**Human Rights Council Advisory Committee**

**Questionnaire on patterns, policies, and processes leading to incidents of racial discrimination and on advancing racial justice and equality (‘systemic’, ‘structural’ and ‘institutional’ racism)**

*Dear stakeholders,*

*Please answer the questions that are most relevant to your field of expertise or operation. There is no need to answer all questions if some are irrelevant to your work.*

*Please respond as succinctly as possible, listing factors and giving relevant examples.*

*Please, as far as possible, provide clear examples of best practises.*

Please note the following: The Advisory Committee understands its mandate under resolution 48/18 as aiming to draw attention to ‘systemic’, ‘structural’ and ‘institutional’ racism. All these terms refer to understandings of racism that go beyond individual conduct (such as hate crimes or racial slurs), and extend to characteristics of societies more generally (such as residential segregation that disadvantages members of a particular race, or barriers that disproportionately constrains members of a particular race in becoming homeowners). **‘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. **‘Structural’ racism** may be 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). **‘Institutional racism’** is a related concept, and refers to the policies and practices in institutions that have the effect of producing outcomes that continuously disadvantage or favour a particular a racial group. The term may also relate to pervasive beliefs and accepted ways of doing things within an institution (referred to as ‘institutional culture’).

Stakeholders who respond to this questionnaire should please keep this focus in mind.

Respondents should also keep in mind that the Human Rights Council in 2022 set up the Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, which is mandated to report to the Council 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).

Below are two sets of questions. As the title of the first set of questions indicates (‘Questions to ALL stakeholders’), these questions should – to the extent that they are relevant -- be answered by all stakeholders. Private actors (such as companies, corporate entities and businesses) should, in addition, also answer relevant questions from the second set of questions.

**QUESTIONS TO ALL STAKEHOLDERS:**

1. Is there a working definition or understanding of systemic, structural or institutional racism in your country/by your government/your organisation?
2. Is systemic, structural or institutional racism a prominent issue in your country? Is there any official acknowledgement that systemic/structural/institutional racism exists; and that it is a problem? In what sectors does systemic/structural/institutional racism occur – for example, access to justice, access to services, enjoyment of socio-economic cultural rights? (Refer to decided cases by national courts where relevant.)
3. What do you consider to be the root causes for systemic patterns of racial inequality?
4. What legal measures, if any, has your country put in place to address systemic, structural or institutional racism? (These could be constitutional provisions, anti-discrimination legislation, policies/strategies/national action plans, administrative measures, or the establishment of institutions such as equality bodies.)
5. More specifically, has your government/country taken any special/positive (‘affirmative action’) measures to ensure that past hindrances and obstacles to racial equality are overcome? (If so, please provide details.)
6. What extra-legal measures, if any, has your country put in place to address systemic, structural or institutional racism? (These could be educational, awareness-raising, measures related to racial equality in sport, access to and quality of healthcare, etc.)
7. How effective is the practical/actual implementation and enforcement of these measures? Have they been successful in addressing systemic, structural or institutional racism in your country?
8. How has the ongoing COVID-19 pandemic brought to the surface and exacerbated systemic, structural or institutional racism in your country?
9. To what extent is disaggregated data gathered by state and non-state actors in your country to identify systemic, structural or institutional racism, and to track progress in the measures adopted to address systemic/structural or institutional racism? Is any other data gathering tool used specifically to capture date related to systemic/structural or institutional racism? (Please provide details; refer to quantitative and qualitative data-gathering methodologies, where relevant.)
10. To what extent has national antiracism policy research with a bearing on systemic racism been undertaken by national institutions/researchers, and what research is being undertaken, if any? (Please provide references if any.)
11. In your country, what are the main human rights challenges arising from systemic, structural or institutional racism? List and explain them succinctly.
12. Are specific resources allocated to address structural or institutional racism in your country?
13. In your country, which government agency has the mandate of combating and preventing racial discrimination? To what extent does the agency take issues into account related to systemic, structural or institutional racism in its mandate? (Please provide the most recent annual reports of this agency.)
14. Do you think reparations for the root causes of systemic, structural or institutional racism (such as Transatlantic Slavery, colonialism and apartheid) have a current role to play in redressing systemic, structural or institutional racism, and in eradicating it?
15. How are systemic patterns of racial discrimination addressed within the framework of the Sustainable Development Goals (SDGs) 2030 agenda? In your view, do the SDGs contribute to advance racial justice and equality? (Refer to eg SDGs 1, 3, 4, 5, 6, 7, 8, 10, 11 and16.)
16. Is the existing international framework, for example as it relates to the governance of international organisations, sufficient to deal with systemic, structural or institutional racism?? If not, what more can be done?
17. Is the existing national legal and human rights framework, if any, sufficient to deal with systemic, structural or institutional racism? If not, what more can be done?
18. What are the responsibilities of key stakeholders (UN agencies, states, NHRIs, civil society organisations, technical community and academia, private sector) in addressing systemic, structural or institutional racism and racial discrimination? (Elaborate on what they can do to address systemic patterns of racial inequality.)
19. To what extent are private actors responsible for systemic patterns of racial discrimination in your country?
20. What role do you consider new emerging technologies, such as artificial intelligence based on algorithms, play in eradicating or sustaining systemic patterns of racial inequality?
21. Are there any other ‘good practices’ by your State or other stakeholders (such as business or civil society organisations) that advance racial justice and equality, and address systemic, structural or institutional racism? If yes, could you please share these practices?
22. Do you have any recommendations to any stakeholder that you think would advance efforts to address systemic, structural or institutional racism either at the national or international level? Please share those.

**SPECIFIC QUESTIONS FOR THE PRIVATE SECTOR (BUSINESS, CORPORATE ENTITIES, COMPANIES)**

1. What patterns, policies, and processes of systemic, structural or institutional racism do you see play out in your business/corporate entity/company?
2. Is your business/corporate entity/company or sector acting or does it intend to act on the prevention of patterns, policies, and processes of racial discrimination? How? Does your business/corporate entity/company take into account human rights implications while considering the threats and impact of the patterns, policies, and processes of racial discrimination?
3. Under domestic law, does your business/corporate entity/company have binding obligations to advance racial justice and equality, or are measures taken in this regard based on are voluntary commitments? Are any of these enforced by state?
4. What would you identify as the main impact of racial discrimination on the enjoyment of human rights in the short term and the long term? What needs to be done (at the company, state, or global level) to prevent and eliminate racial discrimination?
5. How can human rights due diligence be improved in the private sector in response to the existing human rights issues that result from racial discrimination?
6. What is the policy of your business/corporate entity/company or sector in respect of public involvement in the decision-making process on the prevention and elimination of racial discrimination?
7. Would promoting the prevention and elimination of racial discrimination negatively affect the growth of your business/corporate entity/company (relationship with partners, investors, clients and workers)?
8. Are there any other ‘good practices’ by your business/corporate entity/company that advance racial justice and equality, and address systemic, structural or institutional racism? If yes, could you please share these practices?