 4,000 NGO representatives were accredited to participate in the official conference, and the parallel NGO Forum, also held in Durban, hosted over 7,000 representatives. 163 States were represented, with 16 heads of state, 58 foreign ministers and 2,300 other delegates. Altogether, OHCHR estimated that 18,800 people had assembled in Durban to participate in the World Conference against Racism.[[28]](#footnote-29)
11. Of course, the DDPA is not the final word on racism, racial discrimination, xenophobia and related intolerance. But it is a monumental milestone in the trajectory of global mobilization for substantive equality.

III. Durban’s Legacy: A Comprehensive, Intersectional and Concrete Plan of Action for Eradicating Racism, Racial Discrimination Xenophobia and Related Intolerance

1. This section highlights the transformative contributions made by the DDPA. Although the DDPA is not on its own a legally binding instrument, it uniquely develops a concrete action plan for achieving the legally binding commitments that States have undertaken regarding equality and non-discrimination across a range of treaties and as a matter of customary international law. The Durban Declaration “represents the commitments arising from the complex global dialogue which took place”, whereas the Programme of Action “is a road-map illustrating how the international community will follow up on these commitments”.[[29]](#footnote-30) As a comprehensive nexus of anti-racism commitments, the DDPA is a resource that allows States to implement racial equality measures and monitor this implementation in a standardized manner.

A. Recognition of the roots, victims, and manifestations of racism

1. The DDPA provides the first global consensus that slavery and the Trans-Atlantic Slave trade are a crime against humanity and “should always have been so”.[[30]](#footnote-31) It recognizes that these histories are significant sources of racism, racial discrimination, xenophobia and related intolerance, with impacts on Africans and people of African descent, Asians and people of Asian descent, and indigenous peoples.[[31]](#footnote-32) It also identifies colonialism, apartheid, migration and inequality as root causes of racism.[[32]](#footnote-33)
2. The DDPA condemns systems of colonialism and neo-colonialism for their persisting effects on the international system, which include “contributing to lasting social and economic inequalities in many parts of the world today”.[[33]](#footnote-34) It uniquely calls for legal reforms[[34]](#footnote-35) and for economic and financial redistribution that would advance substantive racial equality.[[35]](#footnote-36) If a human rights legacy of the 20th century was the divergence of the rights codified in the Universal Declaration of Human Rights into two separate legal regimes[[36]](#footnote-37) – civil and political rights vs. economic, social and cultural rights – the DDPA should be recognized for re-launching the 21st century’s human rights agenda by building off the Vienna Declaration and Programme of Action[[37]](#footnote-38) and re-converging these sets of rights into a comprehensive and concrete document combatting racism and xenophobia.
3. This comprehensive understanding of racism extends to the DDPA’s recognition of the victims of racism. The following groups are all included within its scope:
4. Africans and people of African descent
5. Asians and people of Asian descent
6. indigenous peoples
7. Mestizo populations of mixed ethnic and racial origins
8. Arab communities
9. ethnic, cultural, linguistic and religious minorities
10. migrants
11. refugees, asylum-seekers and internally displaced persons
12. Jewish communities
13. Muslim communities
14. religious communities
15. Palestinian people
16. “Roma/Gypsies/Sinti/Travellers”
17. persons with disabilities
18. people infected or affected by HIV/AIDS
19. victims of trafficking
20. children
21. women and girls[[38]](#footnote-39)
22. The exclusion of any mention of caste/descent-based discrimination was a major blow to Dalit and other groups that had been mobilized by the World Conference to fight caste-based discrimination.[[39]](#footnote-40) However, despite this blow, groups fighting caste discrimination were able to use the Durban process to forge a solidarity movement that successfully promoted the recognition of descent-based discrimination in other fora.[[40]](#footnote-41)
23. In addition to its recognition of discrete victim groups, the DDPA is also ground-breaking in its consideration of what it calls “multiple discrimination”,[[41]](#footnote-42) when experiences of racism are mediated through gender, youth, religion, migration status, ethnic, cultural, or linguistic identity, class, disability and other status. This consideration of intersectional discrimination shows how the DDPA was generative of the gender-mainstreaming projects and migration-sensitive policies which have been integrated into the non-discrimination framework. The recognition of multiple discrimination is also key for underscoring the need for disaggregated data, which can reveal inter-racial and ethnic inequalities as well as intra-racial and ethnic inequity.
24. With respect to manifestations of racism, the DDPA is an important document because it offers a structural account of racism and its role in shaping profound societal issues, including armed conflict, criminal justice, housing, employment, healthcare, environmental degradation and natural resource exploitation, migration and displacement, digital technologies and the Internet, and the proliferation of hate speech and ideologies of racial superiority.[[42]](#footnote-43)
25. The DDPA also took the important step of including xenophobia and conditions confronting migrants as part of the broader landscape of racism and intolerance. Specifically, it acknowledges xenophobia as a notable manifestation of modern racism and a direct result of displacement and inequality rooted in globalization.[[43]](#footnote-44) As a result, the DDPA sets human rights standards of great significance to implementation of the Global Compact for Migration and the Global Compact on Refugees.
26. The DDPA further adds to the international equality framework by recognizing non-legal mechanisms for advancing racial equality. Economic and financial initiatives, political commitments and contributions by private actors and NGOs are all highlighted as key parts of the Programme of Action.[[44]](#footnote-45) While the DDPA emphasizes that States hold the ultimate responsibility for implementing the DDPA, it also recognizes the importance of all stakeholders in addressing racism at economic, social, political, educational and cultural levels.[[45]](#footnote-46)
27. The Special Rapporteur received a diverse array of civil society contributions, for which she is grateful. She notes that the diversity of the submissions illustrates one of the great strengths of the DDPA. Its comprehensive nature allows for attention to a combination of legal, social, political, economic, educational and cultural issues as they relate to racism.
28. For example, although persons with albinism are not mentioned in the DDPA, it is an instrument of great relevance for protecting their equality and non-discrimination rights. The African Albinism Alliance notes that: “Despite experiencing racial discrimination on the basis of colour, persons with albinism in Africa have not effectively benefited from the Durban Declaration and Programme of Action and the accompanying legislative, policy, programmatic frameworks at the country level that give effect to this declaration.” The submission notes that persons with albinism face stigma because of their skin colour but also because of their age, gender and the disabilities which are more common among people with albinism.[[46]](#footnote-47) The DDPA recognizes the racism experienced by persons with albinism not just through the singular lens of skin colour, but also by considering multiple discrimination on the basis of race and disability. The DDPA urges States, international and regional organizations, civil society and the private sector to protect the human rights of persons with albinism and other individuals who experience multiple discrimination on the basis of skin colour, disability and other status. As such, the DDPA framework is vital for structuring broadly inclusive racial justice programs, such as those which can protect and empower persons with albinism.
29. The Global Campaign for Equal Nationality Rights (GCENR) and members of its coalition, as well as the Research Center on Issues of Koreans in Japan (RCIKJ) and the Center for Minority Issues and Mission (CMIM), provided examples of racial injustice relating to xenophobia and prior histories of colonialism. GCENR noted ongoing gender inequality rooted in nationality laws, highlighting discrimination on the basis of migration status and gender as key manifestations of racism.[[47]](#footnote-48) RCIKJ and CMIM reported xenophobia targeting Koreans, noting that the DDPA helps call attention to the roots of this discrimination in the past imperial relationship between Japan and Korea.[[48]](#footnote-49) Repairing past injustice requires addressing this contemporary discrimination.
30. One submission reported that the occupation of Crimea engendered discrimination against certain ethnic groups, including the Crimean Tatars. The submission identifies the relevant human rights violations as relating to minority protection, anti-colonialism and self-determination, and uses the framework of the DDPA to analyse the harms of the occupation through the legal nexus provided by the DDPA.[[49]](#footnote-50)
31. In Canada, one submission reports that the government continues to violate a 2016 ruling that found that the First Nations Child and Family Services Program was discriminating on the basis of race and national/ethnic origin. Further, the Auditor General of Canada found in 2018 that the country had not taken preliminary steps to eliminate socio-economic gaps between First Nations people and other Canadians; the office urged Canada to gather data to report on the socio-economic well-being of First Nations people. The submission reports that this has not occurred.[[50]](#footnote-51) The concerns raised in the submission illustrate the importance the DDPA’s emphasis on the rights of indigenous peoples; they can also be framed through reparative justice frameworks for colonialism, the recommendation to collect disaggregated data, the call to provide development resources to indigenous groups, action steps to achieve substantive equality and the DDPA’s endorsement of the best interest of the child standard.[[51]](#footnote-52)
32. In Louisiana, USA, grassroots activists have shown how environmental degradation is not just putting Black lives at risk, but it is also destroying historical African-American cemeteries. The DDPA recognizes this degradation not just as a violation of the right to health, but also as a violation of residents’ rights to sustainable development and the call to celebrate, honour and protect Black heritage and cultural life.[[52]](#footnote-53)
33. In Kuwait, reported violations against of migrant workers, Stateless persons and women[[53]](#footnote-54) fall within the DDPA’s lens of multiple discrimination, and can be addressed through the concrete remedial guidance the DDPA provides. Similarly, NGO reports and condemnation of discrimination against religious minorities and the addition of exclusionary material to textbooks in Pakistan also fall within the scope of the DDPA, which links racism to religious discrimination and educational curriculums.[[54]](#footnote-55)
34. Finally, religious institutions have reported how they work toward anti-racism objectives and can actively contribute to reparatory practices,[[55]](#footnote-56) in recognition of the acknowledgment by the DDPA that religious leaders should fully participate in anti-racism efforts.[[56]](#footnote-57)
35. While not exhaustive, this review of civil society submissions shows how the DDPA can allow victims of racism to articulate their experiences in terms which are historically grounded and linked to broader struggles for equality and justice.

B. Individual and structural redress and reparation for racial discrimination, xenophobia and related intolerance.

1. As the Special Rapporteur has noted in her prior report on reparations for colonialism and slavery,[[57]](#footnote-58) the DDPA has strengthened the call for reparations for racism, slavery and colonialism. The Durban Declaration clearly states that transatlantic slavery and colonialism remain among the root causes of racism, racial discrimination, xenophobia and related intolerance against Africans and people of African descent, people of Asian descent and indigenous peoples.
2. The DDPA’s recognition of the ongoing effects of colonialism and slavery[[58]](#footnote-59) highlights the need to create reparatory frameworks which account for historical wrongs. Insofar as the starting point for such reparations is acknowledgement and apology by beneficiary States, the DDPA offers a key framework for both apologizing for slavery and colonialism through historical recognition[[59]](#footnote-60) and creating structures and systems which do the work of reparatory justice.[[60]](#footnote-61)

C. Comprehensive mechanisms for implementation of equality and non-discrimination principles

1. Among the DDPA’s most important contributions is the depth and scope of its implementation mechanisms and recommendations. The DDPA sets out three levels of activity: national, regional and international. The Programme also considers the role of civil society, academia and the private sector, which contribute at each level.
2. Although Member States have lagged in implementation of the DDPA, there has been some progress. According to the OHCHR, since 2001, 42 States have adopted or amended legislation prohibiting racial discrimination; 35 States have established national equality bodies for combating racial discrimination and promoting equality; 23 States and regional institutions have adopted national and regional policies against racism; and 26 more States have ratified the International Convention on the Elimination of all forms of Racial Discrimination, bringing the total ratifications to 182.[[61]](#footnote-62)
3. In part as a result of the DDPA, the term “afro-descendants” has played an integral role in boosting data collection, legal recognition and political will to combat racism in Latin America. Several Latin American nations have created national action plans against racism in response to the DDPA, and Brazil has been highlighted as a nation which radically changed its approach to racial justice policies due to the influence of the Durban Conference, including by engaging in affirmative action programs.[[62]](#footnote-63) Even while acknowledging these developments, it is crucial to note the persistence of extreme human rights violations in the region against people of African descent and indigenous peoples.
4. Several States credit the DDPA with prompting recognition and action on racial discrimination in their national legal systems. In Argentina, a submission notes that: “[T]he DDPA was an essential engine for installing the issue of racial discrimination and xenophobia in the institutional agenda of the Argentine State[.]”[[63]](#footnote-64) Mexico noted that: “The Durban Declaration and Programme of Action have contributed to the consolidation, implementation and articulation of the Mexican Government’s anti-discrimination policy.”[[64]](#footnote-65) Namibia reported that the DDPA inspired its Office of the Ombudsman to draft the 2017 report entitled “A Nation Divided: Why Do Racism and Other Forms of Discrimination Still Persist after Twenty-Seven Years of Namibian Independence?” This report has played a key role in guiding the country’s subsequent racial justice program.[[65]](#footnote-66)
5. Another key area of national implementation has been the creation of National Action Plans against Racism, Racial Discrimination, Xenophobia and Related Intolerance.[[66]](#footnote-67)
6. Argentina created a National Plan against Racism in 2004 and collected data on Afro-descendants in its 2010 Census for the first time.[[67]](#footnote-68) Ecuador reported that it adopted a “Plurinational Plan” in 2009 in response to the DDPA. The country also has created several institutional frameworks, including its National Council for the Equality of Peoples and Nationalities and the “Agenda for the Equal Rights of Indigenous Nationalities and Peoples, Afro-Ecuadorian People and Montubio People 2019-2021”. [[68]](#footnote-69) The Mexican National Council for the Prevention of Discrimination (CONAPRED) is currently developing a National Programme for Equality and Non-Discrimination 2021-2024 within the framework of its National Development Programme 2019-2024.[[69]](#footnote-70) This framing of equality and non-discrimination through development clearly mirrors the DDPA’s framing.[[70]](#footnote-71)
7. The submission from Peru highlighted its National Development Plan for the Afro-Peruvian Population. The influence of DDPA can be seen in the plan’s emphasis on multiple discrimination; it prohibits discrimination against “a person or group of people for racial, religious, sexual, genetic factor, filiation, age, disability, language, ethnic and cultural identity”.[[71]](#footnote-72) Peru also reports that it is currently in the public consultation phase of implementing the National Policy on Indigenous or Native Peoples to 2030.[[72]](#footnote-73)
8. The Swiss Federal Office of Culture set up a working group on Travellers in 2015, and the Federal Council has implemented the working group’s 2016 draft action plan. Additionally, Switzerland reported that Swiss cantonal integration programmes are analogous to national action plans and provide legal support and protection against structural discrimination within institutions, including through measures aimed at increasing migrants’ access to work, training, housing, leisure and other areas of life.[[73]](#footnote-74)
9. One submission reported that despite long delays, Belgium recently began the process of creating a national plan of action, but it has not completed its consultations with civil society.[[74]](#footnote-75)
10. North Macedonia reported that it was evaluating its Strategy for Equality and Non-Discrimination 2016-2020 and developing a new strategy for 2022-2024, as well as a specific Strategy for Roma up to 2030 and a National Action Plan for Roma women up to 2025.[[75]](#footnote-76)
11. National equality bodies such as CONAPRED of Mexico[[76]](#footnote-77) and the National Council for the Equality of Peoples and Nationalities of Ecuador[[77]](#footnote-78) play integral roles in monitoring and shaping national action plans. These bodies may also provide legal assistance or information to victims of racial discrimination,[[78]](#footnote-79) coordinate anti-racism programs,[[79]](#footnote-80) combat hate crimes[[80]](#footnote-81) and carry out research on racism in the country.[[81]](#footnote-82) For example, the Anti-Racism Service of the Swiss Department of Home Affairs publishes a report on racial discrimination in Switzerland every two years.[[82]](#footnote-83)
12. Several government submissions noted how the DDPA had inspired their country to collect disaggregated data on race through national censuses or specific surveys on discrimination. The national action plan of Peru emphasizes, in part, statistical measurement of the Afro-Peruvian population.[[83]](#footnote-84) Mexico carried out the National Survey on Discrimination in 2017. People of African descent and indigenous people were among the populations specifically investigated by the survey. CONAPRED of Mexico also created the National System on Discrimination, a database on incidents of discrimination which collects all the information compiled by CONAPRED and state institutions.[[84]](#footnote-85)
13. The difficulty and sensitive nature of data collection was a common obstacle reported by States. Spain noted difficulties with collecting data on ethnic origin, due to the reluctance of some groups to provide information because of fears relating to data protection and anonymity.[[85]](#footnote-86) These are valid concerns,[[86]](#footnote-87) and in this regard the Special Rapporteur recalls that the DDPA emphasizes the importance of embedded human rights and privacy protections in the collection of disaggregated data.[[87]](#footnote-88) States can benefit from the OHCHR’s guidance document “A Human Rights-Based Approach to Data”[[88]](#footnote-89) and the report of the Working Group of Experts on People of African Descent on “Data for racial justice”, which offers key research and recommendations on the collection of disaggregated data pursuant to the DDPA.[[89]](#footnote-90)
14. Relatedly, several States noted that lack of public awareness and recognition of racism were barriers to effective policymaking. Some States, like Mexico, noted that the public still struggled to understand racism and oppression as they manifested themselves in society.[[90]](#footnote-91) Spain noted that inadequate information for contesting and vindicating acts of racial discrimination presented problems for victims of racism.[[91]](#footnote-92) It added that it has highlighted the importance of national awareness-raising campaigns to reach “people suffering from racism in areas such as housing, employment, health [and] education”.[[92]](#footnote-93)
15. States also noted several initiatives that were advanced through regional organizations. The Inter-American Convention against all Forms of Discrimination and Intolerance and the Inter-American Convention against Racism, Discrimination and Related Forms of Intolerance are two leading examples of binding legal instruments implemented at the regional level to combat racism and intolerance.[[93]](#footnote-94) One submission highlighted the European Union’s progress on a Code of Conduct on illegal incitement to hatred on the internet and other anti-discrimination programs.[[94]](#footnote-95)
16. The CARICOM Ten Point Plan for Reparatory Justice is also closely linked to the DDPA’s legacy. During the high-level event commemorating the 20th Anniversary of the Durban Conference, the Prime Minister of Barbados observed that: “[N]ot only did the Durban Conference deal with issues ultimately pertaining to historical slavery, the Trans-Atlantic Slave Trade and reparations, but the Durban Declaration and Programme of Action established a solid foundation upon which significant progress of the issue of reparations for Africans and people of African descent has since been built.” She noted that the CARICOM 10 Point Plan is a “direct descendant” of the DDPA.[[95]](#footnote-96)
17. At an international level, several States noted the importance of continued technical assistance and publicization of the DDPA by UN institutions,[[96]](#footnote-97) and many States structured their DDPA implementation around the International Decade for People of African Descent.[[97]](#footnote-98)
18. Institutionally, the DDPA directly called for two international follow-up mechanisms: the Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action (GIEE) and the Working Group of Experts on People of African Descent (WGEPAD). Both have done vital work towards realizing the commitments of the DDPA. An Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action (IWG) has since been established, as well as the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards (Ad Hoc Committee).
19. The Office of the High Commissioner for Human Rights Anti-Racial Discrimination Section is tasked with essential responsibility for monitoring the implementation of the DDPA and providing technical support to States and other actors on the DDPA.[[98]](#footnote-99) It serves as the Secretariat to the above-stated four DDPA follow-up mechanisms. The Anti-Racial Discrimination Section is also responsible for OHCHR’s Anti-Discrimination Database, which was created in 2013 to fulfil the call of the Programme of Action’s paragraph 191(d).[[99]](#footnote-100) The Anti-Racial Discrimination Section’s activities, as well as other OHCHR operations which implicate the DDPA, are annually reported in the Secretariat’s report on the implementation of the DDPA.[[100]](#footnote-101)
20. The International Day for People of African Descent and the International Decade for People of African Descent are two UN programs that are the outcome of Durban follow-up mechanisms. The International Decade (2014-2024) is integrally linked to the Durban Conference; one of the main objectives of the Decade is awareness-raising and dissemination of the DDPA.[[101]](#footnote-102)
21. The International Decade has been a key framework for State action on implementing the DDPA’s specific recommendations relating to Africans and People of African Descent. In Argentina, the International Decade has reportedly inspired the implementation of several programs, including the “National Program for the Implementation of the Decade”, the “Inter-Ministerial Table for Public Policies for People of African Descent”, and the “National Commission for the Historical Recognition of the Afro-Argentine Community”.[[102]](#footnote-103) Spain, Ecuador, and Peru have also reported that they have used the International Decade as an impetus for recognizing and directing resources to their Afro-descendant populations.[[103]](#footnote-104) The recent creation of the Permanent Forum on People of African Descent provides additional opportunities to monitor implementation of the DDPA.[[104]](#footnote-105)
22. However, several civil society organizations have raised concerns that the International Decade has not been fully implemented by the UN human rights machinery. These groups have pointed to the lack of full publicization of the Decade’s Program of Activities, including the publication of the Program and its translation into other languages by Member States.[[105]](#footnote-106) Additionally, this coalition noted delays in the mid-term review of the Decade, and they further raised concerns that the International Decade and the Permanent Forum are moving away from the normative agenda contained in the DDPA.[[106]](#footnote-107)
23. Several UN entities were directly addressed by recommendations in the Programme of Action, including the Secretariat’s Department for Peacekeeping Operations (now the Department of Peace Operations),[[107]](#footnote-108) the World Health Organization,[[108]](#footnote-109) the World Bank,[[109]](#footnote-110) the International Monetary Fund,[[110]](#footnote-111) the International Labour Organization[[111]](#footnote-112) and UNESCO.[[112]](#footnote-113)
24. In particular, UNESCO has played an important role in DDPA follow-up initiatives. Its Slave Route Project has been frequently cited in regards to recognizing the historic roots of racism,[[113]](#footnote-114) and the organization developed its “Integrated Strategy to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance”, which was directly inspired by the DDPA and adopted in 2003.[[114]](#footnote-115) UNESCO has been a frequent participant in the sessions of the Durban follow-up mechanisms, because education has been a thematic focus of DDPA implementation.[[115]](#footnote-116)
25. Institutionalization of the DDPA at the United Nations requires consistent and transparent monitoring of international implementation. In this regard, Iran called for holding a World Conference Against Racism on a biannual basis, and it hailed the Permanent Forum for People of African Descent as a “positive development which helps to channel specific issues and helps to maintain necessary perspective for DDPA”.[[116]](#footnote-117)

IV. Barriers to the effective implementation of the DDPA

1. Notwithstanding the progress above, significant barriers to effective implementation of the DDPA remain. Among them is continued effort by some States actively to discard the DDPA as a source of international racial justice commitments. There have also been financial, bureaucratic and logistical obstacles that have hindered the DDPA’s full implementation.

A. Declining Engagement

1. Observers of the Durban process have raised several concerns over the years relating to its marginalization at all levels of the United Nations.[[117]](#footnote-118)
2. According to OHCHR, only 23 States and regional institutions adopted national and regional policies against racism within the past 20 years.[[118]](#footnote-119) Furthermore, with no international body in place to evaluate action plans, it is difficult to determine their levels of implementation.
3. State participation in the Durban follow-up mechanisms has also steadily declined over the years. There were only 12 State submissions to the Secretariat’s annual DDPA report in 2020, which is less than half of the 26 submissions sent in by States in 2011.[[119]](#footnote-120) State participation in the Intergovernmental Working Group has also declined from its peak of 103 participants in 2010. Only 53 and 46 States participated in the IWG’s sessions in 2019 and 2020, respectively.[[120]](#footnote-121)
4. Independent monitoring of DDPA progress is also a logistical obstacle due to the sheer complexity of racism’s manifestations and modalities in different national contexts. For several years, the GIEE and IWG have highlighted the need for a “racial equality index”[[121]](#footnote-122) which could provide an objective and standardized measure of racial equality across the world. Despite agreement by these mechanisms that such an index would be useful in judging the implementation of the DDPA,[[122]](#footnote-123) there has been little progress in creating one. The Special Rapporteur highlights the recent report by the Advisory Committee of the Human Rights Council as a key to developing future mechanisms to monitor racial discrimination pursuant to the DDPA.[[123]](#footnote-124)
5. Declining engagement in the DDPA can also be attributed to lack of publicity. Over the years, NGO observers have consistently noted that the DDPA is unknown in national contexts and has not been promoted outside the United Nations;[[124]](#footnote-125) the Chair of the GIEE has stated that 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”.[[125]](#footnote-126) In submissions for the Special Rapporteur’s report, several civil society actors urged greater publicization of the DDPA and suggested that the text be made more accessible.[[126]](#footnote-127)

B. Marginalization within UN

1. According to some accounts, the United Nations itself has played a role in the marginalization of the Durban process. According to submissions and even the reports of the Durban follow-up mechanisms,[[127]](#footnote-128) there have been shortcomings in the financial support and organizational commitment to the Durban follow-up in the United Nations. For example, the Group of Independent Eminent Experts did not officially meet for nearly 10 years. After the Group’s third meeting, two additional members of the group resigned,[[128]](#footnote-129) leaving only two members remaining. While the remaining members continued to fulfil their roles in their individual capacities,[[129]](#footnote-130) the Group noted the confusion and lack of adequate financial support for its mandate.[[130]](#footnote-131) In another example, the OHCHR’s immensely helpful guidance for States creating National Plans of Action against Racism was not published until 2014—nearly 13 years after the Durban Declaration was first adopted. And OHCHR’s database on anti-racism practices, which is called for by the DDPA, was not operational until 2013.[[131]](#footnote-132)
2. Although OHCHR, particularly through its Anti-Racial Discrimination Section, has dedicated itself to advancing the DDPA through technical support, one submission raised concerns that the DDPA had not yet been widely translated into non-UN languages.[[132]](#footnote-133) Groups also expressed concerns with delays in publicizing and promoting the Durban Review meetings, and observed that promotion of the DDPA was not a priority at all levels of OHCHR. They contend that: “The United Nations has never made a recognizable and impactful effort to inform about the clarity of the DDPA and advocate for its full implementation despite many resolutions.”[[133]](#footnote-134) In 2009, the High Commissioner for Human Rights observed that: “Human and financial resources available to the Anti-Discrimination Unit have been very limited and this has negatively affected implementation of [its DDPA activities.]”[[134]](#footnote-135)
3. In many ways, this organizational marginalization is unsurprising. UN institutions are stretched for resources as it is, and the politicized environment surrounding the DDPA creates incentives to de-prioritize its implementation and publicization. The marginalization of the DDPA within the UN thus requires sustained re-engagement by the UN’s organizational leaders, as well as overcoming powerful States’ systemic dis-engagement from the Durban process.

C. Coordinated Efforts to Discard the DDPA

1. Some States and NGOs have advocated purposeful boycotts of the DDPA and Durban review events. Boycotts occurred at the Durban Review Conference, the Durban +10 high level event, and at the Durban +20 high-level event, with the number of non-participating States increasing each time. Unfortunately, this has also included several States who voiced support of the DDPA at the Durban Conference and initially voted to endorse the DDPA in General Assembly Resolution 56/266. As such, there is a growing trend of States dis-engaging from Durban follow-up.
2. As mentioned above, some States and NGOs allege that the Durban Conference was not anti-racist, and similarly condemn the DDPA. Such assertations are false.
3. Paragraph 63 of the Declaration states: “We are concerned about the plight of the Palestinian people under foreign occupation. We recognize the inalienable right of the Palestinian people to self-determination and to the establishment of an independent State and we recognize the right to security for all States in the region, including Israel, and call upon all States to support the peace process and bring it to an early conclusion[.]” Paragraph 64 reads: “We call for a just, comprehensive and lasting peace in the region in which all peoples shall co-exist and enjoy equality, justice and internationally recognized human rights, and security[.]” As with all other peoples, Palestinians deserve the full recognition of their fundamental human rights.
4. Paragraph 151 of the Programme of Action states: “As for the situation in the Middle East, [the international community] calls for the end of violence and the swift resumption of negotiations, respect for international human rights and humanitarian law, respect for the principle of self-determination and the end of all suffering, thus allowing Israel and the Palestinians to resume the peace process, and to develop and prosper in security and freedom[.]” Despite the arguments of DDPA critics, the Programme of Action does not focus only on violence against Palestinians; the above language is most clearly interpreted as calling for the end of suffering on both sides.
5. The DDPA paragraphs relating to the Middle East conflict were “consistent with what the United States had agreed to in the past, and with the Bush administration’s post-World Conference policies regarding this conflict”.[[135]](#footnote-136) The recognition of Palestinians’ right to an independent State was endorsed by President Bush and the United Nations in a U.S.-backed Security Council resolution months after the World Conference, and the concern for the plight of the Palestinian people under occupation reflects widespread understanding of the legal status of the West Bank and Gaza Strip. [[136]](#footnote-137) While many Durban critics questioned why other geopolitical conflicts were not considered in DDPA, the fact that the Second Intifada was ongoing during the Conference provides key context. News-media images of the violence were ever-present and made it difficult to ignore the conflict’s human cost.[[137]](#footnote-138)
6. The DDPA’s mention of the Israel/Palestine conflict should not be equated with an antisemitic preoccupation with Israel, as some commentators do. The two mentions of Israel in the DDPA affirm Israel’s right to security and its capacity to resume the peace process and “develop and prosper in security and freedom”.[[138]](#footnote-139)
7. While a minority of Durban participants engaged in antisemitic rhetoric and actions, due to the dedicated engagement of the vast majority of Conference participants, objectionable language was discarded and the DDPA was created as a mutually acceptable compromise. The DDPA reflected international consensus and denounced within its own paragraphs all forms of intolerance.[[139]](#footnote-140) Future engagement with the DDPA should focus on the actual content of the document, not debates about language that never made it into an adopted text.
8. Some commentators and civil society actors have suggested that the disengagement of certain States is driven not just by their stated concerns of anti-Israel bias, but also by a deep discomfort with the discussions of reparatory justice included in the DDPA.[[140]](#footnote-141) While this reasoning has never been confirmed, it is true that the disengagement of a vast majority of the world’s former colonial and slave-trading powers has deeply impacted the momentum for reparatory justice for the victims of these structures and their descendants.[[141]](#footnote-142)
9. Efforts to abandon the DDPA contradict the strong consensus that was reached at Durban, and weaken the human rights framework devoted to combatting racism, racial discrimination, xenophobia and related intolerance.

V. Recommendations

1. The Special Rapporteur calls on UN Member States to:
2. Re-engage with the Durban process and avoid taking positions calculated to erode the importance of the DDPA as a global anti-racism framework. The Special Rapporteur encourages all actors to re-familiarize themselves with the content of the DDPA and use it as a starting point for further development of anti-racism commitments. She emphasizes that efforts to discard the DDPA only detract from the global momentum for racial equality.
3. Adopt a structural and comprehensive approach to countering racism. Racism entails not only individual and group wrongs, but also the persisting structures of racial inequality, discrimination and subordination rooted in slavery and colonialism. The DDPA calls for the transformation and rehabilitation of those structures and relations that sustain contemporary racial inequality, discrimination and subordination. A comprehensive approach to countering racism entails an intersectional approach to understanding and fighting racial discrimination by accounting for gender, class, migration status, religion, disability status and other social categories.
4. Support events dedicated to commemorating the Durban Conference, with an eye to using such events to monitor implementation of the DDPA and to positively contribute to the improvement of the Durban framework.
5. Fully implement the Special Rapporteur’s recommendations in her report on reparations for racial discrimination rooted in racism and colonialism, including through recognition of historic wrongdoings related to slavery, the Trans-Atlantic Slave Trade, and colonialism (A/74/321).
6. In recognition of the DDPA’s ground-breaking consideration of emerging technologies, fully implement the Special Rapporteur’s recommendations in her report on racial discrimination and emerging digital technologies (A/HRC/44/57).
7. Dedicate political and financial support toward implementing the recommendations of the Durban follow-up mechanisms, for example, through the study of the “racial equality index” proposal and other action-steps recommended in their reports.
8. Use legal, political, educational and cultural frameworks to combat doctrines of racial superiority and other ideologies of intolerance which target groups enumerated in the DDPA, including anti-Semitism, Islamophobia, xenophobia, glorification of Nazism and other racist political platforms.
9. Adopt the DDPA’s recommendations relating to the recognition of historical atrocities, including slavery, the slave trade, the Trans-Atlantic Slave Trade, apartheid, colonialism and genocide. In the same vein, educational materials should celebrate the autonomous histories, cultures and contributions of Africans and people of African descent, Asians and people of Asian descent, indigenous peoples, Roma and other national or ethnic, religious and linguistic minorities.
10. Conform their laws and policies with equality and non-discrimination principles, fully abide by their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and other international human rights law, and ratify any international human rights conventions to which they have not committed.
11. Refrain from selective application and implementation of the Durban Declaration and Programme of Action.
12. Expedite the creation of National Action Plans against Racism, as well as national equality bodies and other anti-racism institutions. Ensure that such development is done in full consultation with impacted groups and civil society, as laid out in OHCHR’s “Developing National Action Plans Against Racial Discrimination: A Practical Guide”. States and National Human Rights Institutions which produce such policies and practices should promptly share them with OHCHR so as to publicize best practices through the Anti-Discrimination Database.
13. Increase their participation in the Durban follow-up mechanisms and provide adequate financial support so that these mechanisms can continue their operations with efficiency, transparency and adequate resources. Particular emphasis should be placed on facilitating civil society access to the Durban process, including by financing the participation of civil society representatives from the Global South or providing the resources to host sessions in the Global South.
14. In addition to legal reforms, conform their economic, cultural, political, humanitarian and development practices with the DDPA. The Special Rapporteur reiterates that racism operates through inequalities within and among States, and all States, particularly those which are most benefitted by current economic and political arrangements, have the responsibility to contribute to a more just and equitable international order.
15. Collect, compile, analyse, disseminate and publish reliable statistical data disaggregated on racial or ethnic grounds, in order to address individual and group racial inequities associated with the design and use of emerging digital technologies. The Special Rapporteur urges States to adopt an approach to data grounded in human rights, by ensuring disaggregation, self-identification, transparency, privacy, participation and accountability in the collection and storage of data.
16. The Special Rapporteur notes the special importance of the DDPA’s provisions relating to the protection of migrants, refugees, asylum seekers, Stateless persons and displaced persons. The DDPA recognizes these groups as major victims of transnational systemic racism, and it further calls for commitment by all States to protect them from racism, racial discrimination, xenophobia and related intolerance. In this regard, the DDPA is vitally important in elucidating State responsibilities to non-citizens.
17. Regional bodies and other international organizations should:
18. Continue the codification of racial equality and non-discrimination principles in human rights frameworks and ensure that these frameworks meet or exceed the comprehensive nature of the DDPA.
19. Develop regional plans of action against racism, regional equality bodies and institutions which can effectively monitor the implementation of the DDPA and other human rights commitments.
20. Plan inclusive, transparent and consistent follow-up events for assessing implementation of the DDPA across a variety of contexts. Such conferences should be transparent and inclusive, and enable the participation of States, civil society and grass-roots advocates.
21. UN institutions should:
22. Emphasize the Durban process as a central piece of the UN human rights system, and grant the DDPA the publicity, political will, financial and organizational resources, and integration into institutional practices commensurate with its importance. Create a well-resourced outreach programme for DDPA information and advocacy.
23. Fully support and participate in the important work of the Durban follow-up mechanisms, including the Group of Independent Eminent Experts, the Intergovernmental Working Group, the Working Group of Experts on People of African Descent and the Ad Hoc Committee.
24. Publicize the Durban Declaration and Programme of Action and its follow-up processes, including by publishing the DDPA in additional non-UN languages, producing a shorter and more accessible summary of the DDPA and promoting the work of the follow-up mechanisms.
25. Use the International Decade for People of African Descent and the Permanent Forum for People of African Descent to encourage the implementation of the DDPA and the development of the UN anti-racism framework. In so doing, ensure that these programs are not used to move away from the historically informed and structurally grounded framing of the DDPA. Ensure that these institutions are transparent and accessible to people of African descent, particularly groups who are usually excluded from human rights norm creation.
26. Seek opportunities for collaboration between mechanisms dedicated to the various groups mentioned in the DDPA, including Special Procedures on racism, indigenous peoples, people of African Descent, women, victims of trafficking, victims of contemporary forms of slavery, people with disabilities, migrants and others.
27. Re-invigorate efforts to involve youth in DDPA implementation and recognition efforts, including by convening DDPA follow-up events focused on experiences of racism among youth.
28. Ensure that UN entities outside of the human rights system, including the UN’s humanitarian, environmental, development, financial and health agencies, develop racial justice strategies that recognize that racism operates within and between States, and that these entities work to dismantle economic, political, environmental and cultural systems that reinforce racist and neo-colonial structures.
29. Civil society and other private actors should:
30. Fully comply with the DDPA provisions which expressly mention non-State actors as important contributors to the fight against racism.
31. Positively participate, when able, in national, regional and international Durban follow-up activities.
32. Adopt the DDPA as a framework for combatting racism, racial discrimination, xenophobia and related intolerance. Promote the DDPA and support efforts to translate and publicize its content. Use the DDPA framework to monitor national, regional and international conditions of racism.
33. Adopt codes of conduct and other measures to prevent the promotion of doctrines of racial superiority and racist hate speech by private organizations, including political parties.
34. Academics should implement the recommendations for research and study contained in the DDPA, and develop networks to study the implementation of the DDPA and compliance with the international racial equality framework.

1. \* A/76/150. [↑](#footnote-ref-2)
2. \*\* The present report was submitted after the deadline in order to reflect the most recent developments. [↑](#footnote-ref-3)
3. “Risk for COVID-19 Infection, Hospitalization, and Death By Race/Ethnicity”, available at https://www.cdc.gov/coronavirus/2019-ncov/covid-data/investigations-discovery/hospitalization-death-by-race-ethnicity.html. [↑](#footnote-ref-4)
4. Paulo Ricardo Martins-Filho and others, “Racial Disparities in COVID-19-related Deaths in Brazil: Black Lives Matter?”, Journal of Epidemiology, vol. 31, No. 3 (January 2021), p. 239. [↑](#footnote-ref-5)
5. A/HRC/45/44, para. 37. [↑](#footnote-ref-6)
6. Maria Melchor and others, “Migrant status, ethnicity and COVID-19: more accurate European data are greatly needed”, Clinical Microbiology and Infection, vol. 27 (2021), p. 161. [↑](#footnote-ref-7)
7. OHCHR, “UN experts: G7 Governments must ensure vaccines’ access in developing countries”, press release, 9 June 2021. [↑](#footnote-ref-8)
8. A/HRC/41/54, paras. 22–26. [↑](#footnote-ref-9)
9. Available at https://www.ohchr.org/Documents/Publications/Durban\_text\_en.pdf. [↑](#footnote-ref-10)
10. Submission by the International Dalit Solidarity Network (“IDSN”); Clifford Bob, “‘Dalit Rights are Human Rights’: Caste discrimination, international activism, and the construction of a new human rights issue”, Human Rights Quarterly, vol. 29, No. 1 (2007), p. 185. [↑](#footnote-ref-11)
11. Durban Declaration [hereinafter “Declaration”], para. 84; Durban Programme of Action [hereinafter “Programme of Action”], paras. 150–151. [↑](#footnote-ref-12)
12. A/RES/75/237, preamble. [↑](#footnote-ref-13)
13. It is noteworthy that immediately following the adoption of the DDPA, media in Israel even publicized an official statement from the Israeli Foreign Ministry stating that: “"Israel is satisfied that the clauses full of hate and incitement against it and the Jewish nation were removed from the conference's final document." https://www.haaretz.com/1.5380130. [↑](#footnote-ref-14)
14. A/RES/103(I). [↑](#footnote-ref-15)
15. A/RES/44(I). [↑](#footnote-ref-16)
16. https://en.unesco.org/courier/lrsl-lrqmy/anti-racism-unescos-early-mental-engineering. [↑](#footnote-ref-17)
17. Available at https://www.ohchr.org/en/professionalinterest/pages/raceandracialprejudice.aspx. [↑](#footnote-ref-18)
18. The Slave Route project was “designed to raise awareness about the transatlantic slave trade” and “has helped bring about greater understanding of the tragedy of the slave trade and the ideological foundations of racism”. UNESCO Doc. 32 C/13, para. 9. [↑](#footnote-ref-19)
19. International Covenant on Civil and Political Rights, art. 2.1; International Covenant on Economics, Social and Cultural Rights, art. 2. [↑](#footnote-ref-20)
20. Steven L.B Jensen, The Making of International Human Rights (Cambridge, Cambridge University Press, 2016), pp. 54–56. [↑](#footnote-ref-21)
21. A/RES/3201(S-VI). [↑](#footnote-ref-22)
22. Available at https://www.ohchr.org/en/professionalinterest/pages/righttodevelopment.aspx. [↑](#footnote-ref-23)
23. A/RES/3201(S-VI), paras. 1, 4(h)-(i); Declaration on the Right to Development, art. 5. [↑](#footnote-ref-24)
24. A/HRC/EMRTD/3/CRP.2, para. 9. [↑](#footnote-ref-25)
25. A/RES/52/111, para. 28. [↑](#footnote-ref-26)
26. J.A. Lindgren Alves, “The Durban Conference Against Racism and everyone’s responsibilities”, University of San Francisco Law Review, vol. 37 (2003), pp. 978–979. [↑](#footnote-ref-27)
27. “Accredited NGOs were able to participate in virtually all of the preparatory processes as observers, offering them important political opportunities to encourage States to include civil society recommendations in the draft texts.” Corinne Lennox, “Reviewing Durban: Examining the outputs and review of the 2001 World Conference Against Racism”, *Netherlands Quarterly of Human Rights*, vol. 27, No. 2 (2009), p. 199. [↑](#footnote-ref-28)
28. Ibid., p. 200. [↑](#footnote-ref-29)
29. Durban Declaration and Programme of Action, foreword by Mary Robinson. [↑](#footnote-ref-30)
30. Declaration, para. 13. [↑](#footnote-ref-31)
31. Ibid. [↑](#footnote-ref-32)
32. Declaration, paras. 14–16, 18. [↑](#footnote-ref-33)
33. Declaration, para. 14. [↑](#footnote-ref-34)
34. E.g., Programme of Action, para. 108. [↑](#footnote-ref-35)
35. E.g., Programme of Action, para. 158. [↑](#footnote-ref-36)
36. Albie Sachs, “Social and economic rights: Can they be made justiciable?”, SMU Law Review, vol. 53, No. 4 (2000), pp. 1383–1384. [↑](#footnote-ref-37)
37. Available at https://www.ohchr.org/Documents/ProfessionalInterest/vienna.pdf. [↑](#footnote-ref-38)
38. Declaration, paras. 22, 30, 35, 36, 48, 53, 56, 57, 60, 61, 63, 66, 68, 69, 72, 75. [↑](#footnote-ref-39)
39. See Bob, “Dalit rights”, p. 185; submission by IDSN. [↑](#footnote-ref-40)
40. Ibid. [↑](#footnote-ref-41)
41. E.g., Programme of Action, para. 104(c). [↑](#footnote-ref-42)
42. Declaration., paras. 20, 25, 33, 42, 47, 90; Programme of Action, paras. 111, 147. [↑](#footnote-ref-43)
43. Alves, “Everyone’s responsibilities”, p. 977. [↑](#footnote-ref-44)
44. E.g., Programme of Action, para. 152. [↑](#footnote-ref-45)
45. E.g., Declaration, para. 116. [↑](#footnote-ref-46)
46. Submission by the African Albinism Alliance. [↑](#footnote-ref-47)
47. Submission by the Global Campaign for Equal Nationality Rights and others. [↑](#footnote-ref-48)
48. Submission by the Research Center on Issues of Koreans in Japan and the Center for Minority Issues and Mission. [↑](#footnote-ref-49)
49. Submission by the Association of Reintegration of Crimea. [↑](#footnote-ref-50)
50. Submission by the Caring Society of Canada. [↑](#footnote-ref-51)
51. Declaration, para. 72. [↑](#footnote-ref-52)
52. Submission by Forensic Architecture; Declaration, para. 34. [↑](#footnote-ref-53)
53. Submission by the Kuwait Society of Human Rights. [↑](#footnote-ref-54)
54. Submission by the Centre for Social Justice Pakistan. [↑](#footnote-ref-55)
55. Submissions by the United Church of Canada and the United Methodist Church–GBCS. [↑](#footnote-ref-56)
56. Declaration, para. 8. [↑](#footnote-ref-57)
57. A/74/321. [↑](#footnote-ref-58)
58. Declaration, paras. 13–14. [↑](#footnote-ref-59)
59. Programme of Action, paras. 119, 144(e). [↑](#footnote-ref-60)
60. E.g., ibid., para. 158; Declaration, paras. 99–101. [↑](#footnote-ref-61)
61. Data available at https://www.ohchr.org/EN/Issues/Racism/Pages/20th-anniversary-DDPA.aspx; The submission by the International Movement against All Forms of Discrimination and Racism reports that only 59 States parties have accepted the CERD individual communications procedure, while 123 States parties have not. [↑](#footnote-ref-62)
62. Lennox, “Reviewing Durban”, p. 209. [↑](#footnote-ref-63)
63. Submission by the Defensoría del Pueblo de la Nación (Argentina NHRI). [↑](#footnote-ref-64)
64. Submission by the Government of Mexico. [↑](#footnote-ref-65)
65. Submission by the Government of Namibia. [↑](#footnote-ref-66)
66. Programme of Action, para. 99. [↑](#footnote-ref-67)
67. Submission by Argentina NHRI. [↑](#footnote-ref-68)
68. Submission by the Government of Ecuador. [↑](#footnote-ref-69)
69. Submission by Mexico. [↑](#footnote-ref-70)
70. Programme of Action, para. 158. [↑](#footnote-ref-71)
71. Submission by the Government of Peru. [↑](#footnote-ref-72)
72. Ibid. [↑](#footnote-ref-73)
73. Submission by the Government of Switzerland. [↑](#footnote-ref-74)
74. Submission by Unia. [↑](#footnote-ref-75)
75. Submission by the Government of North Macedonia. [↑](#footnote-ref-76)
76. Submission by Mexico. [↑](#footnote-ref-77)
77. Submission by Ecuador. [↑](#footnote-ref-78)
78. Submission by the Procuraduría para la Defensa de los Derechos Humanos (Nicaragua NHRI). [↑](#footnote-ref-79)
79. Submission by Argentina NHRI. [↑](#footnote-ref-80)
80. Submission by the Government of Spain. [↑](#footnote-ref-81)
81. Submission by Namibia. [↑](#footnote-ref-82)
82. Submission by Switzerland. [↑](#footnote-ref-83)
83. Submission by Peru. [↑](#footnote-ref-84)
84. Submission by Mexico. [↑](#footnote-ref-85)
85. Submission by Spain. [↑](#footnote-ref-86)
86. See A/HRC/44/57. [↑](#footnote-ref-87)
87. Programme of Action, para. 92. [↑](#footnote-ref-88)
88. Available at https://www.ohchr.org/Documents/Issues/HRIndicators/GuidanceNoteonApproachtoData.pdf. [↑](#footnote-ref-89)
89. See A/HRC/42/59. [↑](#footnote-ref-90)
90. Submission by Mexico. [↑](#footnote-ref-91)
91. Submission by Spain. [↑](#footnote-ref-92)
92. Ibid. [↑](#footnote-ref-93)
93. Submission by Mexico. [↑](#footnote-ref-94)
94. Submission by Spain. [↑](#footnote-ref-95)
95. Statement of Her Excellency Mia Mottley, Prime Minister of Barbados, at the High-level meeting to commemorate the 20th anniversary of the adoption of the Durban Declaration and Programme of Action, available at https://cdnapisec.kaltura.com/index.php/extwidget/preview/partner\_id/2503451/uiconf\_id/43914941/entry\_id/1\_405sld3l/embed/dynamic#t=59:08. [↑](#footnote-ref-96)
96. Submission by Namibia. [↑](#footnote-ref-97)
97. Submission by Ecuador. [↑](#footnote-ref-98)
98. Programme of Action, para. 191(c); A/CONF.211/PC.4/5, paras. 13–16; A/69/186. [↑](#footnote-ref-99)
99. Ibid., para. 191(d). [↑](#footnote-ref-100)
100. A/75/561. [↑](#footnote-ref-101)
101. A/RES/69/16, annex, para. 2. [↑](#footnote-ref-102)
102. Submission by Argentina NHRI. [↑](#footnote-ref-103)
103. Submissions by Spain, Ecuador, Peru. [↑](#footnote-ref-104)
104. A/RES/75/314, para. 1(d). [↑](#footnote-ref-105)
105. Submission by the International Civil Society Roundtable on People of African Descent (“ICSR”). [↑](#footnote-ref-106)
106. Ibid. [↑](#footnote-ref-107)
107. Programme of Action, para. 153. [↑](#footnote-ref-108)
108. Ibid., para. 154. [↑](#footnote-ref-109)
109. Ibid., paras. 112. [↑](#footnote-ref-110)
110. Ibid., para. 114. [↑](#footnote-ref-111)
111. Ibid., para. 155. [↑](#footnote-ref-112)
112. Ibid., paras. 156. [↑](#footnote-ref-113)
113. Ibid., paras. 119–120; e.g., A/HRC/14/18, para. 93. [↑](#footnote-ref-114)
114. UNESCO Doc. 32 C/13. [↑](#footnote-ref-115)
115. A/HRC/19/77. [↑](#footnote-ref-116)
116. Submission by the Government of Iran. [↑](#footnote-ref-117)
117. Submission by Unia. [↑](#footnote-ref-118)
118. https://www.ohchr.org/EN/Issues/Racism/Pages/20th-anniversary-DDPA.aspx [↑](#footnote-ref-119)
119. A/75/561; A/66/328. [↑](#footnote-ref-120)
120. A/HRC/16/64, annex I; A/HRC/43/73, annex; A/46/66, annex. [↑](#footnote-ref-121)
121. E/CN.4/2005/125, para. 23; A/HRC/26/56, para. 11; E/CN.4/2006/18, para. 97. [↑](#footnote-ref-122)
122. A/HRC/25/75, para. 32. In 2006, OHCHR released a draft document on developing a racial equality index. E/CN.4/2006/14. [↑](#footnote-ref-123)
123. A/HRC/48/72. [↑](#footnote-ref-124)
124. A/73/98/Add.1, para. 17; A/74/173, paras. 59–63. [↑](#footnote-ref-125)
125. A/HRC/46/66, para. 39. [↑](#footnote-ref-126)
126. Submission by Unia. [↑](#footnote-ref-127)
127. A/73/98/Add.1, para. 5. [↑](#footnote-ref-128)
128. A/HRC/29/54. [↑](#footnote-ref-129)
129. For example, the GIEE was represented at the meetings of other Durban mechanisms. A/HRC/16/64, paras. 61–64; A/HRC/4/39, para. 47. [↑](#footnote-ref-130)
130. A/HRC/26/56, para. 6. [↑](#footnote-ref-131)
131. A/69/354, para. 92. [↑](#footnote-ref-132)
132. Submission by ICSR. [↑](#footnote-ref-133)
133. Ibid. [↑](#footnote-ref-134)
134. A/CONF.211/PC.4/5, para. 15. [↑](#footnote-ref-135)
135. Gay McDougall, “The World Conference Against Racism: Through a wider lens”, Fletcher Forum of World Affairs, vol. 26, No. 2 (2002), p. 148. [↑](#footnote-ref-136)
136. Ibid., citing Ari Fleischer, “White House Press Briefing”, October 2, 2001, available at https://georgewbush-whitehouse.archives.gov/news/releases/2001/10/20011002-11.html (“[A]s the President said this morning … it's always been contemplated for the Middle East that a Palestinian state is part of that vision, and that it's important at the same time to respect Israel's right to exist in security. But, clearly, in the context of a negotiated settlement between the parties in the Middle East, the United States believes that the Palestinian people should live peacefully and securely in their own state, just as the Israelis should be able to live peacefully and securely in their state.”); S/RES/1397 (2002) (“Affirming a vision of a region where two States, Israel and Palestine, live side by side within secure and recognized borders … *Expresses* support for the efforts of the Secretary-General and others to assist the parties to halt the violence and to resume the peace process[.]”); S/PV.4489 (recording a 14-0 Security Council vote in favor of the US-submitted Resolution 1397); Agence France Press, “Peres calls UN racism conference great success for Israel,” September 8, 2001, published as “UN conference successful for Israel says Peres”, The Irish Times, 9 September 2001, available at https://www.irishtimes.com/news/un-conference-success-for-israel-says-peres-1.395940 (“Israeli Foreign Minister Mr Shimon Peres today called the UN racism conference in South Africa a ‘great success’ for Israel, after a compromise final document failed to condemn its treatment of the Palestinians. … He expressed ‘satisfaction that hateful chapters against the Jewish people were withdrawn from the final declaration.’’’). The DDPA’s mention of “foreign occupation”, and its support for the human rights of the Palestinians more broadly, is consistent with international law and consensus, including the positions later adopted by several States which boycotted the Durban follow-up events. See S/RES/2334; John Kerry, U.S. Secretary of State, “Remarks on Middle East Peace”, 28 December 2016, available at https://2009-2017.state.gov/secretary/remarks/2016/12/266119.htm (“The plight of many Palestinian refugees is heartbreaking, and all agree that their needs have to be addressed. … At the same time, fully ending the occupation is the fundamental issue for the Palestinians. They need to know that the military occupation itself will really end after an agreed transitional process. They need to know they can live in freedom and dignity in a sovereign state while providing security for their population even without a military of their own. This is widely accepted as well.”). [↑](#footnote-ref-137)
137. McDougall, “Through a wider lens”, p. 135. [↑](#footnote-ref-138)
138. Programme of Action, para. 151. [↑](#footnote-ref-139)
139. E. Tendayi Achiume, “Governing xenophobia”, Vanderbilt Journal of Transnational Law, vol. 51, No. 2 (March 2018), p. 349. [↑](#footnote-ref-140)
140. Submission by ICSR; Abigail B. Bakan and Yasmeen Abu-Laban, “The Israel/Palestine Racial Contract and the challenge of anti-racism: A case study of the United Nations World Conference Against Racism”, Ethnic & Racial Studies, vol. 44, No. 12 (2021), pp. 2180–2181, quoting interviews with Durban participants. [↑](#footnote-ref-141)
141. Ibid., p. 2182. [↑](#footnote-ref-142)