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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Cameroon:* draft resolution

47/... Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers through an agenda towards transformative change for racial justice and equality

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights, and promoting and encouraging respect for human rights and fundamental freedoms for all,

Recalling the Universal Declaration of Human Rights, which states that all human beings are born free and equal in dignity and rights, and that everyone is entitled to all the rights and freedoms set forth in the Declaration, without distinction of any kind, such as race, colour or national origin,

Recalling also the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling further its previous resolutions on the comprehensive follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the effective implementation of the Durban Declaration and Programme of Action, and the International Decade for People of African Descent as proclaimed by the General Assembly in its resolution 68/237 of 23 December 2013,

Commemorating the milestone twentieth anniversary in 2021 of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the adoption of the Durban Declaration and Programme of Action,

Welcoming the adoption on 9 December 2020 by the Working Group of Experts on People of African Descent of operational guidelines on the inclusion of people of African descent in the 2030 Agenda for Sustainable Development,

* On behalf of the States Members of the United Nations that are members of the Group of African States.



Recalling Human Rights Council resolution 43/1 of 19 June 2020 and welcoming with appreciation the report of the United Nations High Commissioner for Human Rights, submitted pursuant to that resolution, on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers,¹

Acknowledging the need to address the continuing impact of the legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism, and urging States to attain racial equity in implementing the 2030 Agenda for Sustainable Development, in accordance with their human rights obligations, and to ensure that Africans and people of African descent are not left behind,

Recalling the tragic murder of George Floyd in Minnesota, United States of America, on 25 May 2020,

Welcoming the judicial recourse to address this injustice in the trial against the perpetrator of the murder of George Floyd in Minnesota Fourth Judicial District Court, on 20 April 2021, and recalling the statement by the High Commissioner on 21 April 2021 on the guilty verdict in that case,

Expressing deep concern at the extent of the challenges that victims and families of victims report in their pursuit of justice, and underscoring that the independence and impartiality of the judiciary, the integrity of the judicial system and an independent legal profession are essential prerequisites for the protection of human rights, the rule of law, good governance and democracy,

Recalling all statements made by the special procedure mandate holders regarding the killing of George Floyd, in particular their joint statement of 5 June 2020, and the statements made by the High Commissioner on 3 June 2020, 1 October 2020 and 19 March 2021,

Recognizing that systemic racism needs a systemic response to rapidly reverse denial and alter structures, institutions and behaviours leading to direct or indirect discrimination against Africans and people of African descent in every part of life,

Stressing that law enforcement officials, in the performance of their duties, are obligated to respect and protect the human rights of all persons, recalling the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, and bearing in mind the numerous other international standards and norms in the field of the administration of justice,

Stressing also that the implementation of robust measures to end impunity and ensure accountability and redress for victims and their families in line with international human rights law is critical,

Encouraging people and communities of African descent to participate in an inclusive manner in guiding the design and implementation of processes that contribute to halting, reversing and repairing the lasting consequences and ongoing manifestations of enslavement, the transatlantic trade in enslaved Africans and colonialism in their specific national contexts, notably acknowledging the important role that young people have played and should continue to play in these processes,

Encouraging States to examine the extent and impact of systemic racism and adopt effective legal, policy and institutional measures that address racism beyond a summation of individualized acts, and recommending that progress be measured according to indicators grounded in impact rather than intent,

Acknowledging the vast amount of existing recommendations that have been made, including by entities within the United Nations human rights system, to address issues of racial discrimination within the administration of justice, and urging States to ensure their implementation,

Taking note with appreciation of the agenda towards transformative change for racial justice and equality presented by the High Commissioner, which aims, inter alia, to ensure

¹ A/HRC/47/53.

that the voices of Africans and of people of African descent and those who stand up against racism are heard and that their concerns are acted upon, and to acknowledge and confront legacies, including through accountability and redress,

1. *Deplores* all forms of racial discrimination, including systemic and structural racism, and its effects on Africans and on people of African descent;

2. *Condemns* the continuing racially discriminatory and violent practices perpetrated with impunity by law enforcement agencies against Africans and people of African descent, and the structural racism in the criminal justice system;

3. *Recommends* that domestic legal regimes on the use of force by law enforcement officials be brought into line with the requirements enshrined in international law, guided by standards such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the *United Nations Human Rights Guidance on Less-Lethal Weapons in Law Enforcement*, and that law enforcement agencies provide law enforcement officials with appropriate human rights training to ensure that they comply with international rules and standards;

4. *Urges* States to seize the opportunities presented by the twentieth anniversary of the adoption of the Durban Declaration and Programme of Action to advance the anti-racism agenda and prioritize attaining racial equality and justice by accelerating action to implement the 2030 Agenda for Sustainable Development to ensure that Africans and people of African descent are not left behind;

5. *Encourages* all States and relevant stakeholders to pay due attention to the operational guidelines on the inclusion of people of African descent in the 2030 Agenda in order to ensure that people of African descent are not left behind in the implementation of that Agenda;

6. *Urges* States to adopt a systemic approach to combating racial discrimination through the adoption and monitoring of whole-of-government and whole-of-society responses that are contained in comprehensive and adequately resourced national and regional action plans and that include, where necessary, special measures to secure for disadvantaged groups, notably Africans and people of African descent, the full and equal enjoyment of human rights;

7. *Decides* to establish an international expert mechanism, to be appointed by the President of the Human Rights Council, to work with the United Nations High Commissioner for Human Rights with the assistance of relevant special procedure mandate holders, including the Working Group of Experts on People of African Descent and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and relevant United Nations agencies in order to further the agenda towards transformative change for racial justice and equality in the context of law enforcement globally;

8. *Also decides* that the international expert mechanism shall have a time-bound, three-year mandate:

(a) To examine, including through inclusive outreach and consultation with directly affected individuals and communities, systemic and institutional racism, excessive use of force and violations of international human rights law against Africans and people of African descent by law enforcement officers, and to monitor those phenomena through carrying out country visits;

(b) To examine the root causes of the excessive use of force and other human rights violations, including but not limited to all forms of systemic and institutional racism, by law enforcement officers, and the mechanisms in domestic law, policy and practice that lead to disproportionate and widespread contact, including non-violent contact, between law enforcement officers and Africans and people of African descent;

(c) To make recommendations on how domestic legal regimes on the use of force by law enforcement officials can be brought into line with the requirements enshrined in international law, guided by standards such as the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and the *United Nations Human Rights Guidance on*

Less-Lethal Weapons in Law Enforcement and on how law enforcement agencies can provide law enforcement officials with appropriate human rights training to ensure that they comply with international rules and standards;

(d) To coordinate its work and further strengthen its participation, engagement and cooperation, as appropriate, with all relevant United Nations mechanisms, bodies and processes, regional human rights mechanisms and national human rights institutions;

(e) To report annually to the Human Rights Council in an enhanced interactive dialogue on systemic racism in law enforcement that prioritizes the participation of directly affected individuals and communities;

9. *Calls upon* all States and other relevant stakeholders to cooperate fully with the international expert mechanism towards the effective fulfilment of its mandate and, in particular, to provide it with any information and documentation it may require, as well as any other forms of assistance pertaining to its mandate;

10. *Requests* the Secretary-General to provide the international expert mechanism, through the Office of the United Nations High Commissioner for Human Rights, with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate;

11. *Requests* the High Commissioner, with the assistance of relevant special procedure mandate holders, and relevant United Nations agencies, in order to continue to follow up and give visibility to the issue of systemic racism and to further the agenda towards transformative change for racial justice and equality in the context of law enforcement globally:

(a) To continue to examine, including through inclusive outreach and consultation with directly affected individuals and communities, systemic and institutional racism, excessive use of force and violations of international human rights law against Africans and people of African descent by law enforcement officers, keeping in mind the legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism;

(b) To examine any nexus between supremacist movements and individuals and the root causes of human rights violations and the excessive use of force against Africans and people of African descent perpetrated by law enforcement officers;

(c) To make recommendations on a transformative agenda for racial justice and equality and on systemic reforms, such as reducing the role of law enforcement officers in addressing societal problems and in emergency responses to mental health crises, and investing instead in government efforts and infrastructure to ensure that all Africans and people of African descent can reach their full potential;

(d) To make recommendations on the concrete steps needed to ensure access to justice, accountability, redress and reparations for contemporary and historical racial injustices, and to provide support for national, regional and international efforts to ensure accountability for such violations;

(e) To monitor the implementation of all relevant recommendations made by United Nations mechanisms, including those contained in the report of the High Commissioner, and to identify obstacles to their full implementation;

12. *Requests* the High Commissioner to present an annual report to the Human Rights Council during an enhanced interactive dialogue on systemic racism in law enforcement that prioritizes the participation of directly affected individuals and communities, with oral updates at the interceding sessions, and to present a comprehensive report to the Council at its fifty-second session, to be followed by an interactive dialogue;

13. *Requests* the Secretary-General to provide the Office of the High Commissioner with full administrative, technical and logistical support and the resources necessary to enable it to carry out its mandate;

14. *Calls upon* all States and all relevant stakeholders to cooperate fully with the High Commissioner in the preparation of the reports;

15. *Also calls upon* all States and all relevant stakeholders to ensure the accountability of law enforcement officials for human rights violations and crimes against Africans and people of African descent, to close trust deficits and to strengthen institutional oversight;

16. *Further calls upon* all States and all relevant stakeholders to ensure that Africans and people of African descent and those who stand up against racism are protected, that their voices are heard and that their concerns are acted upon;

17. *Invites* all treaty bodies, special procedure mandate holders and international and regional human rights mechanisms, within their respective mandates, to pay due attention to all forms of racism, racial discrimination, xenophobia and related intolerance, including against Africans and people of African descent, and to bring them to the attention of the Human Rights Council;

18. *Decides* to remain seized of the matter.
