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**Advisory Committee**

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Item 3 (f) of the provisional agenda **Requests addressed to the Advisory Committee stemming from Human Rights resolutions:
A global call for concrete action for the total elimination of racism, racial
discrimination, xenophobia and related intolerance and the comprehensive
implementation of and follow up to the Durban Declaration and Programme
of Action**

 A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow up to the Durban Declaration and Programme of Action

(draft preliminary outline, 3 February 2020) prepared by Ludovic Hennebel[[1]](#footnote-2), Rapporteur of the drafting group.

Rough draft: Do not circulate outside the Advisory Committee.

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I. Introduction

 A. Mandate

 1. Despite the efforts of the international community over the past decades, racism continues to plague our societies, leading to systematic human rights violations. Thus, with a view to eradicating this scourge of humanity through concrete actions, the General Assembly, in its resolution 52/111 of 12 December 1997, convened the Durban Conference. This was concluded with the adoption of the Durban Declaration and Programme of Action in 2001. Twenty years later, the General Assembly, in its resolution 72/157 of 19 December 2017, established a mandate focused on the implementation of the measures taken during the 2001 Declaration.

2. At its seventy-second session in December 2017, the General Assembly adopted its resolution 72/157, entitled “A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action”, and requested the Human Rights Council to continue to pay attention to the situation regarding racial equality in the world, and in this regard requested the Council, through its Advisory Committee, to prepare a study on appropriate ways and means of assessing the situation, while identifying possible gaps and overlaps. The Secretary-General, through resolution 72/157, is requested to submit to the General Assembly at its seventy-third session a report on the implementation of that resolution. A drafting group has been established in August 2018, at the twenty-first session of the Advisory Committee.

3. In its resolution, the General Assembly states that it is “alarmed at the spread in many parts of the world of various racist extremist movements based on ideologies that seek to promote populist, nationalist, right-wing agendas and racial superiority, and stressing that these practices fuel racism, racial discrimination, xenophobia and related intolerance” and deplored “the ongoing and resurgent scourges of racism, racial discrimination, xenophobia and related intolerance in many regions of the world, particularly targeting migrants and refugees, as well as people of African descent, expressing concern that political leaders and parties have supported such an environment, and in this context expressing its support for migrants and refugees in the context of the severe discrimination that they may face”.

 B. Framework

4. The Durban Conference’s Declaration identified “the victims of racism, racial discrimination, xenophobia and related intolerance” as “individuals or groups of individuals who are or have been negatively affected by, subjected to, or targets of these scourges” (§1). The Declaration further emphasizes that contemporary forms of racism seem to target migrants, refugees and asylum-seekers (§16), while emphasizing that Africans and peoples of African descent, as well as Asians, have been, and are, amongst others, the prime targets of various expressions of racism (§§31-75). Acknowledging the persistence of racism and other forms of intolerance, the Declaration highlighted a series of elements at the origin of racism and its causes, referring in particular to slavery, the transatlantic slave trade and colonialism, while stressing that apartheid and genocide could be considered as major sources and manifestation of racism (§§13-15). As for the other causes, consequences and effects of racism, the Declaration refers to a series of phenomena, including poverty, underdevelopment, marginalization, social exclusion and economic disparities, and affirmed that racism had negative economic, social and cultural consequences, and was among the root causes of armed conflicts (§§18-21). Considering that no country can claim to be free from racism, it must therefore be a global concern. As such, it proposes the implementation of measures in the field of prevention, education and protection against racism (§34). In addition, the text of the Declaration also states that racist, discriminatory, xenophobic or intolerant behaviour generates violence. Several mechanisms were established within the United Nations to ensure the follow up of the Declaration and of the Programme of Action.

5. Paragraph 191 (b) of the Durban Programme of Action “[r]equests the United Nations High Commissioner for Human Rights, in follow-up to the Conference, to cooperate with five independent eminent experts, one from each region, appointed by the Secretary-General from among candidates proposed by the Chairperson of the Commission on Human Rights, after consultation with the regional groups, to follow the implementation of the provisions of the Declaration and Programme of Action”. In 2002, the General Assembly adopted resolution 56/266 which “[r]equests the Secretary-General, in accordance with the Durban Declaration and Programme of Action, to appoint five independent eminent experts, one from each region, from among candidates proposed by the Chairperson of the Commission on Human Rights, after consultation with the regional groups, to follow the implementation of the provisions of the Declaration and Programme of Action”. On 16 June 2003, the Secretary General appointed five independent experts, whose mandate is to monitor the implementation of the provisions of the Durban Declaration and Programme of Action and to prepare all the necessary recommendations for this task.

6. In addition, to follow up the Declaration and Programme Action of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the former Commission on Human Rights established, by resolution 2002/68 an Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, that was approved by the Economic and Social Council in its decision 2002/270 of 25 July 2002. Its mandate, as spelled out in operative paragraph 7 of the Commission resolution 2002/68 is to: (*a*) Make recommendations with a view to the effective implementation of the Durban Declaration and Programme of Action. This is an open-ended working group, meaning that all United Nations Member and Observer States, inter-governmental organizations, non-governmental organizations with ECOSOC consultative status and non-governmental organizations that were accredited for the World Conference against Racism may attend public meetings of the Working Group.[[2]](#footnote-3) The Intergovernmental Working Group published, among other reports, a “report on the study by the five experts on the content and scope of substantive gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance” on 27 August 2007, providing concrete recommendations on the means or avenues to bridge the gaps in the existing international instruments to combat racism, racial discrimination, xenophobia and related intolerance”.

7. In 2009, a Durban Review Conference was convened to take a first look at the Declaration and Programme of Action adopted in South Africa. It emphasises the urgent need to prevent, combat and completely eliminate such behaviour in contemporary society and notes that the programmes of action and objectives previously set have not been achieved in many areas. To overcome this inefficiency, on 19 December 2017, United Nations General Assembly Resolution 72/157 was adopted with a view to launching a "Global Call for Concrete Action for the Total Elimination of Racism and Racial Discrimination, Xenophobia and Related Intolerance and the Comprehensive Implementation of and Follow-up to the Durban Declaration and Programme of Action”. The Resolution recalls that the 2001 Durban Declaration and Programme of Action is a solid basis for action and prescribes, inter alia, comprehensive measures to combat acts related to racism and to fill the gaps in the 1965 International Convention on the Elimination of All Forms of Racial Discrimination ["Global Call for Concrete Action for the Total Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Comprehensive Implementation of and Follow-up to the Durban Declaration and Programme of Action", Resolution adopted by the United Nations General Assembly, A/RES/72/157, 19/12/2017, Preamble paragraph 4, §§3-5]. The General Assembly also stresses the need for the full and effective implementation of these principles in view of the resurgence of racist and extremist movements promoting racial superiority in contemporary societies ["Global Call for Concrete Action for the Total Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Comprehensive Implementation of and Follow-up to the Durban Declaration and Programme of Action", Resolution adopted by the United Nations General Assembly, A/RES/72/157, 19/12/2017, Preamble paragraphs 1, 6 and 78]. To implement this global appeal, the UN Secretary General adopted a Report on 7 September 2018, entitled "Global Call to Action for the Total Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance and for the Comprehensive Implementation of and Follow-up to the Durban Declaration and Programme of Action", [UN Secretary-General's Report, A/73/371, 07/09/2018]. It brings together various measures taken by States in the implementation of the Durban Programme of Action. It also provides recommendations and identifies several key areas in which action to combat racial discrimination is important. Through an inventory of possible initiatives, it draws up a non-exhaustive list of different functional measures in certain States so that they can strengthen their national systems.

 II. Concepts and Normative foundations

 A. Concepts

8. For the purpose of this report, the notions of racism, racial discrimination, xenophobia and related intolerance” are understood according to the Durban Declaration and Programme Action’s normative framework as occurring “on the grounds of race, colour, descent or national or ethnic origin” considering that “victims can suffer multiple or aggravated forms of discrimination based on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status” (§2 of the Declaration). Concerning the concept of “racial discrimination”, the authoritative definition in human rights law may be found under the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) which defines the term racial discrimination as “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.” The Inter-American Court of Human Rights considers as well that racial discrimination is a distinction, exclusion, restriction or preference which has the purpose or effect of destroying or impairing the recognition, enjoyment or exercise of human rights and fundamental freedoms in the political, economic, social, cultural or other fields[[3]](#footnote-4). For the European Court "ethnic origin and race are related and overlapping concepts". It also states that "the concept of race has its origin in the idea of a biological classification of human beings into subspecies according to their morphological characteristics (skin colour, facial features)" while "ethnic origin is based on the idea of social groups having a common nationality, tribal affiliation, religion, language, cultural and traditional origins and background".[[4]](#footnote-5)

9. Racial discrimination is therefore an all-encompassing concept, but it should be made clear at the outset that the use of the word "race" in international human rights law cannot be understood to mean the acceptance of theories postulating the existence of distinct human races. On the contrary, the unity of the human race is affirmed and strongly defended in international human rights law.[[5]](#footnote-6)

10. Moreover, the concept of “racial equality” is not a normative concept to which human rights instruments explicitly refer. It can be seen as a goal to be achieved aiming at the equal and fair treatment of all human beings regardless of race, colour, descent, nationality or ethnic origin. Racial equality requires not only the eradication of all forms of racial discrimination but also the adoption of measures to ensure formal and substantive equality between all human beings irrespective of race.

 B. Norms

11. The principle of equality and the right to non-discrimination are widely enshrined in international law and have their source in treaties, international custom and general principles of international law[[6]](#footnote-7). Although the principle of equality is pervasive in international human rights law[[7]](#footnote-8), it is set out and protected by a series of texts in a variety of forms: the principle of equality before the law and the principle of equal protection of the law[[8]](#footnote-9); the principle of equality between men and women[[9]](#footnote-10); the principle of equal opportunity[[10]](#footnote-11); and the principle of equal enjoyment of rights and freedoms[[11]](#footnote-12). Each of these expressions of the principle of equality[[12]](#footnote-13) has a particular function and its own density and normative significance. The prohibition of discrimination[[13]](#footnote-14) is largely set out in a series of instruments, either in the form of an obligation of non-discrimination in the enjoyment and exercise of rights and freedoms, or in the form of an autonomous right to non-discrimination.[[14]](#footnote-15)

12. All instruments of international human rights law list race, ethnic origin or national origin as a prohibited ground of discrimination. In addition, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination is fully dedicated to combat racism.[[15]](#footnote-16) This convention establishes a committee, which is a body composed of independent experts to monitor the implementation of the Convention. Other conventions and conferences testify to the commitment of States to combat policies that prioritize races and undermine equality between individuals. These include the International Convention on the Suppression and Punishment of the Crime of Apartheid or the World Conference against Racism and Racial Discrimination.

13. The issue of racial equality and racial discrimination is central to the jurisprudence of various human rights treaty bodies. This jurisprudence helps to refine the concepts and contribute to improving effective protection against racist and discriminatory behaviour. In addition to the work of the human rights protection bodies such as the European Court of Human Rights[[16]](#footnote-17), the Inter-American Commission and Court of Human Rights, the African Commission, and the United Nations Human Rights Committee, one should highlight the role played by the United Nations Committee on the Elimination of Racial Discrimination established by the International Convention on the Elimination of All Forms of Racial Discrimination and by the United Nations special procedures (in particular the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance) should be noted; Working Group of Experts on People of African Descent).

14. First, within the broad spectrum of discriminatory grounds, racial discrimination is significant due to its historical major impact. Several elements specific to the fight against this form of discrimination deserve to be highlighted. Firstly, the gravity of racial discrimination is reflected by particularly strong condemnations by the protection bodies. In certain circumstances, it can thus be qualified as degrading treatment and lead to a finding of a violation of the victims' right to integrity. Not every racial discrimination can necessarily be described as degrading treatment, but the circumstances of the case and, above all, the practical effects of the discrimination may give rise to a complaint on that basis.[[17]](#footnote-18)

15. Secondly, it must be borne in mind that racial discrimination can be structural. In this case, it refers to "within social structures, patterns of behaviour and attitudes of a racist, xenophobic or intolerant nature directed against certain individuals or groups of individuals based on their race, colour, descent or national or ethnic origin"[[18]](#footnote-19). Such discrimination "is linked, inter alia, to the persistence of deep-rooted racial prejudice and negative stereotypes in societies". It has effects in all social fields. For example, the field of education is still plagued by expressions of racial discrimination that can influence the structural organization of education. The European Court of Human Rights has on several occasions found discrimination against Roma children who are placed in special education in certain states.[[19]](#footnote-20) The African Charter on the Rights and Welfare of the Child echoes structural discrimination by mentioning apartheid and emphasizing the highest priority to be given to the special needs of children living under apartheid and discriminatory regimes (Article 26 entitled "Protection against apartheid and discrimination").

16. Third, all differences of treatments are not necessary discriminatory. The European Court of Human Rights, in its case-law, defines discrimination as the different treatment, without objective and reasonable justification, of persons placed in comparable situations[[20]](#footnote-21). However, the European Court of Human Rights shows a certain flexibility in terms of differential treatment on the basis of race by stating that Article 14 of the Convention does not prohibit States parties from treating groups in a differentiated manner to correct "factual inequalities" between them[[21]](#footnote-22). Overall, in the light of the general regime of the principle of equality and non-discrimination, in cases where a difference of treatment is established, treatment is discriminatory if it lacks "objective and reasonable justification", i.e. if it "does not pursue a legitimate aim or if there is not a reasonable relationship of proportionality between the means employed and the aim pursued"[[22]](#footnote-23). However, as regards differences of treatment based on race, colour or ethnic origin, the notion of objective and reasonable justification must be interpreted as strictly as possible[[23]](#footnote-24). The Inter-American Court goes further by considering that the American Convention prohibits any discriminatory norm, act or practice based on the ethnic origin of the person and that, consequently, no rule, decision or practice of domestic law, whether on the part of State authorities or individuals, may diminish or restrict the rights of a person on the basis of his or her ethnic origin[[24]](#footnote-25).

17. Fourth, it should also be noted that particular attention is paid to incitement to racial discrimination. In international human rights law, it is clear that the prohibition of the dissemination of racist and hate speech, such as that based on racial superiority or hatred, is compatible with freedom of opinion and expression and, conversely, freedom of expression and the right to freely express opinions cannot cover hate speech.[[25]](#footnote-26)

 III. Practices of racial discrimination and inequality

This section is to be developed / refined by integrating examples of case law and practice based on the various UN reports (including CERD) + the concept of intersection discrimination should be developed here

 A. Racial Discrimination and Nationality and Citizenship

18. Access to nationality is the first level of racial discrimination. The ability to enjoy certain rights is first and foremost conditioned by citizenship or nationality and access to that nationality is de facto a discriminatory instrument. Access to nationality and citizenship is a theme that concentrates many tensions in political discourse, particularly with regard to certain racial considerations.[[26]](#footnote-27) Racial discrimination is sometimes perceptible in certain legislative policies aimed at regulating nationality and citizenship. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance expressed particular concern about laws and policies relating to nationality, citizenship and immigration that discriminate specifically on the basis of race, ethnicity or religion.[[27]](#footnote-28)

 B. Racial Discrimination and Health care

19. Racial discrimination can be found in a large majority of them public and private health systems in different countries. In particular, what is quite widely observable is a reluctance on the part of some health professionals to welcome and treat new patients from racial minorities. This leads to refusals of care, in violation of the principle of equality.[[28]](#footnote-29) Concerning the United States of America for instance, the CERD expressed its concern regarding racial disparities in access to affordable and quality health care, the difficulties of immigrants in accessing adequate health care, and “the persistence of racial disparities in the field of sexual and reproductive health, particularly with regard to the high maternal and infant mortality rates among African American communities”.[[29]](#footnote-30)

 C. Racial Discrimination and Education

20. Racial discrimination in education is likely to take several forms. First and foremost, in the opportunities to have access to institutions providing quality education[[30]](#footnote-31). Whether the educational system is predominantly public or private, in other words, free or not, has significant consequences on discrimination in access to education. Indeed, in many States, private institutions will be reputed to offer a superior quality of education to its students, and de facto, to train for better degrees. However, such establishments are mainly attended by pupils and students from the favoured social classes, generally corresponding to the dominant racial category, while pupils and students from ethnic minorities attend public establishments, which statistically offer them fewer opportunities. Ultimately, it is necessary to "take into account the impact of poverty on children's ability to benefit from schooling and to recognize that the most disadvantaged students attend schools with fewer resources. For the majority of black and other minority pupils over-represented in these schools [in the United Kingdom], they are the only accessible schools. »

 D. Racial Discrimination and Work

21. Equality of opportunity in access to the labour market, far from being a reality, appears in many States to be only a utopian principle.[[31]](#footnote-32) Access to the labour market seems to be the catalyst for both speeches and practices of racial discrimination ["Racism and discrimination in the context of Migration in Europe", ENAR shadow report, 2015 - 2016, 54 p.] According to racist discourse, "foreigners" (perceived as such because of their supposed belonging to a different race) should not be entitled to access the labour market under the same conditions as nationals, as they would "steal" opportunities and jobs from nationals. It should be noted that racial discrimination in access to the labour market is particularly prevalent in so-called developed countries with relatively high unemployment rates (this is the case in a majority of European countries). However, Patrick Simon and Mohamed Madoui observe that discrimination "results less from a "racist ideology" than from the functioning of a system whose rules, apparently neutral, effectively disadvantage people because of their membership, real or supposed, in stigmatised groups, thus making it difficult for them to access the labour market (...)". SIMON Patrick, MADOUI Mohamed, "Le marché du travail à l'épreuve des discriminations", Sociologies pratiques, 2011/2 (n° 23), p. 1-7]

22. Racial discrimination is not only limited to access to the labour market, but also manifests itself in the treatment of discriminated persons. In the countries of the Arabian Peninsula, practices of racial discrimination against migrant workers are common. The Committee on the Elimination of Racial Discrimination notes in her report for Qatar the persistent delays in the payment of wages, the continued and widespread practice of passport confiscation by employers, and other violations of the rights of migrant workers [Committee on the Elimination of Racial Discrimination, 28 Nov. 2018, consideration of the report of Qatar]. In addition, the principle of equal pay for equal work is also not respected in Qatar, as migrant workers' wages are negotiated directly with States of origin.

 E. Racial Discrimination and Housing

23. Racial discrimination practices in access to housing reflect a kind of continuity of racial segregation. Residential segregation remains very common in the United States. Real estate agents' practices continue to reproduce this type of segregation in access to the housing market. For instance, in the case of Qatar, for example, the Committee on the Elimination of Racial Discrimination expressed concern about the creation of an isolated city to house up to 53,000 migrant workers. It noted that this could further alienate these workers from Qatari society and thus lead to a risk of social segregation [Committee on the Elimination of Racial Discrimination, Consideration of the report of Qatar, 28 Nov. 2018].

 F. Racial Discrimination and Immigration

24. As has been observed with regard to discrimination in access to nationality, it should be noted that discrimination in immigration is largely based, in Europe at least, on racist discourse against foreigners, considered as "invaders", particularly when they have a skin colour, culture, religion or language that visibly differentiates them from individuals belonging to the dominant racial class. This is reflected in the numerous anti-immigration demonstrations throughout Europe following the 2015-16 migration crisis, highlighting the rise of populism across the continent [Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/73/305, 2018, 24 p.].

 G. Racial Discrimination and Justice

25. In some States (notably the United States), racial discrimination is quite significant in the treatment of individuals before the courts [CERD, General Recommendation No. 31/2005 on the prevention of racial discrimination in the administration and functioning of criminal justice, 2015]. This is reflected in the conviction of racialized individuals. The percentages are quite telling. Since 1976, in the United States, 34% of executed prisoners have been black, while blacks represent only 14% of the country's population; moreover, more than one in two prisoners awaiting execution is of African-American or Hispanic origin. Thus, the percentage of black death row inmates is much higher than the percentage of white death row inmates for the same type of offences, which shows a discriminatory difference in treatment based on racial criteria. Especially since, although half of the murder victims in this country are black, 77% of death row inmates have been executed for killing a white person [Amnesty International, Report 2017/2018 "The State of the World's Human Rights", POL 10/6700/2018].

 H. Racial Discrimination and Law Enforcement

26. For the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance “Racial and ethnic profiling is commonly understood to mean a reliance by law enforcement, security and border control personnel on race, colour, descent or national or ethnic origin as a basis for subjecting persons to detailed searches, identity checks and investigations, or for determining whether an individual is engaged in criminal activity. Racial and ethnic profiling has been a persistent and pervasive issue in law enforcement, and its use has often arisen in connection with policies on national security and immigration. Police, immigration and detention officials often target various ethnic, religious or racial groups.”[[32]](#footnote-33) Racial profiling is thus a chronic and widespread problem in the field of policing. The use of this practice is often linked to national security and immigration policies. This technique often accentuates discrimination and remains a serious obstacle to the enjoyment of the rights of different racial, ethnic and religious groups.[[33]](#footnote-34)

 IV. Measures to assess racial equality

This section needs to be expanded on the relevance of indicators as a measurement tool. The report should propose a list of qualitative criteria/benchmark indicators.

27. The United Nations has established a series of mechanisms to assess issues related to racial equality and racial discrimination in a qualitative and nuanced manner. Among these mechanisms are the special rapporteurs and committees on equality and anti-discrimination play an important role in the assessment of racial equality. In particular, there are four special rapporteurs or expert groups that have a crucial role in the assessment of racial equality: the working group on persons of African descent; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Special Rapporteur on contemporary forms of slavery. These experts assess racial equality through, inter alia, regular reports, but also through visits to countries where allegations of particularly high levels of discrimination are raised. In addition, it should be recalled that the United Nations human rights treaty committees, for the most part, play a fundamental role in the field of human rights. The major role of CERD should be particularly emphasized. In addition, there are the Durban mechanisms, which also contribute to the assessment of the problem of racial discrimination.

28. With regard more specifically to the tools that these institutions could usefully use and promote, the question arises as to the relevance of the indicators. Indeed, to successfully combat racism and racial discrimination, indicators and statistics seem to be useful means. These indicators are of two kinds, first of all, there are qualitative indicators, then there are also quantitative indicators. Indicators of any kind can demonstrate the compliance of a standard, law or programme with a treaty promoting racial equality, but also assess the performance of development programmes[[34]](#footnote-35).

29. Indicators could be used to measure the impact of measures promoting racial equality on target populations. In this perspective, they are of great help when it comes, for example, to deciding on the priority objectives to be implemented. With regard to non-discrimination standards, indicators include an assessment of accessibility to the principles of equality and non-discrimination: thus, the law must not only prohibit certain discriminatory behaviour but also affirm equal access for the entire population to the same services. Different data can be collected to create indicators such as factual data on human rights violations, socio-economic statistics or surveys based on expert reports. Thus, indicators are used for multiple purposes: measuring and quantifying inequalities, comparing data between different states, informing citizens, advocating for the defence of human rights. The monitoring and promotion of human rights is also based on these means of evaluation. Therefore, indicators for measuring racial equality allow for a rigorous improvement of programmes to combat racial discrimination.

30. The measurement of discrimination appears to be fundamental since it subsequently makes it possible to adopt legislation and combat racial inequality. Not all laws are intended to combat inequality and some are even sources of discrimination, as demonstrated by a report of the Special Rapporteur on contemporary forms of racism and racial discrimination.[[35]](#footnote-36) In the light of the practice of States, international organizations and non-governmental organizations, there is a general tendency to use indicators both in the field of human rights and in the more specific field of racial discrimination. In the United Kingdom, for example, following the murder of a black London teenager in 1997[[36]](#footnote-37), the government introduced various measures to assess racial discrimination in the British education system. Thus, academic inspectors (among others) are now required to record racist incidents and school exclusions taking into account the criterion of ethnic origin.

31. The use of indicators has thus permeated the specific theme of racial discrimination. The Committee on the Elimination of Racial Discrimination thus suggests "including in its next periodic report disaggregated data on ethnic minorities" in Cambodia. In addition, as part of the Universal Periodic Review of the Human Rights Council, Brazil assessed in its final report racial inequalities between white people and people of African descent using disaggregated socio-economic statistics and highlighted the high homicide rate in the country for people of African descent, particularly among children.

32. In addition, UNESCO developed an Action Plan in Nuremberg in December 2004 to encourage the development of municipal anti-discrimination policies and created the European Coalition of United Cities against Racism. The proposed action plan is based on ten objectives, including the desire to "initiate or further develop data collection on racism and discrimination, set achievable objectives and set up common indicators to assess the impact of public policies" (Objective 2), as well as the establishment of a "network for monitoring, vigilance and solidarity against racism at the municipal level" (Objective 1). Each signatory city must therefore submit a biannual report presenting the anti-discrimination policies put in place with regard to indicators determined by the cities themselves.

 33. However, several conceptual and methodological challenges may arise in the use of indicators for measuring and evaluating racial equality. These difficulties are linked in particular to the very subject of racial discrimination. The main limitation to the use of indicators can thus be explained as following: these evaluation measures are inadequate in the fight against racial discrimination because the collection of data on race is difficult. This is problematic when it comes to combating racial discrimination. Indeed, only the data generated by a State make it possible to measure the level of discrimination present there. As a result, it seems difficult, in countries where reliable statistics on race and racial equality cannot be produced, to answer certain questions relating, for example, to the impact of imputed race on living standards. This is detrimental to the promotion of equality as racial inequalities are sometimes very high depending on where people live.

34. Moreover, indicators make it possible to statistically measure results in terms of socio-economic data, but not their causes: however, the resulting gaps are generally linked to historical processes, economic structures and global policies that go beyond the local context. Similarly, human rights are multi-faceted and this makes it difficult to analyse in isolation when comparing the performance of States in implementing and monitoring respect for human rights.

 V. The limitations of the measures to combat racial discrimination

This section needs to be further developed and more specific on the issue of overlaps and gaps based on reports from other mechanisms.

35. There are gaps and imperfections in the measures for assessing racial equality. In this respect, the development of concrete measuring instruments seems insufficient, even though it would be very useful. Indeed, an effective fight against racism and the behaviours associated with it requires a good knowledge of these phenomena and greater visibility on how they occur. Measurement indicators therefore seem to be the most appropriate instruments to gain a deep understanding of racial inequalities. However, statistical studies in particular are still too often neglected. While the fields of education, health or work are relatively well covered, all the fields where racial discrimination is expressed are still relatively little analysed. In addition, the instruments for measuring racial equality are manifold and differ from one State to another. However, the measurement tools should be common to all countries in order to allow for analogies and a comparative study of public policies in favour of racial equality.

36. In a similar perspective, the promotion of statistical studies disaggregated by race also appears to be a desirable measure that is only too rarely used. Controversial because of the painful memories associated with ethnic filing, these data would nevertheless make racism visible by making it visible to everyone. This would promote a certain transparency on these phenomena, and it seems that discernment in the field of racism is one of the best bulwarks against discrimination and racial inequalities.

37. Moreover, and in the perspective described above of improving knowledge of racial discrimination practices, ethnic statistics are not sufficiently generalised. However, they seem to be a useful indicator for promoting racial equality. Nevertheless, these statistics have some limitations. Indeed, the identification of an ethnic group appears to be a complex task and it is not easy to identify who would have the task of distinguishing the different affiliations of individuals. If the State takes charge of identifying ethnic groups, then the risk of authoritarian or racist abuses is high. As for the individuals themselves, can they really assume such a role? In addition, the question of multi-ethnicity and interbreeding arises.

 VI. Normative overlaps

This point needs to be refined and clarified.

38. An in-depth study of the instruments relating to the fight against racial discrimination and the promotion of racial equality leads to the following observation: there are normative overlaps between these instruments. Some of them carry redundancies that should be corrected. Nevertheless, some overlaps appear constructive, reflecting a mutual enrichment of instruments relating to racial discrimination.

39. First, the existence of a significant diversity of meanings of the notion of race is likely to lead to differences in its interpretation. This poses a threat to the legal clarity that should prevail in this area. In this sense, in its attempt to define race, a 2006 UN Report refers to a list of commonly used criteria (ethnic origin, race/skin colour, caste, tribe, immigrant status, nationality, religion and aboriginal/indigenous status), without however offering a comprehensive definition of this concept.[[37]](#footnote-38) At most, it recommends referring to the concept of "racialized groups". However, this instrument appears to be one of the few that has made an effort to define the concept of race. Ultimately, the lack of adoption of a uniform definition of this concept by all UN bodies involved in the fight against racial discrimination means that an effective joint fight against the phenomenon of racism and other related phenomena is not possible.

40. Secondly, it should be noted that the normative instruments relating to the fight against racial discrimination contain constant references to previous work that has already been presented. In this sense, the General Assembly: "Recalling all its previous resolutions on the systematic follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and on the effective implementation of the Durban Declaration and Programme of Action adopted by the World Conference and emphasizing in this regard that it is imperative that they be fully and effectively implemented".[[38]](#footnote-39) This observation is not in itself indicative of a gap. On the contrary, it is customary in United Nations instruments to make such references. On the other hand, what seems to indicate potential inefficiency is the fact that in reminders and reaffirmations of principle, little changes occur because practices of inequality and racial discrimination remain. Many of the same recommendations are aimed at improving the fight against racism (including its prevention).[[39]](#footnote-40) Therefore, the question can legitimately arise as to the effectiveness of these recommendations. In Resolution 72/157, the General Assembly "regrets that the programmes of action drawn up on these occasions have not been fully implemented and that the objectives set have not yet been achieved". Do such normative overlaps not lead to a normative clutter, also threatening the legal clarity of these instruments? The question may arise.

 41. It should be noted that reports on the fight against racial discrimination, issued by the various competent bodies, often have a particular focus. This ensures that the reports are as accurate and analytical as possible. The adoption of different study angles ensures a welcome complementarity between these different reports. For example, it may be noted that the Special Rapporteur on contemporary forms of racism focuses mainly on policies to combat terrorism that give rise to racist practices.[[40]](#footnote-41) In addition, the impact of nationalist and populist speeches and parties on the fight against racial discrimination is often adopted as a focus. Finally, the use of the Internet in the spread of racist speech is also addressed[[41]](#footnote-42). In doing so, the bodies devoted to the fight against racial discrimination and related practices are mutually enriching. The diversity of these study angles is truly reflected in terms of complementarity and precision. Moreover, cross-references are made between these different reports by these bodies.

42. On another level, the inter-organisational cooperation that is being developed is also a positive overlap. In this regard, CERD is planning cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO), both of which have been invited to be represented at the Committee's sessions, as well as the Office of the United Nations High Commissioner for Refugees and the United Nations Children's Fund (UNICEF)[[42]](#footnote-43). Such cooperation brings with it an enrichment of the dialogue and reflection necessary in the fight against racial discrimination.[[43]](#footnote-44)

 VII. Recommendations for action

To be developed / Refined – Refer to other reports and recommendations to support the Durban mechanisms / UN mechanisms / Recommendations should target / identify good / bad practices.

43. Regarding the points that should be improved, first, agreement on a common understanding of concepts at the international level, and in particular on the concept of race, appears more than necessary. As stated above, this lack of a common understanding is one of the main weaknesses in the fight against racial discrimination, racism and intolerance. Consequently, the first recommendation concerning the promotion of racial equality consists in a work of reflection and pooling of the different meanings of the concepts in order to be able to precisely define their scope. It would seem that the Committee on the Elimination of Racial Discrimination could assume this role, in partnership with other international and regional actors, and thus define the notion of race.

44. Secondly, the development of common indicators, used by all and everywhere, is desirable and would provide a more representative overview of the state of discrimination or racial equality. The development of concrete measurement tools appears necessary, as well as the promotion of statistical studies broken down by race. In addition, the strengthening of national legal corpuses would be useful, if not necessary. Thus, the second recommendation we can make is to address the shortcomings of the study of racial discrimination, racism and related intolerance in order to address these shortcomings and thus promote the promotion of racial equality.

45. Finally, at the present time, it is striking to note the spread of racist ideas and ideologies on the Internet and in nationalist and populist discourse. The fight against this phenomenon, particularly online, is delicate because it involves different fields, straddling between freedom of expression and incitement to hatred. Making clear recommendations on this subject seems difficult, yet it seems increasingly necessary to qualify these behaviours and the conduct to be adopted in their presence. If the legislative and judicial effort is complex, then perhaps it is appropriate to act upstream of the problem.

46. Thus, the most important focus should be on education. Racism, racial discrimination, inequalities or xenophobia are often the result of widespread over-simplification, ignorance and fear. Only education can intervene in depth in these areas and make it possible to truly eliminate racial inequalities. An awareness of human rights and the principle of equality can be considered according to the target audience, but more generally, the openness towards a better perception of difference must be promoted. A better understanding of differences would thus help to combat inequalities and racism. National education systems appear to be bastions of equality, both in the perspective of collective education and in that of individual self-presence taught to children from an early age. More than normative proposals, it is really on the aspect of pedagogy and respect that achievements must be concentrated, because it is through this stage that all societies must pass to affirm together the eradication of racial inequalities.

1. The rough draft document A/HRC/AC/23/CRP.2 that circulated as the 9 July 2019 “draft preliminary outline” was not public and was not supposed to be officially published. [↑](#footnote-ref-2)
2. See A/HRC/RES/42/29, Resolution adopted by the Human Rights Council on 27 September 2019, From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance. Article 16: “Requests the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action to commence preparations for the commemoration, in 2021, of the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action, from within existing resources, and to submit a comprehensive report on its implementation to the Human Rights Council at its forty-fifth session and the General Assembly at its seventy-fifth session”. [↑](#footnote-ref-3)
3. I/A Court H.R., Case of Norín Catrimán et al. (Leaders, Members and Activist of the Mapuche Indigenous People) v. Chile. Merits, Reparations and Costs. Judgment of May 29, 2014. Series C No. 279, §§197 and following. In addition, the right to cultural identity is guaranteed by the Court's case-law, which links it to the principles of equality and non-discrimination. It thus considers that this right is an essential element in the fight against racial discrimination and that guaranteeing the right to cultural identity is an important means of promoting equality between indigenous peoples and other components of societies in Latin America [**I/A Court H.R., Case of Kichwa Indigenous People of Sarayaku v. Ecuador. Merits and Reparations. Judgment of June 27, 2012. Series C No. 245**, §213]. [↑](#footnote-ref-4)
4. EctHR, Timichev v. Russia, judgment of 13 December 2005, §55: discrimination against persons of Chechen origin. [↑](#footnote-ref-5)
5. See e.g. UNESCO Declaration on Race and Racial Prejudice, 27 November 1978. [↑](#footnote-ref-6)
6. IACHR, Norin Catriman and others (leaders, members and activist of the Mapuche indigenous people) v. Chile, §197 : "On the principle of equality before the law and non-discrimination, the Court has pointed out that the notion of equality is directly derived from the unity of the nature of the human race and is inseparable from the essential dignity of the person, in the face of which it is incompatible any situation which, by considering it superior to a particular group, leads to it being treated with privilege; or which, conversely, by considering it inferior, treats it with hostility or in any way discriminates against it from the enjoyment of rights which are recognized to those who do not consider themselves to be in such a situation. The jurisprudence of the Court has also indicated that at the present stage of the evolution of international law, the fundamental principle of equality and non-discrimination has entered the domain of jus cogens. On it rests the juridical scaffolding of the national and international public order and permeate all the juridical order. » [↑](#footnote-ref-7)
7. See e.g. ICCPR (Preamble, §1); ACHR (Preamble, §1); African Charter on Human and Peoples' Rights (Preamble, §6), Arab Charter on Human Rights (Preamble, §§1, 2 and 4), Charter of Fundamental Rights of the European Union (Preamble, §3). The preamble of the ECHR does not refer to it. [↑](#footnote-ref-8)
8. Equal protection of the law and equality before the law are formally enshrined in several instruments, including Article 7 of the UDHR; Article 26 of the ICCPR; Article 24 of the ACHR (while Article II of the American Declaration of the Rights and Duties of Man limits itself to enshrining equality before the law); the Preamble of Protocol No. 12 to the ECHR; and Article 3 of the African Charter. On the other hand, they are not formally set out in the Arab Charter. [↑](#footnote-ref-9)
9. The affirmation of the equal rights of men and women can be found in the UDHR (Preamble, 4) and the ICCPR (Article 3). On the other hand, the ECHR (Article 5 of Protocol No. 7), the ACHR (Article 17(4)) and the ASEAN Declaration of Human Rights (Article 19) confine themselves to enshrining the equality of spouses, while the EU Charter on Fundamental Rights offers the most protective provision by stating that "equality between women and men must be ensured in all areas, including employment, work and remuneration" (Article 23). The African Charter obliges the state to ensure “the elimination of all discrimination against women and to ensure the protection of the rights of women and children as stipulated in international declarations and conventions" (Article 18§3) without going so far as to positively affirm equality between men and women. [↑](#footnote-ref-10)
10. For example, equal opportunities is a concept found in the Convention on the Elimination of All Forms of Discrimination against Women (Article 4§1), which refers to the objectives of equal opportunities and treatment; the Convention on the Rights of the Child (Article 28§1), which protects the progressive exercise of the right to education on the basis of equal opportunities; the revised European Social Charter (Article 20), which protects the right to equal opportunities in employment and occupation; the Convention on the Rights of Persons with Disabilities (Article 3) which enshrines equality of opportunity as one of the general principles of the Convention (as well as the Uniform Standards on Equal Opportunities for Persons with Disabilities adopted on 20 December 1993); the ILO Convention concerning Abusive Migration and the Promotion of Equality of Opportunity and Treatment of Migrant Workers No. 143; and the ILO Convention concerning Discrimination (Employment and Occupation) No. 111. [↑](#footnote-ref-11)
11. See e.g. UDHR (Article 2). The protection of the principle of equality by a general obligation of non-discrimination in: ICCPR (Article 2§1); ICESCR (Article 2§2); ACHR (Article 1§1); African Charter on Human and Peoples' Rights (Article 2), Arab Charter on Human Rights (Article 3a), ECHR (Article 14). [↑](#footnote-ref-12)
12. For the African Court as well, the right to non-discrimination is linked to the right to equality before the law [ACHPR, Tanganyika Law Society and the Legal and Human Rights Centre v. United Republic of Tanzania, Judgment of 14 June 2013, §119]. The breach of the principle of equality therefore leads to a discriminatory measure, which the Court does not hesitate to sanction, particularly when the applications concern indigenous ethnic minorities [ACHPR, African Commission on Human and Peoples' Rights v. Republic of Kenya, Judgment of 26 May 2017, §142]. [↑](#footnote-ref-13)
13. A certain confusion of terminology is discernible in treaty texts, and sometimes between the language versions of these texts, with regard to the concept of "distinction" and "discrimination". The Charter of the United Nations (Article 1§3) prohibits "distinction" on grounds of race, sex, language or religion, and the terms "distinction" and "discrimination" must be considered to be interchangeable at the time of its adoption; the Universal Declaration of Human Rights refers both to the concept of "distinction" (Article 2§1 in the French and English versions) and to "discrimination" (Article 2§2 in the English and French versions); and Article 7 once only in the French version) and sometimes to that of "discrimination" (twice in Article 7 only in the English version and once in the French version); the ICESCR (Article 2§2) prohibits "discrimination"; the ICCPR (Article 2§1) prohibits "distinction" in French and English; the ECHR (Article 14) prohibits "distinction" in its French version and "discrimination" in its English version; the American Declaration (Article II) prohibits "distinctions" in its French and English versions. These confusions are problematic in that the distinction may be neutral, justifiable and legitimate, while discrimination is conceived as necessarily incompatible with international human rights law. Terminological confusion persists, particularly in more recent texts that refer to "distinction" rather than "discrimination" (see Article 2 of the African Charter; Article 3(a) of the Arab Charter; Article 2 of the ASEAN Declaration). [↑](#footnote-ref-14)
14. CERD/C/66/D/31/2003, L.R. et al. v. Slovak Republic, 7 March 2005: §10.4: "The Committee recalls that the definition of racial discrimination in article 1 includes not only measures that are explicitly discriminatory, but also measures that are not discriminatory at first sight but are discriminatory in fact and in their effects, i.e. measures that represent indirect discrimination. In assessing the existence of indirect discrimination, the Committee must take full account of the particular circumstances and context surrounding the request, since, by definition, indirect discrimination can only be demonstrated by indirect evidence. ». §10.7: "In the Committee's view, it would be contrary to the purpose of the Convention and excessively formalistic to consider that the last stage of the practical application of a right or freedom must take place in a non-discriminatory manner, while the preliminary and necessary elements (decision-making) directly related to its application would be dissociated from it and would escape any scrutiny." [↑](#footnote-ref-15)
15. Even before the entry into force of the International Convention on the Elimination of All Forms of Racial Discrimination, the International Court of Justice addressed the issue of respect for the principles of racial equality and non-discrimination. In the South West African case, the judges thus established that the South African regime was an apartheid regime which discriminated within society on the grounds of race, colour, national or tribal origin and thus violates the principle of equality (South West African Affairs, second phase, judgment, ICJ, Reports 1966). [↑](#footnote-ref-16)
16. Within the Council of Europe, ECRI's work is also important, including from a contentious angle when the European Court, for example, attempts to establish whether or not there is discrimination against an ethnic group. [↑](#footnote-ref-17)
17. See. ECtHR, Moldovan et al. v. Romania (no. 2), judgment of 12 July 2005, §§110-113: in this case, which concerned the destruction by mob vindictiveness of Roma houses and the alternative housing conditions imposed on them, "the Court considers that the applicants' living conditions and the racial discrimination to which they were publicly subjected, as a result of the manner in which the various authorities examined their complaints, constitute an affront to their human dignity which, in the circumstances of the case, amounts to 'degrading treatment' within the meaning of Article 3 of the Convention". [↑](#footnote-ref-18)
18. Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, G. Muigai, Report of 19 August 2011, A/66/313. [↑](#footnote-ref-19)
19. ECtHR (GC), D.H. v. the Czech Republic, judgment of 13 November 2007: discrimination on account of the placement of Roma children in special schools; see also for similar cases: EctHR, Sampanis and Others v. Greece, judgment of 5 June 2008: school segregation; EctHR (GC), Orsus and Others v. Croatia, judgment of 16 March 2010: school segregation; Sampani and Others v. Greece, judgment of 11 December 2012: school segregation; ECtHR, Horvath and Kiss v. Hungary, judgment of 29 January 2013: placement of Roma in a school for the mentally disabled; ECtHR, Lavida and Others v. Greece, judgment of 28 May 2013: school segregation. [↑](#footnote-ref-20)
20. ECHR, Willis v. the United Kingdom, Judgment of 11 June 2002, §48. [↑](#footnote-ref-21)
21. ECHR, Sejdic and Finci v. Bosnia and Herzegovina, judgment of 22 December 2009, §44. [↑](#footnote-ref-22)
22. ECHR, Burden v. United Kingdom, Judgment of 29 April 2008, §60; Human Rights Committee, Muller v. Namibia, Views of 26 March 2002. [↑](#footnote-ref-23)
23. ECHR, Orsus and Others v. Croatia, Judgment of 16 March 2010, §156. [↑](#footnote-ref-24)
24. I/A Court H.R., Case of Norín Catrimán et al. (Leaders, Members and Activist of the Mapuche Indigenous People) v. Chile. Merits, Reparations and Costs. Judgment of May 29, 2014. Series C No. 279, §206. [↑](#footnote-ref-25)
25. CERD, General Recommendation No. 15, Organized violence based on ethnic origin, 1993; CERD, The Jewish Community of Oslo and Others v. Norway, Opinion of 15 August 2005, Communication No. 30/2003, §10.6: statements considered to be incitement to violence or racial discrimination made during a parade in memory of Nazi Rudolf Hess are not protected by freedom of expression; CERD, Quereshi v. Norway, Opinion of 15 August 2005, Communication No. 30/2003, §10.6: statements considered to be incitement to violence or racial discrimination made during a parade in memory of Nazi Rudolf Hess are not protected by freedom of expression; CERD, Quereshi v. Norway, Opinion of 15 August 2005, Communication No. 30/2003, §10.6: statements considered to be incitement to violence or racial discrimination made during a parade in memory of Nazi Rudolf Hess are not protected by freedom of expression. Denmark, Opinion of 19 August 2003, Communication No. 27/2002, §9: case concerning racist remarks made by speakers at a party's political congress; see also CERD, Quereshi v. Denmark, Opinion of 9 March 2005, Communication No. 33/2003, §8; CERD, Hagan v. Australia, Opinion of 20 March 2003, Communication No. 26/2002, §.7.3: on the offensive and insulting nature of the word "Negro"; HR Committee, Gueye et al. v. France, Views of 3 April 1989, Communication No. 196/1985, §9.4: On the allegation of the victims who claimed to have suffered racial discrimination as a result of the difference in the way French law calculated the pensions of retired professional soldiers of Senegalese nationality who had served in the French army before Senegal's independence in 1960 and who consequently received lower pensions than retired French professional soldiers, the Committee does not accept the racial allegation and considers that there was discrimination on the basis of "another situation" in the present case. [↑](#footnote-ref-26)
26. See: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance "Racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration", A/HRC/38/52, 23p, 25 April 2018. According to German and Austrian racist speeches, for example, nationality is intimately linked to the concept of "Volk" (people), itself imbued with the idea of a "Blutsgemeinschaft" (blood community), which foreigners could never really integrate. These political discourses on nationality increase the vulnerability of people perceived as different to racial discrimination and contribute to conveying ideas that generate racism. [↑](#footnote-ref-27)
27. Such laws exist, for example, in Myanmar against the Rohingya ethnic minority. The 1982 Citizenship Act thus deprives individuals belonging to the Rohingya ethnic group of citizenship, on the basis of their ethnic origin [Amnesty International Report "Openly locked up" The State of Arakan, Myanmar, is in a situation of apartheid ", 21 Nov. 2017, ASA 16/7484/2017]. [↑](#footnote-ref-28)
28. A survey conducted in France also established a significant statistical association between having experienced discrimination in the last five years (regardless of the ground and field) and poor health. Thus, discrimination is both a cause and a consequence of an impaired state of health. See: COGNET M., HAMEL C., MOISY M., Santé des migrants en France: l'effet des discriminations liées à l'origine et au sexe, Revue européenne des migrations internationales, vol. 28, No. 2, 2012, pp. 11-34. In the United States, statistical studies have been conducted showing that the mortality rate due to cancer, heart disease and diabetes was significantly higher among black people than among white people. [↑](#footnote-ref-29)
29. CERD, Concluding observations on the combined seventh to ninth periodic reports of the United States of America, CERD/C/USA/CO/7-9, §15. [↑](#footnote-ref-30)
30. ECHR (Grand Chamber), Judgment, "DH and Others v. Czech Republic", 13 Nov. 2007, Application No. 57325/00. [↑](#footnote-ref-31)
31. European Network Against Racism, « Racism and Discrimination in employment in Europe: 2013-2017”, 2017, 64 p. [↑](#footnote-ref-32)
32. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, 20 April 2015, A/HRC/29/46. [↑](#footnote-ref-33)
33. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, "Racism, racial discrimination, xenophobia and related intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action", A/HRC/29/46, 20 April 2015, 22 p. [↑](#footnote-ref-34)
34. Human Rights indicators, Guide to measuring and implementing, Office of the United Nations High Commissioner for Human Rights, HR/PUB/12/5, pp.111-148. [↑](#footnote-ref-35)
35. "Racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration", Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/HRC/38/52, 25 April 2018, 23p. [↑](#footnote-ref-36)
36. The report of the Commission of Inquiry set up to shed light on the case highlighted that institutional racism was a key cause of social exclusion in Britain. Voy. not. MACPHERSON of CLUNY, William, The Stephen Lawrence inquiry: report of an inquiry, London: The Stationery Office, 1999, 2 vol., 340 p. + 300 p. (appendices). [↑](#footnote-ref-37)
37. Report of the High Commissioner for Human Rights containing a draft core document on the development of a racial equality index, E/CN.4/2006/14, 2006, 21 p. [↑](#footnote-ref-38)
38. [Resolution A/RES/72/157 "Global Call for Practical Action for the Total Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Comprehensive Implementation of and Follow-up to the Durban Declaration and Programme of Action", 19 December 2017.] [↑](#footnote-ref-39)
39. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/CHR/35/41, 2017, 20 p. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, "Racism, racial discrimination, xenophobia and related intolerance: follow-up to and implementation of the Durban Declaration and Programme of Action", A/HRC/23/56, 2 April 2013, 17 p. [↑](#footnote-ref-40)
40. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/CHR/35/41, 2017, 20 p. [↑](#footnote-ref-41)
41. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, A/67/326, 21 August 2012, 24 p. [↑](#footnote-ref-42)
42. CERD report, A/73/18, Ninety-fifth session, 23 April-11 May 2018, 31 pp. [↑](#footnote-ref-43)
43. In this sense, it can also be noted that thematic debates are occasionally organised, bringing together a diversity of actors in the fight against racial discrimination. For example, CERD organized a half-day discussion on the theme of "Racial discrimination in today's world: racial profiling, ethnic cleansing and current global problems and challenges". It allowed for an "open and frank exchange on these major current global issues, with a view to identifying solutions and best practices, focusing on the Convention, with a view to countering, inter alia, the profound negative effects of racial profiling in several countries and regions"[CERD Report, A/73/18, Ibid., para. 59]. [↑](#footnote-ref-44)