**Advisory Committee**

Twenty-eighth session

8–12 August 2022

Agenda item 2 (e)

**Annotated outline: Advisory Committee report on advancement of racial justice and equality**

***(Prepared by the Rapporteur, Mr. Frans Viljoen)***

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**1 INTRODUCTION**

**Mandate:** In its resolution 48/18, entitled **“From rhetoric to reality: a global call for concrete action against racism, racial discrimination, xenophobia and related intolerance”,** the Human Rights Council **underscored the i**mportance of political will and commitment to eliminate all forms of racism, racial discrimination, xenophobia and related intolerance. In paragraph 14 of the resolution, the Human Rights Council requests the Advisory Committee “to prepare a study in which it examines patterns, policies and processes contributing to incidents of racial discrimination and makes proposals to advance racial justice and equality, which should be firmly anchored in the fulfilment of the 2030 Agenda for Sustainable Development and the attainment of its Goals, in consultation where possible with the Office of the High Commissioner and the international independent expert mechanism to advance racial justice and equality in the context of law enforcement established by the Human Rights Council in its resolution 47/21, and to present the study to the Human Rights Council at its fifty-fourth session.”

**Methodology:**In consultation ‘where possible’ with:Office of the High Commissioner and the international independent expert mechanism to advance racial justice and equality in the context of law enforcement

Primary source: UN standards

Questionnaires; interviews

submit 54th HRC session (September 2023)

(multidisciplinary (history, sociology, education)?)

**2 SCOPE OF THE STUDY**

**Beyond individual incidents:** While the resolution makes reference to ‘incidents of racial discrimination’, the report aims to move beyond the narrow confines of individual conduct and an event-specific understanding of racial discrimination. Such conduct or events -- racial slurs, race-based sexual assault, tweets, xenophobic violence, acts of police brutality -- are often reported widely, and lead to sensationalised and superficial accounts, outcries and moral panic. Focusing on individual incidents and conduct confirms with/ is aligned to informed by a neoliberal understanding of racism, in which the phenomenon of racism is reduced to individual choice.

**Systemic racism:** Going beyond individual incidents and events, this report departs from an understanding of the Advisory Committee’s mandate under resolution 48/18 as aiming to draw attention to ‘systemic’ (‘structural’ and ‘institutional’) racism. **‘Systemic’ racism** refers to a **system** in which ‘patterns, policies and processes’ (and cultural representations) work to perpetuate inequalities and patterns of discrimination against one or more racial or ethnic group. ‘This applies to interconnected organisations, or wider society, which exhibit racist or discriminatory processes, policies, attitudes or behaviours’ (UK, Commission on Race and Ethnic Disparities: The Report, 2021)

‘**Structural’ racism** is defined as ‘the set of norms, rules, routines, patterns, attitudes, and standards of behaviour, both de jure and de facto, that give rise to a situation of inferiority and exclusion against a group of persons in a generalized sense, with these traits perpetuated over time and even generations’ (A/HRC/48/72, para 18).‘Structural racism is not something that a few people or institutions choose to practice. Instead it has been a feature of the social, economic and political systems in which we all exist.’ (Aspen Institute)**.**

‘To describe a legacy of historic racist or discriminatory processes, policies, attitudes or behaviours that continue to shape organisations and societies today’ (UK Commission on Race and Ethnic Disparities: The Report, 2021)

**‘Institutional racism’** is a related concept, and refers to the ‘policies and practices within and across institutions that, intentionally or not, produce outcomes that chronically favor, or put a racial group at a disadvantage’ (Aspen Institute).

**Race/racism** – no agreed definition; substantive equality, indirect discrimination; intersectional grounds;

race a social construct: eg ARG para 50 - The Working Group was informed that in Argentina there was a general idea that Afro-Argentines were only those with obvious African features. That idea does not take account of the Afro-Argentines who are now of mixed race to the extent that some do not have obvious African features, yet they self-identify as people of African descent, owing to their African ancestry, and must be recognized as such. People of African descent in Argentina have been historically invisible and Afro-Argentine communities are today seeking recognition of their presence and contribution to history and the national culture, and seeking to banish the myth that in Argentina there are no black people.

**What the report is not about:**

This report is not about systemic racism in law enforcement /the criminal justice system. Were the Advisory Committee to focus on this aspect, it would overlap with the work of the Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, which was mandated by the Human Rights Council in 2022 to report to it on ‘the root causes of *systemic racism in law enforcement and the criminal justice system*, the excessive use of force, racial profiling and other human rights violations by law enforcement officials against Africans and people of African descent’ (emphasis added).

The study‘s focus is broader than people of African/African descent, and includes persons of Asian and Middle Eastern descent, and Indigenous Peoples. While there will to some extent be an overlap with immigrants/ refugees/migrants/ asylum seekers; it is not about migration or Xenophobia, as such.

**3 THE GROWTH OF CONCERN FOR SYSTEMIC RACISM WITHIN UN HUMAN RIGHTS SYSTEM**

(stock-taking; analysis)

*anti-racism bodies (and soft law/ norms)*

* Committee on the Elimination of Racial Discrimination (CERD Committee) (1965; entered into force 1969)

monitors [Convention on the Elimination of All Forms of Racial Discrimination](https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx)

CERD General Recommendation 32 Special measures

CERD General Recommendation 34 (2011) Racial discrimination against people of African descent

6. Racism and structural discrimination against people of African descent, rooted in the infamous regime of slavery, are evident in the situations of inequality affecting them and reflected*,* inter alia,in the following domains: their grouping, together with indigenous peoples, among the poorest of the poor; their low rate of participation and representation in political and institutional decision-making processes; additional difficulties they face in access to and completion and quality of education, which results in the transmission of poverty from generation to generation; inequality in access to the labour market; limited social recognition and valuation of their ethnic and cultural diversity; and a disproportionate presence in prison populations.

7. The Committee observes that overcoming the structural discrimination that affects people of African descent calls for the urgent adoption of special measures (affirmative action), as established in the International Convention on the Elimination of All Forms of Racial Discrimination (arts. 1, para. 4, and 2, para. 2). The need for special measures has been the subject of reiterated observations and recommendations made to the State parties under the Convention, summarized in general recommendation No. 32 (2009) on the meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination.

Decisions

Concluding Observations

norm-setting: protocol -- Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards (2007) (systemic/structural racism?)

* World Conference against racism (Durban Conference)

Durban Declaration and Plan of Action

(see: SR racism A/76/434, 22 October 2021

The Special Rapporteur explains the significant human rights achievements of the Conference and the continuing relevance and urgency of the full implementation of the Durban Declaration and Programme of Action. She addresses the continuing disinformation campaign that seeks to undermine the blueprint for action against systemic racism, racial discrimination, xenophobia and related intolerance provided in the Durban Declaration and Programme of Action and offers recommendations for overcoming barriers to its implementation.

* Special Rapporteur on contemporary racism, xenophobia and related intolerance (1993) (*Global extractivism and racial equality*, A/HRC/41/54;

*Reparation for racial discrimination*, A/74/321;

*Racial discrimination and emerging digital technologies: a human rights analysis*, A/HRC/44/47)

Reparation for racial discrimination: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance A/74/321, 21 August 2019

Durban Declaration and Programme of Action (A/76/434, 22 October 2021)

2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination, A/HRC/50/60, 17 June 2022

* Group of Independent Eminent Experts on the Implementation of the Durban Declaration and Programme of Action (2002) (*Report: Implementation of the Durban Declaration and Programme of Action* (2019) A/74/173)
* Intergovernmental Working Group on the effective implementation of the Durban Declaration and Programme of Action (2002)
* Working Group of Experts on People of African Descent (2002)

(*Data for racial justice*, [A/HRC/42/59](https://undocs.org/A/HRC/42/59); *The role of negative racial stereotypes of people of African descent in perpetuating racial injustice*, A/74/274); *COVID-19, systemic racism and global protests,* A/HRC/45/44 (2020));

*The urgency of now: Systemic racism and the opportunities of 2021*, A/76/302); 25 August 2021

Tackling systemic racism could be achieved only through an honest assessment of the past, in particular of the consequences of the trade in enslaved Africans and of colonialism.

Para 11- These manifestations of structural racism required structural change to address key social determinants of health, in particular access to safe and adequate housing, gainful employment, quality education, healthy food and health care.

Report of the Working Group of Experts on People of African Descent on its nineteenth and twentieth sessions A/HRC/36/60, 27 July 2017

*Operational Guidelines on the inclusion of People of African Descent in the 2030 Agenda* (2020))

[Report of the Working Group of Experts on People of African Descent – Visit to Belgium on 13-17 June 2005](https://undocs.org/en/E/CN.4/2006/19/Add.1)
(E/CN.4/2006/19/Add.1)

16. The experts were told that the Belgian Parliament decided in 2002 to implement at the national level the Durban Declaration and Programme of Action and to integrate its provisions into its legal and institutional framework against racism and discrimination. To this end, the Centre for Equal Opportunities and Opposition to Racism (CEOOR) has been entrusted by the Prime Minister with the task of drafting a national plan of action for the fight against racism, racial discrimination, xenophobia and related intolerance, as a follow-up step to the 2001 World Conference. The draft national plan of action prepared by CEOOR is addressed to all the institutional authorities of Belgium (federal Government, Regions and Communities).

55. The experts took note of the special attention paid by Belgium to its colonial past, including the acknowledgement of the murder of Patrice Lumumba and the apathy and the cold attitude of the Government of Belgium at the time. The former Belgian Foreign Minister Louis Michel asked the family of late Lumumba and the Congolese people to accept Belgium’s apology. A parliamentary commission had come to the conclusion that Belgium had a moral responsibility for the assassination. The experts considered such an action as a very important step together with the establishment of a fund called the Patrice Lumumba Foundation, financing projects to prevent conflict, strengthen justice and target youth in the Democratic Republic of the Congo. The experts also acknowledged the role played by Belgium in supporting efforts for bringing about peace, security and democratic governance in the Great Lakes region.

61. The experts note with satisfaction the Government of Belgium’s efforts to protect the human rights of people of African descent and to address the issues concerning their well-being. During the visit, the experts identified areas where people of African descent find themselves in a disempowered situation vis-à-vis the mainstream community, namely access to employment, private housing and education. The experts were in a position to establish a sincere and frank dialogue with governmental authorities on those areas of concern, and to gather information on actions, measures and policies enacted to overcome the problems faced by people of African descent living in the country. The experts note that the Government is well aware of the problems faced by people of African descent and persons of foreign background more generally, and they welcome the positive efforts being made by all government bodies at various levels to counter discriminatory practices in the access to employment, education and housing.

[Report of the Working Group of Experts on People of African Descent - visit to Ecuador from 22 to 26 June 2009](https://undocs.org/en/A/HRC/13/59)
(A/HRC/13/59)

54. The experts perceive the current situation as a period of transition in which the results of legislative and institutional changes are yet to be fully seen. The experts encourage the Government to continue to adopt the necessary legislation which will offer a real opportunity to redress the historic, structural and long-endured discrimination faced by people of African descent in Ecuador.

10. The poverty that is often characteristic of the living conditions of people of African descent in Ecuador is closely related to several factors; from the deep historical roots of marginalization during the construction of the nation to the failure of the State to adequately implement policies for the purpose of integrating this sector of the population. Moreover, their condition is aggravated by the racial discrimination and the structural racism to which they are exposed.

55. During the visit, the experts identified the existence of a generalized feeling among people of African descent of being discriminated against (structural and widespread in everyday life) which, according to them, is based on widely held stereotypes and prejudices. During the visit, the experts also identified areas where people of African descent find themselves in a disempowered situation vis-à-vis the mainstream community. These areas are: access to employment, housing, education, access to fundamental services, and participation in public life.

[Report of the Working Group of Experts on People of African Descent - visit to the United States of America from 25 to 29 January 2010](https://undocs.org/en/A/HRC/15/18)
(A/HRC/15/18)

56. In many of the meetings that the members had, particularly with NGOs, poverty was identified as being a particular concern for people of African descent in the country, impacting as it does upon the enjoyment of a host of rights. NGOs stressed that poverty is very much connected with the slavery past and long-lasting discrimination even after slavery was prohibited. According to some of them, racism and poverty are intimately linked and still part of the system. The criminalization of poverty and reliance upon welfare programmes instead of a more comprehensive approach to fighting poverty were seen as specific obstacles to breaking the circle of poverty. NGOs also emphasized the connection between racism, poverty and segregation, which is becoming much more visible in the period of economic crisis.

Report of the Working Group of Experts on People of African Descent on its visit to Ecuador, para 28, U.N. Doc. A/HRC/13/59/Add. 2, 6 January 2010

[Report of the Working Group of Experts on People of African Descent - visit to the Portugal from 16 to 20 May 2011](https://undocs.org/en/A/HRC/21/60/Add.1)
( A/HRC/21/60/Add.1 )

[Report of the Working Group of Experts on People of African Descent - visit to the United Kingdom of Great Britain and Northern Ireland, 1 to 5 October 2012](https://undocs.org/en/A/HRC/24/52/Add.1)
(A/HRC/24/52/Add.1)

[Report of the Working Group of Experts on People of African Descent - visit to Brazil, 3-13 December 2013](https://undocs.org/en/A/HRC/27/68/Add.1)
(A/HRC/27/68/Add.1)

Report of the Working Group of Experts on People of African Descent on its visit to Panama, para 23, U.N. Doc. A/HRC/24/52/Add. 2, 21 August 2013

[Report of the Working Group of Experts on People of African Descent - visit to Sweden, 1-5 December 2014](https://undocs.org/en/A/HRC/30/56/ADD.2)
(A/HRC/30/56/Add.2)

[Report of the Working Group of Experts on People of African Descent - visit to the Netherlands, 26 June–4 July 2014](https://undocs.org/en/A/HRC/30/56/Add.1)
(A/HRC/30/56/Add.1)

[Report of the Working Group of Experts on People of African Descent - visit to Italy, 1-5 June 2015](https://undocs.org/en/A/HRC/33/61/ADD.1)
(A/HRC/33/61/Add.1)

Report of the Working Group of Experts on People of African Descent on its visit to Sweden, para 50, U.N. Doc. A/HRC/30/56/Add.2, 25 August 2015

[Report of the Working Group of Experts on People of African Descent - visit to Canada from 17 to 21 October 2016](https://undocs.org/en/A/HRC/36/60/Add.1)
(A/HRC/36/60/Add.1)

74. Despite the reputation for promoting multiculturalism and diversity and the positive measures taken by the national and provincial governments, referred to above, the Working Group is deeply concerned by the structural racism that lies at the core of many Canadian institutions and the systemic anti-Black racism that continues to have a negative impact on the human rights situation of African Canadians.

[Report of the Working Group of Experts on People of African Descent - visit to United States of America, 19-29 January 2016](https://undocs.org/en/A/HRC/33/61/Add.2) (A/HRC/33/61/Add.2)

[Report of the Working Group of Experts on People of African Descent - visit to Guyana from 2 to 6 October 2017](https://undocs.org/en/A/HRC/39/69/Add.1)
(A/HRC/39/69/Add.1)

[Report of the Working Group of Experts on People of African Descent - visit to Germany from 20 to 27 February 2017](https://undocs.org/en/A/HRC/36/60/Add.2)
(A/HRC/36/60/Add.2)

Report of the Working Group of Experts on People of African Descent on its mission to Spain, A/HRC/39/69/Add.2, 14 Aug 2018

Report of the Working Group of Experts on People of African Descent on its visit to Belgium /HRC/42/59/Add.1, 14 August 2019

24. There is clear evidence that racial discrimination is endemic in institutions in Belgium. Civil society organizations have reported common manifestations of racial discrimination, xenophobia, Afrophobia and related intolerance faced by people of African descent. The root causes of present-day human rights violations lie in a lack of recognition of the true scope of the violence and injustice of colonization. As a result, public discourse does not reflect a nuanced understanding of how institutions may drive systemic exclusion from education, employment and opportunity. The Working Group concludes that inequalities are deeply entrenched because of structural barriers that intersect and reinforce each other. Credible efforts to counter racism require such hurdles to be overcome first

65. The Working Group is concerned about the human rights situation of people of African descent in Belgium and concludes that inequalities are deeply entrenched because of structural barriers that intersect and reinforce each other. In its factfinding mission, the Working Group found clear evidence that racial discrimination is endemic in institutions in the country.

75 (cc) Conduct a racial equity audit within its public institutions and incentivize private employers and institutions to do the same in order to ensure that the principles of equality and non-discrimination, which are grounded in the Constitution and are cornerstones of Belgian society, apply irrespective of race or ethnicity. The purpose of the audit shall be to look for specific manifestations of racism and qualitative contributors to systemic bias and discrimination within regular and routine operations. Belgium should commit to publishing the findings of the audit and to implementing the recommendations developed in the audit process;

Report of the Working Group of Experts on People of African Descent on its mission to Argentina, HRC/42/59/Add.2, 14 August 2019

Report of the Working Group of Experts on People of African Descent on its mission to Ecuador A/HRC/45/44/Add.1, 21 August 2020 Afro-Ecuadorians

Report of the Working Group of Experts on People of African Descent on its mission to Peru, A/HRC/45/44/Add.2, 20 August 2020 (Afro-Peruvians)

* Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement (2021, est 2022) (report due 51 HRC)
* Permanent Forum on People of African Descent (2022)
* OHCHR High Commissioner report (2021):

Agenda towards transformative change for racial justice and equality

OHCHR and racism

*Four-Point Agenda towards Transformative Change for Racial Justice and Equality*, A/HRC/47/53, annex

The agenda seeks to achieve concrete results through a “profound, joined up approach” through four specific objectives, namely to: (a) reverse cultures of denial, dismantle systemic racism and accelerate the pace of action; (b) end impunity for human rights violations by law enforcement officials, and close trust deficits; (c) ensure that the voices of people of African descent and those who stand up against racism are heard and that their concerns are acted upon; and (d) acknowledge and confront legacies, including through accountability and redress.

* General Assembly; Secretary-General
* HRC
* Advisory Committee: *Moving towards racial equality: study of the Advisory Committee on appropriate ways and means of assessing the situation*, A/HRC/48/72, 2021, paras 63, 64:

(Identification of parameters to assess levels of structural or systemic racism)

63. *The development of an analytical and methodological framework to assess, measure and monitor the progress towards racial equality by States would be extremely helpful, particularly to foster policies addressing structural or systematic racism.* This would be a new instrument to better shape and target actions, allowing States to better implement the principle of racial equality and make the best of the reporting process before the Committee on the Elimination of Racial Discrimination. To that end, a set of parameters and indicators could be elaborated on the basis of existing experience from the Committee on the Elimination of Racial Discrimination and other bodies. These parameters would facilitate monitoring the compliance with obligations related to racial equality, and could be used to develop and complement the information that States have to provide according to the harmonized guidelines for reporting. This would be the basis for elaborating a list containing the concrete measures that each State may undertake.)

* Universal Periodic Review (UPR)
* Other treaty bodies

**4 PARALLEL PROCESSES IN REGIONAL HUMAN RIGHTS SYSTEMS**

* Inter-American Commission of Human Rights: Special Rapporteur on the Rights of Persons of African Descent and against Racial Discrimination (2016) (*Economic, Social, Cultural and Environmental Rights of Persons of African Descent*, 2021)

InterAmerican Convention against Racism, Racial Discrimination and Related Forms of Intolerance.

* Council of Europe: European Commission on Racism and Intolerance (ECRI)
* European Union: Fundamental Rights Agency (FRA)

Despite much foregrounding (eg DDPA, International Decade for People of African Descent, International Day for the Elimination of Racial Discrimination, International Day for the Abolition of Slavery) and strengthened anti-racism architecture, widespread non-implementation, persistence of patterns, policies, processes

**5 THE SYSTEMIC NATURE OF RACISM -- PATTERNS, POLICIES, PROCESSES**

Invisibility, lack of recognition

Live in poverty and poor health, have low educational attainment; often poorest of the poor -- barriers in access to education, health, housing and employment (socio-economic rights basic necessities of life)

Lower level of employment than other population groups

Systematic denial of access to public administration, goods and services

Stereotyping

live less securely, ownership of property and land limited and lack security of tenure

high levels of gender-based violence suffered by women of African descent and the lack of specific programmes to address the problem

Arg

51. The Working Group observed that Afro-Argentines were among the poorest of the poor. It noted with concern that people of African descent in Argentina were not able to fully enjoy their economic, social and cultural rights. Structural racial discrimination prevents them from enjoying the minimum international standards for development, including those set out in the Sustainable Development Goals.

Ecuador

he proportion of the Afro-Ecuadorian population that is unemployed is greater than that of other population groups

By its nature, their work generates little income, not enough for their subsistence, and without any guarantee of security. They are at risk of being thrown out of their homes while searching for a new job in the same fields. They are unable to save and to meet the needs of their families. They cannot provide for themselves for any significant period, not even for a few months

Working Group is concerned about the high levels of gender-based violence suffered by women of African descent and the lack of specific programmes to address the problem.

Disparate impact/ outcomes of policies on Africans/persons of African descent (in US/countries where power relations make them vulnerable to abuse)

Piecemeal / not comprehensive state response/measures

Erosion of political will to combat racism

Growing trivialisation of racism

Intellectual justification of racism; rise of ‘white supremacy’

Lack of accountability for perpetrators of acts of racism/racial discrimination

Intersectional effect of racism – women, girls; most vulnerable

Globalisation – migrancy from South to North – attitudes/ stereotyping of migrants

Lack of disaggregated data

Lack of knowledge, dissemination of UN and other standards

Persistent stereotypes, perceptions, attitudes: eg association of blackness with criminality (context of ‘war on drugs’)

Hate speech – amplification through social media

Disparate outcomes (including mental health) – consequence that police, as ‘first responders’, use excessive force

New technologies and its adverse impact on racial discrimination/ stereotyping (eg algorithms)

Persistent effect of legacy of transatlantic slave trade, enslavement – coloniality -- epistemic violence

Peru (A/HRC/45/44/Add.2,:

Systematic denial of access to public administration, goods and services

Invisibility, lack of recognition, and stereotyping

Barriers in access to education, health, housing and employment

Peru 41. Systemic discrimination against and the institutional invisibility of people of African descent are a legacy of the country’s past. Afro-Peruvians were denied the basic human right to legal identity and remained invisible in laws, legislation and policies. This lack of visibility has been compounded by the State’s focus on geographical territories and mother-tongue languages, both of which render Afro-Peruvians invisible in local and national data. Interculturality and diversity are embedded in the Afro-Peruvian identity, particularly in its cultural production. The acknowledgment of the contribution and identity of Afro-Peruvians in Peru has, however, been weakened by discrimination, exploitation and disregard. Furthermore, popular conceptions of interculturality often exclude Afro-Peruvian identity. The self-identification of Afro-Peruvians was erroneously perceived as a denial and a rejection of Peruvian identity. This misperception is an important source of the ongoing invisibility of Afro-Peruvians (A/HRC/45/44/Add.2,

**6 RACIAL JUSTICE IMPLIES SOCIAL JUSTICE: SYTEMIC RACISM, DEVELOPMENT AND THE SDGs**

Right to development rights-based approach; SDGs; poverty, material conditions

Link between racial discrimination and under-development

Link to legacy of transatlantic slave trade, colonialism

SDG 16 (inclusive society)

‘Leave no one behind’; ‘Reach first those who are furthest behind’/ invisibility of Africans/ People of African descent in efforts to achieve SDGs: Operational Guidelines on the inclusion of People of African Descent in the 2030 Agenda

Working Group on People of African Descent: [**A/HRC/36/60**](https://undocs.org/en/A/HRC/36/60)
Topic: Leaving no one behind: people of African descent and the Sustainable Development Goals (2017)

SR on racism: 2030 Agenda for Sustainable Development, the Sustainable Development Goals and the fight against racial discrimination, A/HRC/50/60, 17 June 2022

Peru: Afro-Peruvians face challenges in their access to their economic, social and cultural rights, which in turn poses a serious challenge to the State’s ability to implement the 2030 Agenda for Sustainable Development. Meeting the Sustainable Development Goals with require the dismantling of systemic barriers grounded in racial discrimination.

((A/HRC/45/44/Add.2, para 55

**7 NATIONAL LEGAL, POLICY AND INSTITUTIONAL MEASURES TO ADVANCE RACIAL JUSTICE AND EQUALITY (BEST PRACTICES)**

**Policy:** Reimagine; A “Transformative Agenda” for racial equality (extent of new initiatives)

**Constitution: Constitutional recognition**

**Legislation: Anti-discrimination legislation**

proactive duties; positive duties

hate speech; hate crimes

20. The Working Group notes with satisfaction that, following its visit, the Government of Ontario adopted a number of measures aimed at benefitting African Canadians. On 1 June 2017, the Government passed Bill 114, the Anti-Racism Act, which recognizes the distinct nature of anti-Black racism and the need to address it on an ongoing basis. It requires the Government of Ontario to maintain an anti-racism strategy that aims to eliminate systemic racism and advance racial equity, which must include “initiatives to assist racialized groups that are most adversely impacted by systemic racism”,

**Special measures/reverse discrimination/affirmative action**

Redress/ overcome past disadvantage

Represent interests of previously excluded groups

South Africa, Malaysia

**National Action Plans (aligned with DDPA)**

adoption of the National Development Plan for the Afro-Peruvian Population (2016–2020) (A/HRC/45/44/Add.2, para 72(b))

**NHRIs; equality bodies** (judicial, non-judicial)

National Afro-Peruvian Council and the Working Group for Afro-Peruvians (A/HRC/45/44/Add.2, para 72(d))

**Education; training; awareness-raising**

School/ tertiary institutions curricula

Government officials (judges, law enforcement

Actual access to basic education/preschool – determines life choices

**Symbolic acts/commemorations**

para 99 of DDPA: States are called upon “to honour the memory of the victims of past tragedies and affirm that, wherever and whenever these occurred, they must be A/HRC/39/69/Add.1 9 condemned and their recurrence prevented”

International Decade for People of African Descent (2015-2024)

International Day of Remembrance of the Victims of Slavery and the Transatlantic Slave Trade (25 March)

International Day for the Elimination against Racism (21 March)

National –

Eg decision to declare June the month for the celebration of Afro-Peruvian culture and heritage ((A/HRC/45/44/Add.2, para 72(i))

Eg

23. By Law No. 26.852 (2013), 8 November was designated National Day of Afro-Argentine Peoples and African Culture. The date was chosen to honour the memory of María Remedios del Valle, a woman of African descent who joined General Manuel Belgrano’s army, fought during the wars of independence and was given the rank of captain for her courage on the battlefield. The Law represents an effort to recognize and correct history so as to restore the symbolic and cultural legitimacy of the role played by people of African descent in establishing the national identity of Argentine society

**Reparations for Transatlantic slavery**

Apologies

Truth seeking

BELGIUM; para 75(l) Establish a truth commission. The Working Group supports the bill laid before Parliament in 2017 on a memorial workplan to establish facts and the involvement of Belgian institutions in the Congo, Rwanda and Burundi;

69. The most visible postcolonial discourse in a Belgian public institution is that taking place at the Royal Museum for Central Africa, which has sought to include critical postcolonial analysis – a marked shift for an institution originally tasked with promulgating colonial propaganda. The Working Group is of the view that the reorganization of the museum has not gone far enough. For the communities that engage in vibrant postcolonial discourse, the reorganization falls short of providing adequate context and critical analysis. The Working Group notes the importance of removing all colonial propaganda and accurately presenting the atrocities of the colonial past.

(k) Issue an apology for the atrocities committed during colonization. The Working Group recommends reparatory justice, with a view to closing what is a dark chapter in Belgian history and as a means of reconciliation and healing. The right to reparations for past atrocities is not subject to any statute of limitations. The Working Group recommends the Caribbean Community’s 10-point plan for reparatory justice as a guiding framework;

**Data gathering/ practices:**

Working Group on People of African Descent: [**A/HRC/42/59**](https://undocs.org/en/A/HRC/42/59)
Topic: Data for racial justice

analytical and methodological framework to assess, measure and monitor the progress towards racial equality by States to foster policies addressing structural or systematic racism

Recognition/ inclusion in census

Arg: para 49-the recognition of people of African descent in the 2010 census should be seen as the first step towards full institutional recognition of people of African descent as a distinct group. That would enable additional disaggregated data to be collected and analysis undertaken on the situation of their civil, political, economic, social, and cultural rights, as well as the discrimination faced in the realization of those rights. The 2010 census was a sample collection of data and not integrated nationwide and as such underrepresented the real population of Afro-Argentines in the country

Para 50-

The Working Group was informed that in Argentina there was a general idea that Afro-Argentines were only those with obvious African features. That idea does not take account of the Afro-Argentines who are now of mixed race to the extent that some do not have obvious African features, yet they self-identify as people of African descent, owing to their African ancestry, and must be recognized as such. People of African descent in Argentina have been historically invisible and Afro-Argentine communities are today seeking recognition of their presence and contribution to history and the national culture, and seeking to banish the myth that in Argentina there are no black people.

The criminalization of poverty and reliance upon welfare programmes instead of a more comprehensive approach to fighting poverty were seen as specific obstacles to breaking the circle of poverty. NGOs also emphasized the connection between racism, poverty and segregation, which is becoming much more visible in the period of economic crisis.

**Antiracism policy research**

Universities/ think tanks/ others

work of the Directorate for Afro-Peruvians of the Ministry of Culture, including studies and publications on Afro-Peruvians and racial discrimination (A/HRC/45/44/Add.2, para 72(c))

Belgium – 71. The Working Group welcomes the recent analysis and studies on the human rights situation of people of African descent in Belgium conducted by the King Baudouin Foundation and by Unia through its diversity barometer. These illustrate the gravity of the situation and the need for specific measures to overcome the racial discrimination this group faces.

Decentralised measures – provinces in federal state

73. The Working Group also welcomes the establishment, in 2016, of the AntiRacism Directorate to address systemic racism and promote fair practices and policies across the province of Ontario. It also notes with satisfaction that, following its visit, the Ontario Government adopted a number of measures for the benefit of African Canadians; it encourages other provinces to follow that example

**Media**

South African Human Rights Commission – Racism in advertising

**8 ROLE OF UN HUMAN RIGHTS BODIES IN ADVANCING RACIAL JUSTICE AND EQUALITY (BEST PRACTICES)**

(establishment of the Permanent Forum of People of African Descent)

CERD -- lift reservations – make declarations under article 14 – optional protocol (complementary standards)

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

negotiations on a draft United Nations declaration on the promotion of and full respect for the human rights of people of African descent

Reparations, Transatlantic Slave Trade

SR on racism: Reparation for racial discrimination: Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance A/74/321, 21 August 2019

**9 CONCLUSIONS**

**10 RECOMMENDATIONS: PROPOSALS TO ADVANCING RACIAL JUSTICE AND EQUALITY**

(What CAN be done? What changes will have greatest effect?)

**NATIONAL level/ to States; UN level / to OHCHR HR COUNCIL**

Arg -- 61. The Government should establish positive measures to ensure the effective representation of Afro-Argentines and people of African descent in the public sector, including in the highest decision-making positions.

73. The Working Group recommends measures to increase representation of people of African descent at all levels in the public administration, the judiciary, the prosecution services and law enforcement, as well as other sectors, including education and the media, among others.

77. The Working Group recommends that school curricula, at both the elementary and secondary levels, include the history and contributions of Afro-Argentines to nation-building. The Working Group recommends that the educational authorities at the national and provincial levels develop the curricula together with Afro-Argentines.

If problem is rooted in history, solutions must deal with historical legacies

Effective implementation DDPA (what measures at local, national regional, international level)

Reverse cultural of denial – evidence-based practices as basis for what can be scalable

Unequivocal visible high level political commitment

Institutions: Fully functional and capacitated equality bodies

Change mindsets

Better understand histories – localised / academics/ research

Education – curricula – remove biases

Amplify voices of those discriminated against

Accountability/ remedies/ reparation

Development of an analytical and methodological framework to assess, measure and monitor the progress towards racial equality by States to foster policies addressing structural or systematic racism