

**First session of the Permanent Forum on people of African descent
Monday, December 5
3:00pm - 6:00pm**

Item 6:

**Thematic discussion: The fight against Systemic Racism - Future Policymaking for
People of African Descent**

**Presentation by Ms. Yvonne Mokgoro, Chairperson of the International Independent
Expert Mechanism to Advance Racial Justice and Equality in the Context of Law
Enforcement**

Excellencies,

Distinguished delegates,

It is my great pleasure to participate in the first session of the Permanent Forum on people of African descent.

On the 20th anniversary year of the 2001 Durban Conference, and in the aftermath of the global “Black lives matter” protests, the General Assembly adopted Resolution 75/314 by consensus, operationalizing the Permanent Forum on People of African Descent, representing a milestone in the implementation of the Programme of Activities for the International Decade for People of African Descent.

As you know, the Mechanism I represent was also established in 2021, under Human Rights Council resolution 47/21. That resolution recalled various events and steps which led to the establishment of the Mechanism: from the tragic murder of George Floyd in the United States in May 2020; to the urgent debate at the Council; and in June 2021, to the High Commissioner’s landmark report on racial justice and equality.

Together, these actions, and the birth and operationalisation of these two recent additions to the UN anti-racism architecture, mark a renewed opportunity to place racial equality and justice for people of African descent at the centre of international, regional and national processes and agendas.

The Mechanism I represent here seeks to further transformative change for racial justice and equality, in the context of law enforcement globally. Since my colleagues Juan Mendez and Tracie Keese and I were appointed exactly one year ago, we have started conducting inclusive outreach and consultations with States, directly affected individuals and communities as well as other stakeholders. We have presented our first report to the Human Rights Council last September, focusing on the need to collect, analyse, disseminate and publish disaggregated data to drive responses to systemic racism.

We have conducted our first country visit to Sweden last month, and have issued a dozen of other requests for country visits.

As I am speaking to you today, my two colleagues are completing a week of intense consultations in Santiago, Chile, with a variety of participants from 10 countries of the region. Listening first hand to affected victims and communities, as well as law enforcement officials, members of the prosecution and the judiciary, and civil society, will help us ground our work on the lived experiences of persons of African descent; make targeted recommendations on how domestic legal regimes on the use of force can be brought in line with international human rights standards; and on concrete steps needed to ensure access to justice, accountability and redress for excessive use of force by law enforcement officials.

You will know that As you know, violent interactions with law enforcement officials and the criminal justice system continue to be reported throughout the world, including racial profiling, excessive use of force, and other violations of international human rights law by law enforcement officials. Africans and people of African descent across the globe continue to live in marginalization, social exclusion and economic disparities, compounded by structural discrimination and invisibility.

In line with resolution 47/21, we held a series of virtual consultations, which put to light the crucial need to collect, analyze, use and publish data, disaggregated by race or ethnic origin to advance racial justice and equality.

During these consultations, and in our first country visit, we observed how many states still have serious challenges with respect to data disaggregated by race or ethnic origin. Of course, data collection will not in itself resolve longstanding racism and discrimination. It is, however, an essential first step to highlight the magnitude of systemic racism and its manifestations in law enforcement and criminal justice.

We have stressed in various fora the immense potential that data has in bringing about positive change for both law enforcement and the communities they serve. Documenting all policing interventions, and disclosing statistical data on the use of force, has shown a deterrent effect, reduced fatalities, and should be a priority in criminal justice operations. I am sure you will echo this call.

Distinguished delegates,
Dear friends,

Under the Convention on the elimination of racial discrimination, States have the overarching obligation to eliminate all forms of racial discrimination, including systemic racism, wherever it exists. This implies reforming institutions, legislation, policies and practices that may not be discriminatory in purpose, but that are discriminatory in outcome and effect. Violent interactions of persons of African descent with law enforcement, often with a fatal outcome, are a dramatic manifestation of systemic racism. Impunity is a further blatant manifestation of systemic racism: Law enforcement officers are too rarely held accountable for human rights violations and crimes against persons of African descent, due to inadequate investigations, a lack of independent and credible oversight, complaint and accountability mechanisms. Here again, only data can unpack the complex factors underpinning biased investigations, prosecution, and sentencing.

I invite you to take into account these priorities of data, access to justice, accountability and redress when you engage on the elaboration of a declaration on the promotion, protection and full respect of the human rights of people of African descent. I cannot stress enough the importance of having a legal framework for the protection of the rights of people of African descent as subjects of rights under international human rights law.

Excellencies,
Distinguished delegates,

Resolution 47/21 calls on our Mechanism to coordinate our work and further strengthen our participation, engagement and cooperation, as appropriate, with all relevant United Nations mechanisms, bodies and processes.

UN human rights mechanisms have long highlighted, and made recommendations, on issues of racial profiling and the disproportionate impact of police abuse of power, discriminatory stop-and-searches, ill-treatment, arbitrary arrests, and excessive use of force against Africans and people of African descent in some States.

In that light, I look forward to more exchanges on how we could join efforts to advance racial justice and equality for Africans and people of African descent, and welcome hearing from the Permanent Forum members, on how you envisage cooperation with the Expert mechanism, and the priority areas of cooperation you see in the field of law enforcement and criminal justice in particular.

I wish you a fruitful session, and look forward to our continued cooperation and exchanges as we seek to advance racial justice and equality in the world, and through our respective mandates.