**UNODC’s inputs to the SG report on the “Implementation of the Programme of Activities for the International Decade for People of African Descent”**

*Please provide information about concrete and practical steps undertaken by the international community and international and regional organizations in implementing the programme of activities of the Decade.*

**Right to equality and non-discrimination**

In line with Human Rights Council Resolution 50/21, UNODC has collaborated with the Special Rapporteur on the rights to freedom of peaceful assembly and of association, Clément Voule, and the Office of the United Nations High Commissioner for Human Rights on the development of a practical [toolkit](https://www.ohchr.org/en/documents/tools-and-resources/practical-toolkit-law-enforcement-officials-promote-and-protect-human) for law enforcement officials. This initiative aims to promote and protect human rights during peaceful protests. The toolkit includes the [Model Protocol for Law Enforcement Officials to Promote and Protect Human Rights in the Context of Peaceful Protests](https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F55%2F60&Language=E&DeviceType=Desktop&LangRequested=False) and features three key components, one of which is a guidance tool titled ‘[Human-rights compliant use of digital technologies in the context of peaceful protests](https://www.ohchr.org/sites/default/files/2024-03/Toolkit-law-enforcement-Component-on-Digital-Technologies.pdf)’.

The Model Protocol provides practical guidance to uphold human rights standards, ensuring the right to freedom of peaceful assembly for individuals and groups, especially those in vulnerable situations, such as persons of African descent and minority groups. This tool, through its general principles and norms, establishes that everyone has the right to freedom of peaceful assembly without discrimination based on race, colour, ethnicity, language, or other statuses. It also underscores the importance for law enforcement officials to adhere to the cross-cutting principles of participation, accountability, non-discrimination, differentiation, and attention to vulnerability and equality during protests.

The guidance tool on Human Rights Compliant Uses of Digital Technologies complements the Model Protocol, emphasizing the transparent acquisition of digital technologies for protests. Such acquisition should undergo human rights due diligence according to the UN Guiding Principles on Business and Human Rights. This entails evaluating the technology's potential for law enforcement objectives and its potential human rights impact, considering a broad spectrum of affected rights and freedoms. Specifically, the analysis should assess how the technology may affect vulnerable individuals or groups, including women, children, minorities, and those facing historical discrimination and marginalization.

During the launch of the tool, panel [interventions](https://www.geneva-academy.ch/event/all-events/detail/446-law-enforcement-and-digital-technologies-strengthening-human-rights-safeguards-for-facilitation-of-peaceful-protests) with participation from UNODC highlighted research from existing literature on the use of technology in criminal justice systems and underscored the need for further study before adopting technology for core criminal justice functions. Studies from various parts of the world have shown that bias in big data can exacerbate the risks of discriminatory practices in policing, including racial profiling. In line with the priority given to non-discrimination and the protection and inclusion of minorities in the field of criminal justice, the geographic, racial, and gender dimensions of technological applications in criminal justice settings must be fully understood and addressed to ensure the use of technology facilitates equal access to justice for all.

**Access to Justice**

On 19th December 2023, the General Assembly adopted resolution [A/RES/78/227](https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FRES%2F78%2F227&Language=E&DeviceType=Desktop&LangRequested=False), entitled “Equal access to justice for all,” as recommended by the Commission on Crime Prevention and Criminal Justice and the ECOSOC. It is the first resolution focusing on this topic within criminal justice systems. Taking note of the Secretary-General’s report “Our Common Agenda,” the GA “[a]ffirms the need to eradicate violence, discrimination, and intolerance against people in vulnerable situations, Indigenous Peoples and local communities,” “[r]ecognizing also the different challenges in accessing justice faced by people living in rural and isolated areas and the need to adopt policies and programmes that are responsive to those challenges,” and “[e]ncourages Member States, in accordance with their domestic legislation and within their capacity, to ensure equal access to justice and application of the law to all, including by taking effective measures that are informed by relevant data, such as data on age and gender.”

The General Assembly “[e]mphasizes the right of equal access to justice for all, including people in vulnerable situations, and the importance of awareness-raising concerning legal rights. In this regard, it commits to taking all necessary steps to provide fair, transparent, effective, non-discriminatory, and accountable services that promote access to justice for all, including legal aid.” In line with the resolution, Member States are encouraged to “as appropriate, employ different models of legal aid, and to consider effective ways to provide access to legal aid to ensure access to justice for all, without discrimination of any kind.”

The resolution further requested UNODC to convene a meeting of experts to share information on challenges, lessons learned, best practices, and enabling factors needed to enhance the functioning of criminal justice systems to ensure equal access to justice for all.

UNODC has collaborated with the United Nations Department of Peace Operations and the Office of the United Nations High Commissioner for Human Rights in developing a [Manual on Investigative Interviewing for Criminal Investigation.](https://resourcehub01.blob.core.windows.net/$web/Policy%20and%20Guidance/corepeacekeepingguidance/Thematic%20Operational%20Activities/Police%20and%20Law%20Enforcement/2024.01%20Manual%20on%20Investigative%20Interviewing%20for%20Criminal%20Investigation%20(2024).pdf) This manual serves as a guidance document for the United Nations Police and as a resource for police development and capacity-building initiatives across the United Nations system. It highlights the need for interviewers to assess and address situations of vulnerability arising from the unequal balance of power in interactions with law enforcement officials/authorities, influenced by factors such as ethnicity, culture, education, and others. In such circumstances, the interviewee will have additional needs and rights requiring attention from authorities.

*Please provide concrete recommendations for future courses of action to ensure the continued protection and promotion of the human rights of people of African descent after the conclusion of the Decade.*

It is recommended that Member States invest in ensuring equal access to justice for all, especially for people of African descent, by making criminal justice systems representative, inclusive, and restorative/reparatory to address structural discrimination and prevent secondary victimization and bias. Additionally, the UN system, with a particular focus on UNODC, is advised to develop knowledge of evidence-based approaches to guarantee equal access to justice, specifically for people of African descent in contact with the criminal justice system, through inclusive, restorative, and people-centred approaches to justice.